

# **An analysis of *musanda* as an institution within the Thulamela Local Municipality and the current South African public service delivery system**

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Thesis submitted in fulfilment of the requirements for the Degree of Doctor in the subject of African Studies at the University of Venda

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## DECLARATION

I, Muthuhadini Alfred Madzivhandila, declare that the research presented here is my own original work and that it has not been submitted for any degree at any university or institution. The research does not contain another person's writing unless specifically acknowledged and referenced accordingly.

Signature .....

Date .....

## DEDICATION

I dedicate this study to my mother, Vho Tshiwela Masindi Nwa-Sivhagi Madzivhandila, my late wife Azwindini Emily Madzivhandila and my current wife Nyaluvhani Ndileka Madzivhandila, together with all my children: Vhutshilo, Ndamulelo, Gundo, Tshiwela, Tshianzi, Anathi and Masindi. Their support and time sacrifice was enormous.

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## TABLE OF ABBREVIATIONS AND ACRONYMS

ACDP	African Christian Democratic Party
ANC	African National Congress
ASGISA	Accelerated and Shared Growth Initiative for South Africa
AZAPO	Azanian People's Organization
BLA	Black Local Authorities
CBD	Central Business District
COGTA	Corporate Governance and Traditional Affairs
COSATU	Congress of South African Trade Unions
CT	Cape Town
DA	Democratic Alliance
DBN	Durban
DBSA	Development Bank of Southern Africa
DIG	District Intergovernmental Forums
DORA	Division of Revenue Act
FBS	Free Basic Services
GEAR	Growth Employment and Redistribution Strategy
IDP	Integrated Development Plan
IFP	Inkatha Freedom Party
JHB	Johannesburg
KZN	KwaZulu-Natal

LED	Local Economic Development
LGTA	Local Government Transition Act
MEC	Member of the Executive Council
MFMA	Municipal Finance Management Act
MIG	Municipal Infrastructure Grant
MLC	Metropolitan Local Councils
MP	Member of Parliament
MSA	Municipal Systems Act
MTEF	Medium Term Expenditure Framework
NA	National Assembly
NCOP	National Council of Provinces
NW	North West
PAC	Pan African Congress
PGLA	Provincial Local Government Associations
PTO	Permission to Occupy
SA	South Africa
SALGA	South African Local Government Association
SANCO	South African National Civic Association
SMME	Small, Medium and Micro Enterprises
TBVC	Transkei, Bophuthatswana, Venda and Ciskei
TC	Traditional Council
TLC	Transitional Local Council

UNICEF	United Nations Children's Fund
UNIVEN	University of Venda
VAT	Value-added Tax
VDM	Vhembe District Municipality
VLHTL	Vhembe Local House of Traditional Leaders
WB	World Bank
WHO	World Health Organization
WSA	Water Service Authority
WSDP	Water Services Development Plan

## ABSTRACT

The Thulamela Local Municipality is currently experiencing a plethora of public service delivery challenges. This often leads to court litigation and disputes with the institution of *musanda*. These public service delivery challenges, conflicts and court disputes in many cases leave the communities within the municipality deprived of basic services as a result of slow or a complete lack of service delivery.

*musanda* is a Venda word that refers to the place where the *thovhele* (king), *khosikhulu* (paramountcies), *khosi* (chiefs), *gota* (headman), *mukoma* (petty headman), *vhakoma* (queen mother), *vhatanuni* (wives), *vhakololo* (princes/princesses), *khadzi* and *makhadzi* (royal aunts), *ndumi* (king/chiefs' brother) and the rest of this royal structure resides. As such it also refers to the institution of royal governance. The proposed study aims to analyse the place of *musanda* as an institution within public service delivery and within the whole process of decentralization of services in the Thulamela Municipality.

The study focuses mainly on the current public service delivery system of the government and the role of the institution of the *musanda* in that process. The basic service delivery system that receives direct attention falls under the Government Cluster, which covers Social Protection, and Community and Human Development. These divisions deal with Cooperative Governance and Traditional Affairs, Water and Sanitation, Human Settlements, Rural Development and Land Reform, Basic Education and Sports and Recreation. These are the services that are supposed to be rendered by municipalities. The analysis aims to determine *musanda's* position in the whole process of providing the public services indicated above.

**Key words:** The Institution of *musanda*, *Vho-Thovhele*, *Khosi-Khulu*, *Vha-musanda*, *Khoro*, *Tshivhidzo*, Local Municipality, municipality governance, public service delivery, decentralization process.

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## CHAPTER 1: INTRODUCTION

### 1.1 Introduction

This first chapter provides full background of the study. It describes and demonstrates the challenges regarding service delivery to the community in the Thulamela Local Municipality. This research was prompted by the continued conflict between the structures of the Thulamela Local Municipality and the institution of *musanda* and *mahosi*.

Since the dawn of democracy in South Africa in 1994, service delivery and decentralization has been primary Government objectives. The establishment of a hierarchy of provincial government, district municipality and Local Municipality was a way of addressing the issue of decentralization of public service delivery. The Thulamela Local Municipality was established in 2000 in terms of the Local Government Structure Act of 1998 to deliver public services to the community. The municipality covers the area that was the former Venda homeland and part of the Malamulele area. It is important to note that most of the Thulamela municipal area is rural and falls under the leadership of *vho-thovhele* and their *mahosi*, who have always been responsible for facilitating the provision of services to this community by the previous government prior the 1994 democratic government.

The institution of *musanda*, including the *khoro* and *mahosi*, have always been critical for communicating the needs and aspirations of their communities with regard to service delivery. The institution of *musanda* includes the *vho-thovhele*, *vhamusanda*, *mahosi*, *magota*, *vho-makhadzi*, *dzi-khadzi*, *vhakoma* and other members of the royal family. This institution of *musanda* takes charge of a particular area of land and additional villages where members of the community live. The institution of *musanda* looks after their communities, which are in other words their subjects.

One can call the members of these communities' subjects because they depend on this leadership institution for all governance purposes. *Vho-thovhele* is the senior member of the *musanda*. He could be in charge of anything from two to twenty villages. The *mahosi* and *vhamusanda* are under the leadership of *vho-thovhele* and they take

charge of villages. In the current South African governance scenario, the institution of *musanda* and *mahosi* is on the one end of the political spectrum of leadership, and the democratically elected leaders like the president, cabinet ministers, provincial premiers, MECs, district executive mayors, Local Municipality mayors, councillors and ward councillors are on the other end in terms of the forces that legitimate their governance powers. The institution of *musanda* and *mahosi* rise to power through heredity means and their terms of office are only limited by their death. Democratically elected officials come into power by being voted in after campaigning for those positions.

In the current democratic South Africa the role of the institution of *musanda* and *mahosi* remains in questions, especially when it comes to the exercise of power as part of the processes of public service delivery and decentralization. The members of the institution are uncertain of the government's intentions with regard to their participation in public service delivery. They are above all uncertain whether government has plans to phase out the institution or whether they will retain it.

The Constitution of the Republic of South Africa (1996) clearly protects the institution of *musanda* and *vuhosi* and stipulates the role of these institutions. The House of Traditional Leaders presents in Parliament a form of healthy cooperation between the democratically elected office bearers in Parliament. Some perceive this council as presenting outdated and backward traditional approaches to democracy in terms of providing public service delivery to their communities and the processes of decentralization of services, more especially on the issues of land administration and ownership.

This study aims to explain the relationships between the two structures as they provide public services to their communities, particularly rural communities that have been demarcated into municipalities in terms of the new government approach to improve service delivery to the public.

## **1.2 Background to the study**

The study was prompted by the conflicts and difficulties between the institution of *musanda* and the Thulamela Local Municipality regarding public service delivery to the

communities that make up the Thulamela Local Municipality. The institution of *musanda* and *mahosi* functioned in this area long before the introduction of the concept of a municipality in South Africa, particularly municipalities in rural areas where the *vho-thovhele*, *mahosi* and *musanda* have been responsible for the day-to-day running of community affairs. In an attempt to define the *mahosi*, Keulder (1998) refers to the categories of leaders commonly known as *thovhele*, *khosi-khulu* and *khosi*, who are in terms of African hereditary practices charged with the responsibility of overseeing a particular place of land with the communities live on that land. These leaders have to ensure that the basic needs and aspirations of their communities are taken care of by submitting these requests to the government of the day for implementation.

However, Walker (1994) maintains that the debate around the role of *mahosi* and the local government regarding public service delivery is a relevant debate which started recently in 1992 due to political changes in South Africa. After the first general election in South Africa in 1994 that heralded the new government dispensation, Government felt the need to decentralize services to provincial and local governments. District municipalities were established as another level after local municipalities.

In terms of size, the district municipalities are much larger than the local municipalities since they are supposed to host at least three local municipalities. There was also the establishment of the House of Traditional Leaders, which is the institution responsible for all affairs of the *mahosi* and *misanda*. This House of Traditional Leaders is found in every district, including some of the local municipalities. It is equally important to indicate that the constitution of the Republic of South Africa observes and recognizes the institution of *muhoosi* as a legitimate structure of the government.

The constitution describes the duties of the House of Traditional Leaders as that of promoting the role of the *misanda* within the democratic system and to enhance unity and understanding among communities.

This research focuses on the national government decision to divide public service delivery into different clusters, each chaired by different cabinet ministers. Each cluster is divided into economic sectors such as Employment and Infrastructure; Development; Social Protection; Community and Human Settlement; International

Cooperation; Trade; Security, Governance and Administration; Justice and Crime Prevention. However, it is important to indicate that the Thulamela Local Municipality's focus is on matters of Social Protection, Community and Human Settlement, Cooperation Governance and Traditional Affairs, Rural Development and Land Reform, as well as Sports and Recreation.

Although there are new developments regarding Water and Sanitation in that the responsibility has been moved to the Vhembe District Municipality, this pays attention to the role of the *musanda* in relation to water and sanitation with the Thulamela Municipality.

The constitution of the Republic of South Africa fully recognizes the institution of *musanda* and the role this institution should play in rendering services to the community. Their role is clearly defined on issues of leadership and customary law. However, the constitution failed to demonstrate how the institution of *musanda* and *mahosi* fits into the implementation of service delivery clusters promulgated by Parliament. According to Mzimela (p. 14) many *who-thovhele* and *musandas* complain about their lack of involvement in the new democratic South Africa. They lack clarity regarding their position or roles with regard to local government activities. The Traditional Leadership and Governance Framework (Act 41 of 2003, Chapter 3, Section 3.1) shows that the current constitutional dispensation does not give *who-thovhele*, *mahosi* and the institution of *musanda* administration powers.

Section 3.1 of the Traditional Leadership and Government Framework Act states that *mahosi* have in the past performed various governance functions, while the White Paper on Traditional Leadership acknowledges that the institution of *musanda* plays an important role in Africa and the way Africans should be governed. After the general elections of 1994 and the formation of new democratic government, the matter of the role and place of the institution of *musanda* was debated in a highly charged political space as a way of trying to find common ground for both the institution of *musanda* and Government at all its levels. In most cases the discussions centred on service delivery at local government level.

According to the Traditional Leadership and Governance Framework Act 41 of 2003, the institution of *musanda* and *mahosi* constitute part of the leadership structure that

should continue to strive for a better life for all in the democratic South Africa. In other words, if all institutions have the responsibility to move South Africa forward, so does the institution of *musanda* and *mahosi*.

This research is not proposing in any way that *vho-thovhele* and *mahosi* and the institution of *musanda* be involved in active politics, since that will compromise democracy. Ntsebeza (1999), who is an opponent of the institution of *musanda*, argue that this inherited form of rule is illegitimate, undemocratic, feudal and unnecessary since its political administration leaves much to be desired. However, this research moves from the premise that the institution of *musanda*, which has been in existence from before the dawn of democracy, has the ability to govern and is able to provide basics services to the community. This research therefore differs from the above sentiments that the institution of *musanda* is illegitimate.

Critics of this institution argue that the institution of *musanda* was encouraged, reinforced and sometimes constructed by the apartheid regime. This has the potential to undermine their legitimacy and status in the new South African democracy. This criticism is not far from reality, because in the former homeland of Venda the institution of *musanda* and *mahosi* was controlled by the apartheid government, whose head office was in Pretoria. All *thovhele's* and *khosi-khulu* were appointed as cabinet ministers in the former homeland to promote the apartheid regime. Those *mahosi* who could not make it onto the list of the then cabinet of Venda homeland were appointed as Ambassadors of Venda to cities like Polokwane, Pretoria and the homeland of Bophuthatswana.

However, it is important to show that the White Paper on Local Government, published in 1998, attempted to deal with some matters regarding the institution of *mahosi* and *musanda* within the local government spheres. The policy document identified the tension between the municipality structures and the structures of the *musanda* on matters regarding public service delivery and community governance, including the decentralization of service to the community. These tensions are mainly due to the fact that the institution of *musanda* and *mahosi* perceive the establishment of the Thulamela municipality and the nominations of ward councillors as a government attempt to do away with the institution of *musanda*. However, this perception has some

history behind it. During one election campaign, mainly in the former Venda homeland, slogan and songs were sung to encourage voters and community villagers to disrespect *mahosi* and the institution of the *musanda*, from this fear of power erosion with the introduction of the Thulamela municipality.

As indicated above, the institution of *musanda* and *mahosi* was perceived as instrumental in promoting the apartheid regime and facilitating the separate development act, which dictates that people should be classified based on ethnicity. This for instance created the situation of the Tsonga and Venda peoples who became neighbours with strained relationships. Although this research does not intend to deal with that now, it is important to note that the strained relationships still show their colours today. The Tsonga-speaking people refuse to be part of the new municipality that includes some Venda-speaking people and vice versa.

The institution of *musanda* viewed Thulamela Municipality as an institution that is not willing to collaborate and cooperate with them on how to enhance public service delivery and the decentralization of services within the Thulamela community. The White Paper on Local Government identifies three specific functions that the institution of *musanda* and *mahosi* are able to perform that the Thulamela municipality has no legislative powers to perform. These are that the institution of *musanda* and *mahosi* act as heads of the traditional authority, while *vho-thovhele* is the chairperson of the tribal council. They exercise limited legislative, executive and administrative powers. They also take the responsibility of maintaining law and order by presiding over customary courts, which take place at *kharoni* (tribal councils).

What becomes key to their function is the manner in which they do their consultations during their traditional meetings (*khoro/tshivhidzo*). According to Goodenough (2002:48) proponents of the institution of *musanda* and *mahosi* counter the above arguments by pointing out that the systems of governance within the institution of *musanda* have democratic traditions and are in the process of converging with multi-party democracy through changes such as elected *misanda* (headmen). However, this is not the case in *vuhosi ha Tshivenda*, since *vho-thovhele*, *vha-musanda* and *vho-makhadzi* cannot be voted into power, but ascend the throne through inheritance.

The concept of democracy is not a revolutionary idea within the institution of *musanda*, since the Bafokeng community in the North West has long been democratic. There is plenty of evidence to support the idea that their *khoro* of governance exposes certain principles of democracy. This evidence includes mechanisms that make sure that the *vho-thovhele*, who is the most senior person within the community, comes out to meet the will of the people by hearing the needs and aspiration of the community. *Vho-thovhele* also carries out the will of the community he/she leads (Molotlegi, 2003:23). The role of *vho-thovhele* also includes political representation at different levels of local government.

The study aims to analyse the position of *mahosi* and the institution of *musanda* as a whole within the Thulamela Municipality and the current South African public service delivery systems. It examines conflicts and misunderstandings, litigation, if any, including court orders and rulings on disputes between the institution of *musanda* and the Thulamela Municipality. The study examines documents that cover the area of Ha-Mphaphuli and Ha-Tshivhase, since these areas include Thohoyandou, the Shayandima industrial area and the Sibasa area, creating a mix of urban and industrial. In these areas the institution of *musanda* and the Thulamela Municipality differ much regarding land ownership and allocation of land for development. The conflict shows itself more in cases where lands have to be developed and/or are earmarked for public service delivery.

According to Sindane (1995:51), colonial intervention in the hereditary principles of appointment of *khosi* and the dynamic nature of tradition raised important question such as: “Who are these *mahosi*?” Two approaches can be taken to define them. They can either be defined on the basis of their authority according to “tradition”, or according to their functions, that is, the services they render to their communities. “Those who prefer the first option would define *mahosi* simply as anybody who has been appointed to a position of power on the basis of custom or tradition” (Keulder, 1998:22). In general, the concept *mahosi* refers to the categories of leaders commonly known as *thovhele* (kings), *khosi-khulu* (paramountcies), *khosi* (chiefs) and *gota* (headmen/headwomen). However, this definition overlooks the fact that in some communities leadership positions are separated and that other categories of leaders fulfil important leadership functions.

According to Walker (1994:28), the debate on *vhuhosi* and their role in national and local government is a debate that has been going on for while in South Africa. This debate has actually been influenced by the political changes that started in 1992 and subsequent elections and the process of putting together a new democratic constitution, which created a need to enter into a debate on local government. At the core of this question is the future of the institution of *musanda*, which has been the main governance structure and which is closer to people. Since 1994 after South Africa became a democratic state, a decision was taken to come up with provincial governments who can take charge of the entire public service delivery activities within individual provinces. Currently, South Africa is divided into nine provinces with district municipalities and local municipalities within them. The local municipalities are set up in such a way that they are supposed to be the direct service delivery vehicles to the community

In this study, the focus is on Jacob Zuma's call in June 2014 to divide public service delivery into various clusters as determined by Government. The clusters are each chaired by a cabinet minister and is grouped as follows: Economic sector; Employment and Infrastructure; Development and Social Protection; Community and Human Development; International Cooperation; Trade, Security Governance and Administration of Justice; and Crime Prevention and Security.

As stated earlier, the Traditional Leadership and Governance Framework (2003, Chapter 3, Section 3.1) shows that the current constitutional dispensation does not give *mahosi* and the institution of *musanda* any administrative and legislative powers. However, section 3.1 states that *mahosi* have in the past performed various governance functions.

Act 41 of 2003 moves from the premise that *mahosi* must constitute part of leadership that should continue the struggle for a better life for all in the democratic South Africa. It recognizes that the institution of *musanda* as an institution located in the rural areas has a role to play in the fight against poverty, homelessness, illiteracy and the promotion of good governance throughout South Africa. This white paper opens a new chapter for the institution of *musanda* to work closely with government in the reconstruction and development of rural areas. In this case, *musanda* as an institution

should occupy a position in fighting poverty, homelessness and providing good governance.

This lack of boundaries, particularly within the Thulamela Local Municipality, has led to continuous legal battles between the municipality and some territorial authorities. The white paper of 2003 stipulates the powers and functions of the institution of *musanda* and *khoro ya musanda* as follows:

- Facilitating the involvement of the traditional community in the development or amending the integrated development plan of the municipality where that community resides.
- Supporting the municipality in the identification of community needs.
- Recommending the appropriate intervention to government to develop service delivery within the area of jurisdiction.
- Participating in the development programmes of the municipality and of the provincial and national spheres of government.
- Promoting indigenous systems for sustainable development.
- Administering the affairs of the traditional community in accordance with custom and tradition.
- Assisting, supporting and guiding the institution of *musanda* and *mahosi* in the performance of their functions.
- Participating in the development of policy and legislation at the local level.
- Promoting the ideas of cooperative governance, integrated development planning, sustainable development and service delivery.
- Alerting any relevant municipality to any hazard that threatens the area or the wellbeing of the people living in the area for jurisdiction.

According to section D4.1 of the White Paper on Local Government of 1998, the function and responsibilities of *vho-thovhele* and *misanda* in the municipality includes amongst others the following.

- Acting as the head of the traditional authority and as such exercising limited legislative power and certain executive and administration powers.
- Presiding over customary law courts and maintaining law and order.
- Protecting cultural values and providing a social frame of reference.
- Being the spokesperson of the communities.
- Being the symbol of unity in the community.
- Making recommendations on land allocation the settling land disputes.
- Ensuring that the traditional community participates in decisions on development, contributing to development and considering and making recommendations to authorities on trading licenses in their areas in accordance with the law.

The Local Government Municipal System Act No. 32 of 2000 provides for the core mechanisms and processes that are necessary to enable municipalities to move towards the social and economic upliftment of local communities and to ensure universal access to essential services that are affordable to every citizen.

According to the Integrated Development Plan Review 2013/2014, the powers and function of the Thulamela Local Municipality is as follows:

- Developing and adopting policies, plans, strategies and programmes, including setting targets for delivery.
- Promoting and undertaking development.
- Establishing and maintaining an administration.

- Administering and regulating the internal affairs of the local government and the local community.
- Implementing applicable services in the local community or appointing appropriate service providers in accordance with the criteria.
- Monitoring and where appropriate, regulating municipal services.
- Facilitating the promotion of local tourism.
- Conducting and processing land planning, demarcation and allocation of sites.
- Development and maintenance of cemeteries and crematoria.
- Levying and collection of rates and taxes.
- Enforcement of building regulations.
- Administering display and bill boards for advertisement in public places
- Cleaning.
- Facilities for accommodation, care and burial of animals.
- Administering local amenities.
- Coordination of local sports, arts and cultural facilities.
- Municipal parks and recreation.
- Managing noise pollution.
- Development and maintenance of animal pounds.
- Refuse removal, dumps and social waste.
- Street trading.
- Traffic law enforcement and licensing.

- Geographic information service and mapping.
- Stimulating the local economy.
- Enactment of by-laws.

In Chapter 5 of the Municipal Act there is clear demonstration of the process and procedures that have to be followed in providing services to all with the participation of all citizens. The chapter demonstrates the development of a culture of community participation. The communities that participate are mostly from the rural areas under the guidance of the *musanda* and their *mahosi*, from there the need for these structures to work together towards improved public service delivery for the community.

The Thulamela Local Municipality falls under the Vhembe District Municipality in Limpopo. Although there are a few towns and urban settlement that are found within this municipality, it is largely rural, with *vho-thovhele* and *mahosi* taking charge of most villages.

The study population was chosen from this municipality. The study proposes operational models that will improve working relations between these two structures. The research followed a qualitative (triangular) approach by using more than one method to collect data on the same topic.

### 1.3 Research problem

The inability of municipality structures and the *musanda* to work together towards enhancing public service delivery to the community of the Thulamela Local Municipality remains a challenge. On the one hand, there are community protests and continuing litigation concerning public service delivery in the Thulamela Local Municipality. On the other hand, there are clashes between the municipality and the entire institution of *musanda* and *mahosi*, who feel left out of the process of public service delivery and decentralization. This challenges in working relationships has ended in some cases with one party taking the other one to court as a results of land use disputes for public service delivery. In other cases the institution of *musanda* will organize and or mobilize the community to engage in public service delivery protests

as a way of registering their disputes over the manner at which the Thulamela Local Municipality engage them on matters of public service delivery within their communities. The problem seems to be the power sharing between the institution of *musanda* and the Municipal structures regarding decentralization of services and public service delivery as a whole. In the meantime, the community suffers. The introduction of the Thulamela Local Municipality seems to have brought uncertainty to the institution of *musanda* governance power and responsibilities to their communities and they feel threatened that the communities might not recognize them as they used to do in the past before the introduction of the Thulamela Local Municipality. This is so because there is a perception that ward councillors approach on coordinating community meetings are not in line with the expectations of how community meetings are coordinated by the institution of *musanda* through their relevant structures. While on the other hand the Thulamela Local Municipality structures including ward councillors perceive the institution of *musanda* as being resistance to developmental change

#### **1.4 Research aims and objectives**

The study analyses the institution of *musanda* in the Thulamela Local Municipality and the current public service delivery by Government. The specific study objectives are:

- To analyse the institution of *musanda* in the Thulamela Local Municipality and to determine which role this institution can play in the current government public service delivery system;
- To determine causes and impacts of conflicts between the Thulamela Local Municipality and the *musanda* on public service delivery;
- To propose a model of operation and engagement between the institution of *musanda* and the Thulamela Local Municipality to improve working relations towards public service delivery in the Thulamela Local Municipal area.

## 1.5 Research questions

The study aims to answer the following questions:

- What is the role of the institution of *musanda* in Thulamela towards enhancing the current public service delivery system?
- What is the effect of conflicts between municipal structures and the *musanda* on the provision of public services within the Thulamela Local Municipality?
- Which model of operation and engagement can improve working relations between the Thulamela Local Municipality and the institution of *musanda*?

## 1.6 Theoretical framework

This study uses an Afrocentric approach since it is researching indigenous African culture. The study analyses the role of *musanda* in public service delivery under the current government service delivery systems, so cultural aspirations, understandings and practices are very important for the research. According to Asante (1987), “the Afrocentric approach method is derived from the Afrocentric paradigm, which deals with the question of African identity from the perspective of African people as centred, located, oriented, and grounded”. Asante further argues that Afrocentricity can have a significant impact on the way African researchers view their identity, specifically considering the African people as centred, located, orientated and grounded. In providing an analysis of the two institutions regarding their role in public service delivery, the researcher does not attempt to appear to be an invisible anonymous voice of authority who dictates terms and conditions of the research, but rather as a real individual with concrete desires and interests. Mazama (2003) divides Afrocentricity into three aspects, namely the affective (cognitive and conative), structural and functional. All of these aspects are understood as the navigating principles that function as the basis for inquiry into African phenomena. This study will therefore navigate through the cultural values, societal norms and beliefs while addressing the service delivery challenges with an intention of finding a way through which the Thulamela Local Municipality work with African Venda cultures and Tsonga cultures on providing and enhancing public service delivery without violating the cultural standards.

## 1.2 Definitions of key terms and concepts

### 1.2.1 Khosi-Khulu (Paramountcies)

This is a senior traditional leader who takes charge of other *mahosi*. Each *mahosi* has his villages, but has to be from the same clan sharing the same surname or clan name.

### 1.2.2 Thovhele (King)

According to the Venda tradition, the *thovhele* is any person from the royal family who is appointed to be in charge of the whole area with many *mahosi* and villages under him. The *thovhele* automatically takes over the reins from his or her late father. During the colonial era, the title *thovhele* was never used since it was perceived by the colonizer as the portraying the highest status for African rulers.

### 1.2.3 Khosi (Chief)

This is a traditional leader of a particular area who acts as a father of the nation and who guides them in all aspects such as tradition, culture, economic development and service delivery to the community. According to Mbigi (2005), indigenous African kings and chiefs are first and foremost the spiritual and cultural guardians of the communities. He has to be suitable for these cultural and spiritual roles as the first part of the call above all other roles and duties.

### 1.2.4 The institution of musanda

This is first of all the place where all the members of the royal family live. Musanda provides a home for all traditional leadership structures like the *khosi-khulu*, *thovhele*, *khosi*, *gota*, *mukoma*, *vhakoma*, *vho-makhadzi* (royal aunts). The *institution of musanda* on the other hand can be defined in various. The group referred to as *mahosi* or tribal leaders are individuals occupying communal political leadership positions sanctified by cultural mores and values, and enjoying the legitimacy of particular communities to direct their affairs.

The institution of *musanda's* basis of legitimacy is tradition, which includes an entire range of inherited cultural traditions and way of life; a people's history; moral and social values and traditional institutions which survive to serve those values.

### **1.2.5 Gota (Headman/Headwoman)**

This is a traditional leader responsible for a small village under a certain *khosi*, although the positions and status of these *magota* differ in terms of the size of the village they supervise and oversee. *Magota* are in most cases elected by the members of the royal family to oversee villages on behalf of *khosi/mahosi*.

### **1.2.6 Vhakoma (Queen-mother)**

This refers to the biological mother of the *thovhele*, *khosi-khulu*, *khosi* and *gota*. In terms of the *Venda* culture, if a *vhakoma* dies, the sister to the *thovhele*, *khosi-khulu*, *khosi*, or *gota* is chosen to replace *vhakoma* in her position of power.

### **1.2.7 Public service delivery**

According to Fakir (2001), service delivery to the community can be defined as a mechanism that contributes to development by providing the essential services and basic infrastructure necessary to help spur economic development and improve the lives of communities, especially poor communities.

### **1.2.8 Municipality**

The term municipality refers to an urban administrative division with corporate status and usually with powers of self-government or jurisdiction. However, in the South African context municipalities seem to have lost their corporate status since the municipality boundaries covers the rural areas under the leadership of traditional leaders.

### **1.2.9 Decentralization**

The objectives of decentralization revolve around government's desire to enhance popular participation in development and to mobilize local communities towards participation in the development process. This argument in favour of decentralization assumes that it will promote national and local unity and increase the stake of local people in maintaining political stability (Rondinelli, 1987). Scholars largely agree that decentralization is about sharing power.

### **1.2.10 Municipal governance structures**

Municipality governance structures are structures established to oversee accountability through various types of instruments. Some instruments also facilitate the flow of information.

## **1.3 Literature review**

### **1.3.1 Duties and functions of municipalities and the institution of *musanda* in service delivery**

In the South African political system, the sharing of power between the institution of *musanda* and government has generally been difficult, particularly when it comes to sharing public service delivery powers with the institution of *musanda structures*. This has led to conflicts, court interdicts and legal battles between these structures and the failure of many attempts to implement delivery projects in some communities.

According to Berkan *et al.*, (1998:7), the lack of political commitment in this regard has been due to the centralist and paternalistic behaviour of municipalities and Traditional leaders. This behaviour has been shaped by their paranoid fear of sharing power. They tend to view power as a commodity to be possessed and not as a relationship to be cultivated. This research critically analyses the place and role of *musanda* in public service delivery, the current power sharing between municipalities that control local government and the institution of *musanda* within the Thulamela Local Municipality.

The Local Government Municipal Structures Act 117 of 1998, amended as 33 of 2000 and 1 of 2003, provides for the establishment of municipalities in accordance with the requirements relating to categories and types of municipalities and establishes criteria for determining the category of municipality to be established in an area. The act also defines all functions of the municipality.

Chapter 7 of the South African Constitution of 1996 deals with the objective of local government, which is to provide democratic and accountable government for local communities and to ensure the provision of services to communities in a sustainable manner. The Constitution further deals with the development duties of the

municipalities and addresses the whole issue around decentralization of services as a way of developing communities.

The Constitution also dictates how municipalities should be established, as well as their categories. The formation of nine provincial and local governments in South Africa, including the establishment of district and local municipalities, was a way of decentralising services to the communities. However, it is important to recognize that the establishment of the House of Traditional Leaders was dictated by the Constitution to look after the interest of the institution of *musanda* and *mahosi*. Therefore, this research tries to demonstrate the importance of these two institutions towards decentralization and improvement of public service delivery.

On 27 and 28 October 1994, a workshop on the role of institution of *musanda* was held in Durban and it was attended by a large number of *mahosi*, including a delegation from Contralesa. The workshop agreed that the institution of *musanda* still has a vital role to play in the current democratic era. They further agreed that service rendering or public service delivery should be integrated in both the administrative and political spheres and the institution of *musanda*. They further agreed that there should be clarity on who plays which role in public service delivery to the people (Holomisa, 1994:38).

### **1.3.2 *Musanda* and the Thulamela Local Municipality relationship**

Although participation and consultation are key principles embedded in the 1996 Constitution to forge the link between the two structures, these are not fully applied, hence the divide (Mabaso, 2006). The problem of this paradox between government and the institution of *musanda* has a history that is rooted in the apartheid era when tribal leaders were given custodianship of land that they then allocated to individual members of the community for various uses such as residential purposes, grazing and agriculture. Mabaso (2006) further argues that *mahosi* had many powers in the past, and now, because of democracy, their powers are diminished by the presence of municipalities. This inevitably leads to conflict and resentment on both sides. The South African political system has three spheres of government. However, the fourth sphere is slowly gaining momentum, which is the traditional authority under the House of Traditional Leaders. In Limpopo for instance, the institution of *musanda* was once

placed under the office of the Premier, far removed from the competence of the Department of Cooperative Governance and Traditional Affairs, currently known as COGHSTA (Corporate Governance, Human Settlement and Traditional Affairs).

Keulder (1998:317) argues that traditional authorities should not have legislative powers as this would politicize the institution and open possibilities for partisan patronage that would damage the institution of *musanda's* image as "fathers of their communities". He goes on to say that they should instead be tasked with more technocratic functions such as mobilising social energy for development, making sure that village needs are reflected in local development plans (Integrated Development Plans - IDPs), and overseeing the implementation of development projects. He furthermore argues that *mahosi* should represent their communities in the legislature.

The White Paper on Local Government (1998:17) aims to create local governments committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs, and to eventually improve their quality of live. Municipalities are expected to cooperate with community stakeholders to further democracy and participation in local issues to ensure that the community's needs are met.

Mabaso (2006) argue that decentralization will promote national and local unity and increase the role of local people in maintaining political stability (Rondinelli, 1987). This research would like to argue for the promotion of unity and community stability and for proper working relationships between municipalities and the institution of *musanda's* structures. There are also observations regarding challenges between the government and the institution of *musanda* (Mabaso, 2006). This research intends to propose a model of cooperation that will improve the working relationships between municipal structures and the *musanda* and *mahosi*.

## **1.4 Research methodology**

### **1.4.1 Description of the study area**

The study was conducted within the Thulamela Local Municipality, which covers part of the former Venda homeland and part of the Malamulele area. The Thulamela Local Municipality is one of the four local municipalities in the Vhembe District Municipality.

It is the eastern-most Local Municipality in the district. The Kruger National Park forms the boundary to the east, while in the North-East, Thulamela shares its borders with Mutale Local Municipality and Makhado Local Municipality in the south. This municipality has a Head Office in Thohoyandou, which occupies the building previously used by the AGRIVEN, the Agricultural Development Corporation of the former Venda Homeland. The Thulamela Local Municipality has sub-offices in the town of Malamulele that services the communities of Malamulele and the surrounding areas. The municipality covers the area of 904.55km<sup>2</sup> (IDP 2015/2016).

The Thulamela Local Municipality is a municipal area covering vast lands, mainly tribal, while Thohoyandou is a political, administrative and commercial centre. In terms of the population, Thulamela is the second largest of all municipalities in Limpopo. The political leadership of this municipality is vested in the municipality council, comprising 80 councillors, of whom 40 are ward councillors or directly elected councillors, 40 proportional representatives (PR), and representing political parties on the strength of their performance in the May 2011 local government elections. The mayor chairs executive committee meetings, while the speaker presides over council meetings.

There are an additional 12 members of council who are *mahosi* from the *musanda* and *vhuhosi*, or they are represented by members who have been nominated by *mahosi* to sit on the council as *ex officio* representatives. According to the IDP 2015/2016, there are six departments within the Thulamela Local Municipality that form the basis of administration. This administration is responsible for strategic day-to-day running of the Thulamela Local Municipality. The municipality manager is the head of the administration. He works with all senior managers appointed on performance contracts and is responsible for line functions of the department. These functions include amongst other things the implementation of the council's decisions, providing technical support, professional support and advice to the council (IDP 2051/206).

#### **1.4.2 Research design**

This study takes the form of a case study of the Thulamela Local Municipality with an analysis of the institution of *musanda* and the position which this institution occupies

in promoting public service delivery as per the current government public delivery system. This study also analyses both the *musanda* structure and the municipal structures.

### 1.4.3 Methodology

This research employed a qualitative method with triangulation of data as a method of validating the information collected through various methods. Burns and Grove (1993:777) define qualitative research as a formal, objective, systematic process to describe and test relationships and examine cause and effect interactions between variables.

### 1.4.4 Population and sampling procedures

The officials of the Thulamela Local Municipality and the musanda that work with the municipality made up the study population. The following participants were selected by means of purposive sampling:

- (4) *Vho-thovhele* who have been in the throne for five years or more.
- (6) mahosi
- Thulamela Local Municipal Mayor
- 1 Councillor heading the LED
- 1 Councillor responsible for the IDP
- IDP Manager
- LED Manager
- 1 SANCO Member
- Advisor to *the vho-thovhele, khosi, khulu ya vhavenda*
- Advisor to the *vho-thovhele gole Mphaphuli*

The participants mentioned above were chosen for interviews because they are all political, managerial and community representatives who are directly involved with service delivery. They have experience of what transpires within the municipality on a daily basis. They are either decision makers or implementers of decisions regarding the decentralization of services and/or the provision of services to the community. It is important that one gains an understanding of the current challenges and the proposals on how to improve service delivery and decentralization of services in Thulamela Local Municipality.

#### **1.4.5 Stratified population sampling**

Stratified sampling is a probability sampling where the researcher divides the entire population into different subgroups or strata, then randomly selects the final subjects proportionally from different strata.

Purposive sampling, also known as the judgemental, selective or subjective sampling, is a non-probability sampling technique. Non-probability sampling focuses on sampling techniques where the units that are investigated are based on the judgement of the researcher (Patton, 2002). Purposive sampling has been applied to select members of municipal structures, such as the elected councillors and mayors. Structures within the institution of *musanda*, the leaders of different political parties and from community representative structures were selected from Thulamela Local Municipality.

It was advantageous to use the interview method for data collection since more information could be obtained and the researcher could use his skills to avoid or overcome any resistance from the respondents. This method yielded an almost perfect sample of the general study population of the Thulamela Local Municipality, although some information has been left out as a result of resistance from respondents. Through this method, one can easily obtain personal information such as how a respondent views the relationships between two institutions. The samples can be controlled more effectively as the interviewer can ask for any missing information during the interview.

There was a very good response rate, since the researcher was directly in contact with all respondents who are *thovhele* and *mahosi*. The interviewer was able to control which persons answered the questions. However, it is important to note that apart from purposive sampling technique, the sequential sampling technique was also applied as the researcher identified specific areas from which to get the necessary information. In this case, as far as the institution of *musanda's* role in service delivery in the Thulamela Local Municipality is concerned, the researcher interviewed only councillors residing in rural areas where *thovhele* and *mahosi* are taking charge of the community. Interviews were conducted based on a structured interview schedule so that there could be a level of uniformity regarding analysis of all the questions from different respondents since the samples were divided into categories.

There are many wards within the Thulamela Local Municipality that are presided over by ward councillors. Therefore, not all councillors were selected for interviews. Selection was done randomly from wards that are run by *mahosi*. The information collected by means of these questionnaires were analysed and presented using a thematic approach.

#### **1.4.6 Data collection**

The objectives for the data collection were as follows:

##### **Objective one**

In an effort to analyse and capture the role and functions of the Thulamela Local Municipality regarding service delivery, data were collected through the mechanisms outlined below. Interviews were conducted with community structures such as the SANCO executive and municipality councillors responsible for LED and service delivery as a whole. Interview participants from the municipality included the following: SANCO executives x 2, LED councillor x 1 IDP councillor x1, IDP manager x 1, LED manager x 1. The following leaders from the *musanda* were interviewed: *Thovhele Tshivhase, Thovhele Mphaphuli, Thovhele Mhinga* and *Thovhele Xikundu*. Therefore the total number of candidates interviewed numbered 18. Documents that relate to service delivery improvements were reviewed and analysed. These included IDP documents, project progress reports, community engagement reports, court cases,

disputes and court interdicts, reports to the shareholder department (COGTA) and municipality annual reports.

## **Objective two**

In an effort to analyse the role and functions of the institution of *musanda* regarding service delivery, data were collected by means of group discussions with people from different categories of *mahosi* in the Thulamela Local Municipality. No research assistants were used to limit the time it took to gather data and to minimise the usage of resources. This focus group was led by the *vho-thovhele/khosi* and a few of his executive committee members who always accompany him in meetings. This include *magota* and *vhakoma*. Structured questions were designed for use during the interviews with different structures from both the municipal structures and the structures from the institution of *musanda*. During the interview sessions, notes were taken so that different types of responses could later on be compared to see how participants responded to all questions. A tape recorder was used during every interview session and group discussion. At the end of every day the researcher listened to the audio tape and compiled a report on the findings.

### **1.4.7 Data analysis**

Since the research is qualitative, the researcher did a thematic content analysis of data. The respondents' views were at categorized into a common themes. The following categories was used for the institution of *musanda* was used, i.e. *thovhele*, *mahosi*, *magota*, and advisors of *khosi-khulu* and *thovhele*. Thematic analysis is a method for identifying, analysing and reporting patterns (themes) within data. It is a way of organising and describing data in rich detail. However, it also often goes further than this and interprets various aspects of the research topic (Boyatzis, 1998).

The application of thematic content analysis involved organising participants' responses, views and perceptions into common themes as per respondents' categories *thovhele/khosi*, *magota*, *vhakoma*.

This methodology was used to analyse the field notes and transcripts, including the written responses from participants. The same principle was applied when listening to

the audio-recorded responses from participants and transcribing all responses into the written text. The transcription was done in English, Tshivenda and Xitsonga. Although the Xitsonga transcription was very difficult, the researcher did it with the help of a private language editor. Some copies of the transcripts were attached at the end as evidence of how data were collected. For the purpose of this study, all interviews were translated into English so that readers can understand the bigger picture. The data were summarized in the form of matrices. Analysis of data took the same form and shape for the second objective, where data were analysed using the thematic content analysis. This involved organising participants' responses, views and perceptions regarding the role of the municipality in service delivery into common themes per category, such as the municipal councillors responsible for IDP and LED, IDP manager and LED manager.

Data were analysed according to the three main objectives and their accompanying research.

### **1.5 Ethical considerations**

A letter was submitted to the University of Venda Research and Ethics Committee requesting permission to conduct the study. Since this study was conducted in the Thulamela Local Municipality, the researcher also requested council to give written permission by means of a signed document to allow this research to be conducted. The Thulamela Local Municipality through the office of the municipal manager approved the request and granted the researcher permission to conduct research. All research participants were requested to sign consent letters as a way of agreeing to actively participate in this research. All participants did sign the consent form before the interviews were done and those forms are attached at the end of this document as appendices.

On completion of this research, findings were shared with all research participants through workshops and seminars. The research thesis will be distributed to university libraries within Limpopo and some universities in Gauteng.

The research was published in accredited journals as a way of sharing information with other scholars. Since this research addresses critical issues on service delivery,

the researcher attended some of the national and provincial workshops and conferences that Corporate Governance and Traditional Affairs arranged and shared findings there. A policy statement was drafted for submission to the Eskia Mphahlele Institute of African Studies and to COGTA for their input and consideration.

## **1.6 Data collection and ethical clearance tools**

- A letter to the University of Venda was written to ask for permission to conduct the research.
- A letter was written to the Thulamela Local Municipality requesting permission to conduct the study.
- A letter was written to the House of Traditional Leaders to ask for permission to conduct research in some traditional territories.
- Consent forms were signed by all participants.

## CHAPTER 2: LITERATURE REVIEW

### 2.1 The Historical background of the South African Local Government and the Establishment of Municipalities in South Africa

According to Chapter 7, Section 157 of the new Constitution of the Republic of South Africa of 1993 municipalities are constitutionally responsible for delivery of range of services to the residents. They must provide democratic and accountable government; provide services to communities in a sustainable manner; promote social and economic development; promote a safe and healthy environment; encourage the involvement of community organization in the matters of local government. In a sense, the constitution explicitly mandates local authorities to pledge responsibility to work towards sustainable development. Municipal government in South Africa is largely understood in terms of service delivery. The White Paper on Local Government of 1998 reiterates local government's responsibility for the provision of household infrastructure and basic level of services on the basis of an incremental approach based upon the following:

- To enable municipalities to extend access to affordable basic services to all South African.
- To provide support to municipalities to improve the performance of their service delivery systems
- To facilitate co-ordination between sectoral delivery programmes.
- This information is a direct extract from the South African local government election website which is available at:  
[www.localelections.org.za/municipality](http://www.localelections.org.za/municipality).
- In terms of the Municipal Structure Act which was put together after the new democratic South Africa, there are three categories of municipalities that are established:
- Category A: Metropolitan Council: This is a type of a municipality which has exclusive municipal and legislative rights of the area.

Category B: This is a municipality that shares municipal executive and legislative authority in its area with category C municipality within those area it falls (The Thulamela Local Municipality).

Category C: This is a municipality that has municipal executive and legislative authority in an area that includes more than one municipality (The Vhembe District Municipality in Limpopo that has the Thulamela Local Municipality, Mutale Local Municipality, Musina Local Municipality, Makhado Local Municipality and the proposed new municipality underway)

*“Against the above background, it is clear that local government stands to inherit growing responsibility for service delivery, primarily because South Africa has inherited a public sector marked by fragmented and gross inequalities at all levels of state activity. It is, however, widely acknowledged that local government is also marked by some dramatic deficiencies in terms of its capacity. It is also widely accepted that apartheid policies and legislations are to be blamed for this inefficiency and ineffectiveness of the current existing local government systems”*  
(Nyalunga, 2006)

Makobe (2002:24) stated that South African municipalities today, find themselves in a constant state of change or transformation. Part of their major problem is that they are struggling to shake off their apartheid legacy or the past. He went further to say that despite the political changes ushered in by the 1995/1996 local government elections, the legacy of apartheid local government remains embedded in many municipalities.

Makobe further identified some of the elements that are still visible in many municipalities which have not yet gone through a fully flashed transformation programme includes amongst others the following.

- Many such municipalities’ administrations are still traditional, rule driven bureaucracies which are used to servicing the public in a responsive manner
- In this instance, the administration is not structured in a manner that lets it undertake multi-dimensional activities (such as the IDP) or the (LED).Many

departments within the same organization do not co-ordinate their activities with one another;

- Many municipal administrators are still and remain locked on old work practices and managerial culture which is usually top-down and non-creative.
- Municipal service delivery is often neither cost-effective nor efficient.
- Apartheid employment regulations are often still in place, creating a degree of inflexibility in the system. The latter statement might attract critical analysis against the fact that there are evidence of Political deployments in some municipalities with no required skills for the job.

Nyalunga (2006:45) comments on the above factors by saying: “Therefore it is not difficult to understand why local sustainable development is a major issue in South Africa today. Local level actions have not been good enough. At the local level – community level poverty is still deepening, local environments are under threat and local governance is hitherto in crisis. The multi-facet responsibility of local government to deliver services to their communities and promote local development has long way to go. Municipalities therefore face an enormous challenge to fulfil the developmental mandate given to them by the new constitution. They also face challenges to transform completely apartheid situational structures”. Therefore this research will focus on the transformation of institutional structures within the Thulamela Local Municipality to cover the position, powers, roles and the functions of the institution of *musanda* in collaboration and co-operation with the structures within the Thulamela Local Municipality

Nyalunga (2006) argues that apartheid had left its imprint on the South African human settlements and municipal institutions. Transformation requires an understanding of the historical role of local government in creating and perpetuating local separation and inequity, and the impact of apartheid on the municipal institutions. Equally important is the history of resistance to the apartheid in the local sphere and struggles against local government (Department of Provincial and Local government 2008). Apartheid was not beginning of geographic, institutional and social separation at the local spheres. Segregation was already a policy by the time apartheid was introduced

in 1948. However, the Group Areas Act, 1966 the key piece of apartheid legislation, instituted strict residential segregation and compulsory removal of Black people to own group areas. Through spatial separation, influx control, and a policy of governance in own sphere, apartheid aimed to limit the extent to which affluent White municipalities would bear the financial burden of servicing disadvantaged Black areas.

The Group Areas Act of 1966 restricted the presence of Africans in urban areas through the pass system and reserved a viable municipal revenue base for White areas by separating townships and industrial and commercial development (Department of Provincial and Local Government, 2008). This is why today we have the Thulamela Local Municipality which is made up of people from Malamulele area which was under the former Gazankulu Homeland and the community from the former Venda Homeland who speak Tshivenda and Xitsonga respectively. These two groups were separated through the group areas Act of 1966 to be allocation land settlements in terms of their ethnic groups although before they used to stay together even if they were speaking different languages. Their ethnic differences never posed a challenge to them before since they were to interact including intermarry which never caused any problems amongst themselves. But after the introduction of group areas act the separation of people in terms of their colours and ethnic groups, hatred emerged between the Vhavenda speaking people and the Tsonga-speaking people.

This hatred was planted by the introduction of group areas Act and the apartheid regime which aimed at undermining blacks and influenced black to undermine each other. This hatred and undermining of each other continued until the introduction of the new democratic dispensation in 1994 and subsequence the introduction of the municipality in rural areas in 1995/96 through the demarcation board which determined the boundaries of these municipalities. Although the Thulamela Local Municipality covered the Malamulele area with Xitsonga speaking people, they were never happy to be part of that municipality and persisted to demand their own municipality because to them the Thulamela Local Municipality serves the Venda-speaking people only. Irrespective of the fact that Branch offices of the Thulamela Local Municipality was established or set up at Malamulele which provide all public services as per IDP, the community were never satisfied about the services rendered to them by the Thulamela Local Municipality.

This involved the institution of *musanda* and *tihosi* who resort under Malamulele town areas like Mavambe, Green farm, Xikundu, Makuleke, Nghezimane, Mhinga and Basani, which is closer to Ha–Tshikonelo and whose people speak Tshivenda. These *tihosi* or *ndavesithe* are also very reluctant to be under the Thulamela Local Municipality.

The main cause of this ethnic tensions is the introduction and implementation of the group areas Act of 1966 which sowed divisions and hatred amongst people who were previously staying together in harmony. It does not matter what effort the Thulamela Local Municipality puts into providing services to this area or how they try to decentralize services, their communities, including their *Tihosi*, remain negative about the Thulamela municipality. As a result they have put everything on halt to demand their own municipality. Again this is the result of the implementation of Group Areas Act of 1966.

According to McCarney (1996:28), countries seeking to remake the structure of their societies place a strong emphasis on the development of a viable and effective system of local government. Democratic local government is presumed to be the prerequisite of national democracy.

Strong local government, it is commonly argued, improves service delivery, restrain the excesses of national government and anti-democratic tendencies of centralized power. Its physical or spatial proximity compared to the national and regional government afford the globe, the successful democratization, market-oriented economic policy frameworks, local economic development, effective management of urbanization, and the establishment of environmentally sustainable planning and development systems (Swilling & Monteiro,1994). The foundations for local government system were laid in the aftermath of the Anglo-South African Boer War and the creation of the Union of South Africa in 1910. The South Africa Act, 1909, created a unitary state with three-tier government structures comprising central, provincial and local components.

The crisis in local government was a major force leading to the national reform process which began in 1990. National debate about the future of local government took place in the Local Government Negotiating Forum, alongside the national negotiating

process. The local government negotiations framed the agreement on finance and services, writing off arrears to black local authorities. It also negotiated the Local Government Transition Act, 1993. The local Government Transition Act, 1993 did not provide a blueprint for a new local government system but simply provided a framework for change.

The process put forward in the Local Government Transition Act, 1993 was essentially locally-negotiated transition and resulted in wide diversity forms of non-racial local government (Department of Provincial and Local Government 2008). In 1993 a bilateral forum, the local Government negotiating forum was established to negotiate the new transition to the new form of local government. As a result of this new negotiated forum for a new transition a Thohoyandou Transitional Council was formed (TLC) was an attempt to take over the local Government administration although the starting point was to have transfer of services from the Local Government to the newly established TLC.

The municipalities created during the transition phase were confronted with numerous complex problems. Many of these problems are related to overcoming the legacy of the past. One critical legacy of the past in cases of the Thohoyandou Transitional Council was the whole issues created by the group areas Act, 1966 which separated the Venda-speaking people away from the Xitsonga speaking people. Another problem experienced was the capacity of the inherited staff from the local government department whether they are the skilled staff to can deliver on the expectations of the newly established municipality structures So many of these newly municipality reported skills shortage as some of the skilled managers left the municipality structures to join other private sectors. The other key challenge was the issue of deployment of politically connected individuals to take strategic position within the municipality although they were not fully trained to can occupy those position. In some cases this was also due to lack of trust on who to appoint since it was still in the early days of transition and the governing party which is the ANC had to be conscious not to appoint anyone who will not deliver as expected and or even sabotage the delivery system.

The other challenge was the amalgamation of former White municipalities with their surrounding Black townships. This brought with it the challenge of creating a unified

administration. Areas alike Tshimbupfe, Tshakhuma, Vuwani, Ha-Davhana and other rural areas were under the leadership of *misanda* and *mahosi*. This created the challenge of absorbing the institution of *musanda* and *mahosi* into the municipality structures and changing the administration pattern to suite the institution of *musanda* and *mahosi*.

“An important feature of developmental local government is the LED based on the concept of mobilization of resources and communities to build convergence of interest in the competitive advantage of localities, thus creating the capacity or empowering communities and individuals including the poor to access these opportunities” (Hindson, 2003).

LED is defined as a process in which partnerships between municipalities, communities and civic groups and the private sector are established to manage existing resources to create jobs and stimulate the economy of a well-defined area. It emphasizes local control, using the potential of human, institutional and physical and area natural resources. LED initiatives mobilize actors, organizations and resources, develop new institutions and local systems through dialogue and strategic actions (Helmsing 2003). Moving from the above statement by Helmsing (2003), the mobilization of resources to build convergence and empowering the poor within the Thulamela Local Municipality will simply refer to the rural communities since the municipality is made out of more rural villages than urban areas. Therefore the mobilization of resources will be done outside the municipality areas in the urban areas through presentation of needs and aspirations of the communities to the business sectors and other players who could provide needed resources to change the lives of the communities within the Thulamela Local Municipality. In this instances care will be taken that any activity done towards the LED will be communicated while thorough consultations should always take place between the institution of *musanda* and the Thulamela Local Municipality structures responsible for LED.

According to Bennet (1998:36) local economic development is a sub-national action that occurs within the context of local labour market. It is aimed at increasing and accelerating economic growth and employment, and achieving a more equitable distribution of development. The policies and strategies followed by municipalities are

considered additional and complementary to national economic growth and development goals. The assumption is that the intervention by a municipality, and its community and private sector partners can assist in creating an environment conducive to invest, and can provide seed funding. In this case, intervention is seen as a better option than leaving the development of the local economy purely to market forces.

The importance of LED for the reduction of poverty and inequality is captured in the following principles provided by the former Department of Provincial and Local Government (DPLG) (2001) which is currently called the Department of Co-operative Governance and Traditional Affairs

- LED strategies must prioritize job creation and poverty alleviation
- LED must target previously disadvantaged people, marginalized communities and geographical regions to allow them to participate fully in the economic life of the country
- LED must involve local, national and international partnerships among communities, business and government to create joint ventures and build up local areas, and
- LED must be developed as an approach that is best suited to local content involving the integration of diverse economic initiatives in a comprehensive approach to local development (Department of Provincial and local government 2001)

## **2.2 The institution of *musanda* during the former *Venda* Homeland and the *Gazankulu* Bantustan**

During the colonial period or in the times of apartheid regime in Venda and the former Gazankulu Bantustan just before the introduction of the 1994 South African democracy after general elections, local government and land administrations were in the hands of Tribal Authorities which are offices under the institution of *musanda*.

These were structures imposed on to the community through *mahosi* as an extended arm of apartheid regime so that they deliver and serve the interest of the apartheid regime in general. People who were appointed to be office bearer of those structures were *Vho-Thovhele*, *mahosi*, *magota* and the was also a senior position of *Munwaleli wa Khoro* (Tribal secretary) *Munwaleli wa Khoro* was actually the CEO of the Tribal Authorities because all the administrative correspondence from government were addressed to him then he/she will deliver that to all *mahosi*. These structures were by all means recognized, respected and acted within the democratic laws of that time as they were perceived to be the only vehicles for the provision and enhancement of public services (Ntsebeza, 2001).

As indicated above that the institution acted in a democratically accepted way by the communities though they were service the interests and agenda of the apartheid regime is their power to allocate land for development, Human settlement and any public service delivery project and programme.

This was a clear indication that this structures were not feared by the communities, but respected and approachable, although they exercised authority over ownership of land. It must be note that the process of land application for any usage was not directed to *Vho-Thovhele* himself of *Khosi* by protocol allowed that the process be started at a local *mukoma* or *nduna* who will listen to the presentation on reasons for that application. In many cases these applications were verbal since illiteracy level was high from the community members themselves to the institution of *musanda* and *mahosi*.

This process would be dealt with further by the Tribal Authority through the office of the Secretary (*Munwaleli wa khoro*), who will further facilitate the issuing of the certificate called Permission to Occupy (PTO). It does not constitute a deed of grant or any land ownership. The document is self-explanatory, since it provides residents with permission to occupy particular land. In cases where there are serious offences committed by any residence the institution of *musanda* through *mahosi* had the right to withdraw that PTO and evict the said family from their village (Ntsebeza, 2001, 1999).

There were processes and procedures that were followed before the real land allocations took place which was to conduct investigations as to whether the land was previously occupied by other residents or whether the land is being claim (*mudzulapo u newa mavu ane a si vhe Mashubini a vhanwe vhatu ngauri vha nga funa u vhuya murahu*). Land allocations should be considerate of former land owners since they may decide to come back and occupy the land again. They should be consulted first. In those day the process of land application was mainly done by males, since there was a perception that females should be married and the man considered as the head of the family. However, there are exceptional cases like divorced women who are in most cases be accompanied by an elderly women to show that indeed they are single and have a need to receive land for settlement and to build a home for herself and her children, if any.

There were processes that were followed in land application during that time where *mukoma zwawe* (sub-headmen) would called *Tshivhidzo* of that particular area where application was lodged and provide the community or people who attended the *Tshivhidzo/Khoro* an opportunity to discuss the land applications as submitted by many residence. This would allow objections or criticism if any and there after *Mukoma zwawe* (sub-headmen) submit applications verbally to *mukoma* (headmen) who will then forward the application to *Munwaleli WA khoro* who then process all application in writing to *Vho-Thovhele* or *Khosi*. *Vho-Thovhele* or *Khosi* then would approach the magistrate for final registration of that land and issuing of the PTO.

The above process involved payment of application fee by the applicant to the Tribal Authority and that fee was the only fee that was paid which was documented through the production of receipt by *Munwaleli wa khoro*. Then there was money for *nduvho ya musanda* which was not specified and as well no receipt was produce for this money since it was paid as a token of appreciation and a sign of honouring *Vho-Thovhele* or *mahosi*. It must be indicated that the current government system has failed to come up with improved or replacement of the above practice since some of the practices are still very active and fully recognized by the community as the best way to apply land for occupation in the rural areas of the Thulamela Local Municipality.

During the period before 1994, there were homeland government systems that were established by the apartheid regime and within the current Thulamela Local Municipality there are areas that use to fall under the former Gazankulu and Venda Bantustan administration. Although there was House of traditional leaders to take charge of the institution of *musanda* and *Vhuhosi*, *mahosi* use to account before their communities regarding all activities within their communities. The system of accounting to their communities was soon abolished by the rule of apartheid while the tribal authority powers and functions were reduced to only allocation of land occupation by their communities (Palmary, 2004).

This changes in the political landscape in South Africa brought massive challenges on the institution of *musanda* and *vhuhosi* in particular because there was marked shift on how the *mahosi* should exercise their governance responsibilities to their communities.

This resulted in the perception that the institution of *musanda* is being undermined with an attempt to replace it with structures like Ward Committees, SANCOs and Ward councillors. The White Paper on Traditional Leadership and Governance sheds light on the resistance, which almost resulted in revolts by the institution of *musanda* and *mahosi* when the current democratic South Africa could not provide clarity on the role and positions of *musanda* in the enhancement of public service delivery to the people. This was so because the institution of *musanda* and *mahosi* were reminded of the experience they had when the National party came into power with an attempt to control the institution of *musanda* and *mahosi* through the introduction of additional regulatory measures (Khan & Lootvoet, 2001).

Another act that was put in place to control the institution of *musanda* was the Black Authorities Act (No 68 of 1951) and under this act *mahosi* were only afforded an opportunity to assume the central position of leadership at both the Tribal and Regional level. This allowed the apartheid government to create Bantustan and Homeland like Giyani and Venda (Khan & Lootvoet, 2001). According to Khan and Lootvoet, 2001, the appointment of *mahosi*, *misanda*, *Vho-Thovhele* and all *Ndavesithe* which originally followed the heredity tradition was abolished by the apartheid regime and a new way was introduced which based on loyalty through ratification by overarching

homeland government. During the times of apartheid era, the institution of *musanda* and *mahosi* were actually incorporated into the apartheid government system.

*Vho-thovhele*, *khosi-khulu*, *mahosi* and *magota* were all part of the apartheid regime and were all on the payroll and got paid on the basis of their seniority in line with the institution of *musanda* and *vhuhosi* and that restricted them to exercise their role as *mahosi* because they were perceived as employees of government (Palmary, 2004).

According to Palmary (2004:23), there was an attempt to abolish the institution of *musanda*, but as that attempt failed, the authority of tribal councils were left with only power to allocate land for residential purpose by their communities.

In this case the institution of *musanda* and *mahosi* had the final say on who occupies which area of land, as well as the allocation of grazing land and agricultural land. However, by consigning the institution of *musanda* and *mahosi* to the position of government employees, the colonial regime succeeded in minimising and reducing the scope of *musanda* and *mahosi's* role, responsibilities and positions on enhancing public service delivery to their communities. During the apartheid era, the institution of *musanda* and *mahosi* were also restricted in engaging on issues related to the promotion of public service delivery to the government. This powers and authority to debate on development and public service delivery was left with government officials to deal with and make a final decision. As a result of that, some within the institution of *musanda* and *mahosi* resorted on other ways to pursue their desire to participate in service delivery decision making. Some *mahosi* joined political parties in order to find a space and a position to debate on issues of service delivery to the communities.

### **2.3 The current scenario within the Thulamela Local Municipality regarding the position of musanda**

According to Ntsebeza (1999:14), recognizing the institution of *musanda* and the Traditional authorities has a number of far-reaching implications for control over land allocation, democratic local government, gender equality and the universal franchise.

The position of *musanda* or *vhuhosi* provides authority through lineage rather than achieved through elections and its patriarchal principles ensure that major decisions on land allocations and local government are almost invariably taken by men only.

The other side of the critical scenario is the perception of the institution of *musanda* by the current government that history dictates that they actively participate and revive the colonial agenda during the apartheid era and therefore the structures of local government post 1994 have difficulties in working close to them and therefore they turn to isolate them on major decisions regarding the process of service decentralization and providing public services to the communities in and around the Thulamela Local Municipality.

*“By establishing democratically local government with development function and democracy in decision making regarding land, the intention of post 1994 South Africa is to introduce separation of powers and democracy in the form of elected representation in the local government and land, even in rural areas. Clearly on paper this is the major departure from the tribal authorities where power was concentrated in single functionary, and almost no official was democratically elected. Traditional authorities are of course not happy with the above” (Ntsebeza, 1999).*

The institution of *musanda* and *mahosi* in the Thulamela Local Municipality see the introduction of elected democratically ward councillors and political office bearers as threatening their powers and functions which was vested upon them through heredity. That is why the institution of *musanda* and *mahosi* continue to take charge in land allocations and land administration in spite of the fact that there are democratically elected structures that need to take over such responsibilities. *Mahosi* feel that the inherent powers and functions are being undermined and the authorities being weakened. “The refusal of traditional authorities to accept government policies and legislation is at the heart of debate on tenure reform in the South Africa’s countryside” (Ntsebeza, 1999)

What becomes more critical within the Thulamela Local Municipality is the question of land administration, including land ownership, despite the fact that there were attempts by the Department of Land Affairs (DLA) to empower rural communities by involving them in different structures. This included the structures of *musanda* and the Thulamela Local Municipality structures. They became involved in decision-making

processes on land issues through the introduction of the White Paper on Land Policy in April 1997.

The White Paper demonstrated a wide distinctions between land ownership and governance of land within the rural areas and in this case Thulamela Local Municipality cannot be left out since it is a rural municipality whose villages fall directly under the institution of *musanda* and *mahosi*. The attempt to draw this distinction was merely to separate functions of ownership and governance so that ownership can be transferred from the state to the communities and individuals on land administration. This has become a bitter pill to swallow in the Thulamela Local Municipality since these firstly there is no understanding of these distinctions, and secondly both the institution of *musanda* and the Thulamela Local Municipality structures want power of land governance and ownerships. However, the fact that ownership is transferred to the communities cannot be detached from the fact that communities in the Thulamela Local Municipality are under the leadership of the institution of *musanda*. The control over land ownership remains with this institution while the issue on governance could be vested somewhere.

At the beginning of 1998, the Department of Land Affairs (DLA) had developed principles that would guide its legislative and implementation framework on land administration such frameworks were as follows:

- That the rights of land administration should be vested in people who are holders of land and not in institutions such as tribal or local authorities. In some cases, the underlying rights belongs to groups and in other cases to individuals or families. Where the rights to be confirmed exists on a group basis, the rights holders must have a choice about the system of land administration, which will manage their land rights on a day-to –day basis.
- In situations of group-held land rights, the basic rights of all members must be protected, including the rights to democratic processes and equality. Government must have access to members of group-held systems in order to ascertain their views and wishes in respect of proposed development projects and other matters pertaining to their land rights.

- Systems of land administration that are popular and functional should continue to operate. They provide an important asset given the breakdown of land administration in many rural areas.
- The aim is not to destroy or harm viable and representative institutions. Popular and democratic tribal systems are not threatened by the proposed measures(Thomas et al.,1998)

The above principles form the centre of conflicts and tensions between the institution of *musanda* and the Thulamela Local Municipality. In particular on area where the land belongs to a group of people or land ownership on group basis. A typical case is the group land ownership in Thohoyandou Unit D along the side of the Thohoyandou technical high school which is owned by the group of Mbilwi people. The Thulamela intends to develop the area through construction of high cost housing while the group of *Mbilwi ha Mphaphuli* claim that the areas called *Nzhela Vhalimi* is their sacred area and cannot be developed by government without proper negotiations. Even though they could be negotiations burial sacred areas are regarded as ancestral areas so they could not be any development of any nature.

Another typical example is *zwiendeulu zwa* Tshirembe which is in the middle of a both residential areas which even if the Thulamela Local Municipality intends developing it or setting up a project, they are unable to do so because the area is sacred. There is also area called Mahovho hovho, which has been developed by the department of Tourism which also receives much disputes between the communities of Ha-Tshivhase because there is a feeling that Government should have developed that area and completely handed over the project without further showing interest on the project.

Following arguments from above and references from the previous discussion it is clear that the Department of Land Affairs intends to subject traditional authorities under the institution of *musanda* to a system that would make them more representative and accountable to their communities. This research wish to differ from those who think that establishing structures while recognising an undemocratic and unaccountable institution of *musanda* and *mahosi* especially in the form that has been inherited from the apartheid past, is fundamental contradiction.

From the debate outlined before this research wish to indicate that whether the institution of *musanda* is undemocratic with all structures existing through heredity, it remains the relevant structure to pursue land administration and decentralization of public basic services.” The White Paper on Land Policy still has to become legislation. The unresolved question of the role of traditional authorities in local government and land reform seems to be central to this delay. According to Ntsebeza (2000), traditional authorities are vehemently opposed to the moves of the ANC–led government to introduce decentralization and democratization in rural areas under their jurisdiction. “What is striking about the post 1994 period is that traditional authorities, despite earlier divisions, seem to be drawing closer and closer to one another” (Ntsebeza 2001, 1999).

The above debate around the institution of *musanda* opposing decentralization could be based on lack of clarity regarding their powers and roles on driving this decentralization which is proposed to happen in their rural areas. Government approach has not been on thorough consultation with the institution of *musanda* on the importance of democratization and decentralization at the rural areas. In the absence of clarity of roles and responsibilities between and amongst the two institution, there would always be tensions and conflicts which some of them end up in the legal courts for solution. Due to this resistance and opposition by the institution of *musanda* and *mahosi* to the decentralization of their tribal rural areas, *mahosi* have grown so closer to each other since they have one common thing in mind, which is to oppose government move to democratize and decentralize public service delivery within their areas.

Their main fear is the perception that government wish to neutralize their power and authority and finally do away with *vhuhosi* and take over their villages.

Government seems to have succumbed to the above pressure exerted by the institution of *musanda* and *mahosi*. As it has been seen, policy and legislation in the immediate post-1994 period seemed, on the whole, to have been driven by a commitment to extend participatory and representative notions of democracy to the rural areas. An expression of this radicalism was the promulgation of the Regulation of the Development in Rural Areas Act, 1997, by the Eastern Cape Legislature.

This Act sought to divest traditional authorities of all their development functions and transfer these to elected councillors. This, of course was in line with the new functions of local government. However, since the end of 1997, the pendulum seems to have swung in favour of the institution of *musanda* and *mahosi*" (Ntsebeza, 2001) On the other hand the White Paper on Local Government published in March 1998 makes broad sweeping statements about the possible role that the institution of *musanda* can play. *Mahosi* are assigned a closet role and for this reason there are some are fully aware of the development needs and aspirations of the communities.

There are of course evidence from other researchers that the institution of *musanda* and *mahosi* were never involved in any development projects planned for their rural communities as it should be. Most of the developmental projects, if not all, were implemented by government without the involvement of the institution of *musanda* and *mahosi*. However, in cases where *mahosi* were involved, there were cases of corruption, which sacrifices quality, like in cases of road construction. There have been cases where *Vhamusanda* and the structure of *musanda* were bribed, which lowers the standard of for instance a road and compromises quality. The result is tarred roads that do not last for more than two years without developing pot holes again as a result of poor quality.

The debate regarding the position of the institution of *musanda* was actually the hot debate, discussions and negotiations in the run up to the second democratic local government elections in December 2000 since there was realization from government side the matters of *mahosi* were not properly handled during the first democratic general elections in 1994. Government realized that this institution commands more respect from community members in rural areas than they do in urban areas, so the saw the need to negotiate and discuss the importance of *musanda* as an institution. After a series of discussions by government with the institution of *musanda*, government committed to develop and act which will recognize the role, position and powers of the institution of *musanda* and that was when the an amendment of the Municipal Structures Act that was pushed immediately to parliament before the local government elections took place.

In the Thulamela Local Municipality even after ten years of democracy there is confusion as to the type local government and Land administration should take place to the satisfaction of both the institution of *musanda* and the Thulamela Local Municipality. According to Ntsebeza (2004), in the run-up to the 1994 elections, the majority of rural areas in the former Bantustans were characterised by deep tension and clashes between the institution of *musanda* and the civil society groups, since they perceived *musanda* as vehicles and agents to promote the colonial regime. In the former Venda Homeland in particular one of the slogans which were sung were (*fhasi nga mahosi, fhasi*) meaning down with *mahosi* down because they were very unpopular during those era. However, after the election period was over and the new government was in place, the first civil organization to emerge was the South African National Civic Organization (SANCO). The emerging of SANCO started the new struggle over land between the institution of *musanda* and the Thulamela Local Municipality. The most common struggles were struggle on land allocations while in many rural areas where *misanda* were not so educated on issues of land, SANCO took over the allocation of land to residents for both business and residential sites allocations from the institutions of *musanda* and their Tribal Authorities.

*“A tension of inconsistency exists in the post -1994 South Africa’s constitution as well as the legislation flowing from it. On the other hand, it enshrines a bill of rights including democratic principles based on the elected representative government. On the other, it acclaims the role of unelected traditional authorities without any clarity regarding their functions and power. This is irrespective of the fact that a large number of mahosi and misanda became “stooges” of colonial and apartheid regimes” (Ntsebeza, 1999).*

*These tensions between the institution of musanda and the Thulamela Local Municipality became worse after the local government in 1995/1996 since SANCO became more active in the rural parts of the Thulamela Local Municipality where mahosi were in charge. In most cases ward councillors and other members of the council were appointed from those who were very active within the structures of*

*SANCO and that added more tensions between the *musanda* and the structures from the Thulamela Local Municipality.*

The scenario was more evident in cases where the institution of *musanda* and SANCO have equal support like in the case of Ha-Tshivhase and Ha-Mphaphuli where there are visible groups who do not recognize the institution of *musanda* but provide more support to SANCO and village structures.

Ntsebeza (2004:27) argues that this situation can only be understood when there is clear understanding and distinguishing between the law and practice. For example, in most former Bantustan areas the law governing the allocations of land have not been repealed and that involves areas falling under the Thulamela Local Municipality and this is informed by the South African Constitution which clearly says that the existing laws on land allocation will remain the same until they are officially replaced by the new appropriate legislations. Apartheid laws in allocating of land remain in use in both areas of Malamulele which used to be the former Gazankulu area and the former Venda Homeland of which both fall under the Thulamela Local Municipality. In these areas the institution of *musanda* remains powerful with more residents being loyal to their *mahosi* and still believe that no other person can allocate land except *mahosi*.

The process as outlined before allows that the application be submitted to *mukoma zwawe*, who will then forward such application to *mukoma* and then subsequently *vhamusanda* for approval. The Thulamela Local Municipality comes in on the process of measuring the required approved sites by *Vhamusanda*

There were perceptions and thinking that after elections the allocations of land will fall under rural councillors while many South Africans undermined the institutions of *musanda* to an extent that they thought the allocations of land is the responsibility of the newly elected councillors. These confusion of the application of law and procedure ended up in residents preferring to apply land usage through their *mahosi* who will issue them with PTOs and in case there is business application by one the residents, such business will be dealt with by the institution of *musanda* through their tribal council but the Thulamela Local Municipality will remain with the role of measuring the size of land as per the instructions of *mahosi* and Tribal council.

Failure by some villages within the Thulamela Local Municipality to recognize the institution of *musanda* has some far reaching negative implications for control over land allocations since these institutions are still applying then apartheid laws that gave them authority over land.

#### **2.4 The importance of the institution of musanda in providing services to the community.**

Tshehla (2005:23) notes that in South Africa, like in any other countries, the institution of *musanda* and *mahosi* is firmly entrenched. History dictates that the institution of *musanda* and *mahosi* served as Governors of their communities with authorities over their communities in all areas of their lives, ranging from social welfare to judicial functions. Today many African Countries have taken a decision to incorporate the institution of *musanda* into their democratic state as to allow the smooth running of the country without conflicts and tensions. A typical example could be the case of Botswana where the initiation of public service delivery starts at the *lekgotla*, which is a democratically recognized structure of government made up of members of the institution of *musanda* and *mahosi*. “Nonetheless it is acknowledged that the institution of *musanda* and *mahosi* presents a challenge to a constitutional democracy. Creating a home for *vuhosi* within the modern democratic dispensation remains one of the most difficult areas of policy for African states” (Tshehla, 2005)

This challenges are very visible in the South African Democracy as well because the implementation of the Traditional leadership and governance framework becomes a critical problem if not impossible. Although the act acknowledges the existence of the institution of *musanda* as a legal entity the law is not so clear about their position in the process of facilitating, providing and enhancing public service delivery to the community. Tshehla (2004) argues that whatever reasons could be provided, it is common knowledge that the institution of *musanda* and *mahosi* has remained on the periphery of transformation in the country and this includes the transformation process within the Thulamela Local Municipality.

It is evident even how the South African constitution is crafted because the chapter on the institution of *musanda* is the smallest chapter which also fails to cover the constitutional status of this institution including powers and functions of this institution.

This argument can be extended to the strategic plan document of the Thulamela Local Municipality which is commonly known as the integrated development plan which as well fails to detail the powers and positions of the institution of *musanda* towards rendering and improving public service delivery to the community.

Some researchers have also observed that despite the legislative provisions for the institution of *musanda* and *vhuhosi*, like the Constitution of the Republic of South Africa and the Traditional Leadership and Governance framework, an intense debate is still raging around the position, place and the role of *mahosi* and *misanda* in the provision of public services and in democracy as a whole.

The provincial government has been playing a role of supporting the institution of *musanda* particularly *Vho-Thovhele* and *mahosi mahulwane* by providing them with vehicles as a way of recognizing their existence while *misanda*, *mahosi* and *magota* are placed on government payroll as well as appreciating their minimal limited role they play in providing service delivery and decentralization of services to the community.

According to Tshehla (2004), the realistic approach seems to be the one that seeks to fit the institution of *musanda* into the current democratic system. This approach seems to want to address the tensions between the institution of *musanda* and the elected office bearers of government including the Thulamela Local Municipality and that approach in itself comes as a way of appreciating the unhealthy relationships between the Thulamela Local Municipality as an entity of government and the institution of *musanda*. He further argued that this approach recognizes that it would be problematic to subject some section of the community such as the community under the leadership of *mahosi* to a different system of governance different from that of the South African governance system.

As an attempt by government to address the vacuum regarding the position and place of the Institution of *musanda*, the parliament of the Republic of South Africa passed the Traditional and Governance Framework Act of 41 of 2003. However, this act was passed nine years after South Africa gained democracy in 1994. There was already increased levels of uncertainty around the position and place of the institution of *musanda* and *mahosi*. The act goes on further than where the constitution touched.

As indicated before, the constitution is partial about the importance, powers and functions of *misanda* in the new democratic South Africa.

After the transition and attaining of the 1994 democracy in South Africa including the introduction of the Traditional Leadership and Government Framework Act of 2003 (Act No 41 of 2003) the new government paid more attention on issues surrounding the institution of *musanda* and *vhuhosi* in general. There was a need to instigate the ways and means of accommodating the institution of *musanda* and *vhuhosi* into the new democratic dispensations.

This was and still a difficult challenging task irrespective of the fact that there are laws and institution like the House of Traditional leaders that recognizes the institution of *musanda* and *mahosi*. The Act puts emphasis on the promotion and protection of the institution of *musanda* and *vhuhosi* while there is a part in this Act that dictates to the state that it must respect, protect and promote the institution of *musanda* in accordance with the democracy in South Africa.

This is so because government was faced with the challenge of rearranging its democratic protocol to cover or include the institution of *musanda* and *mahosi*. In the Thulamela in particular which covers areas which were under the former Venda Homeland, the institution of *musanda* and *mahosi* were regarded as having been influenced by the apartheid regime and acted for many years during the apartheid era as agent of colonialism. The whole questions of what is the position and place of *musanda*, *vhuhosi* and the institution of *musanda* was now a new focus by government in order to attempt and correct the previous perceptions about *mahosi*.

According to Khan and Lootvoet (2001:45) the wide deliberations was an attempt to define the role, place and positions of *misanda* when it comes to how to enhance service delivery. It achieved very little since even the Traditional Leadership and Government Framework Act fails to clearly define their role on service delivery and decentralization of services.

The government's failure to provide comprehensive policies or legislation which specifically outline the institution of *musanda's* responsibilities with regard to the rendering services at a local level prompted *misanda* and *mahosi* to devise their own

strategies, generally adopting the role of interlocutor in municipal council in an attempt to ensure that they did not become marginalized" (Tshehla, 2005).

The importance of the institution of *musanda* and *mahosi* is further articulated again according to Traditional Leadership and Government Framework Act, 2003 which indicates that the institution of *musanda* appears to be a multifaceted one which is concerned with governance issues at a local level with regard to the position, place and roles of the institution of *musanda* and *mahosi* on providing and enhancing public service delivery at local level. Although the Act also provides a specific framework in which the institution of *musanda* and *mahosi*'s relations and associations with elected municipality authorities must be monitored and governed (Tshehla, 2005). Tshehla (2005) further argues that in order to ensure that there is cooperation between the institution of *musanda* and other agencies or structures, the local authority must ensure that the institution of *musanda* and *mahosi* account for any action they take regarding the provision of public basic services to their communities.

*Mahosi* must also be prevented from employing service delivery issues as control mechanisms to force communities to comply with certain rules and regulations within the communities. However, the institution of *musanda* and *mahosi* should be in a position of providing public services without expecting any favours or using it as a way of seeking cooperation from their communities but as their responsibilities and obligations to their communities "The role played by the institution of *musanda* and *mahosi* dates back to the cultural origin of humankind in the African continent" (Kanyane, 2007). He went further to say that *mahosi* in most tribes function mainly on three levels" namely *Thovhele* (Chief), (*Khosi-Khulu*) King and *Magota* (Headman). *Vho-Thovhele* and *Khosi-Khulu* would have different tribal structures, ideally, they would be entitled to an average of at least *Magota* and some number of wives. "The current system of local government in South Africa has its origin of post-apartheid South Africa. Apparently, municipalities in South Africa have more fiscal powers over the institution of *musanda*". (Kanyane, 2007).

The above statement regarding the origin of municipalities from the past government regime also describe the origin of Thulamela Local Municipality which is situated in *Thohoyandou* town which was the capital city of the previous Venda Homeland

government. Kanyane (2007) further argues that contrary to the fact that the latter institution claim stewardship powers over the municipalities as the custodian of African tradition in some areas and that claim is more justified by the thinking that municipalities are situated in the communal land.

This paradox of power relations is a potential cause for concern, because at times the development focus of local government is obstructed as municipal councils do not always agree with the institution of *musanda* while public service delivery is desperately expected by the communities both of these institution serve (Kanyane, 2007).

Despite the existence of the Traditional Leadership and Government Framework Act, there are problems with regard to the place and position of the institution of *musanda* and *mahosi* when it comes to public service delivery and the decentralization of public services to the community.

These challenges do not arise as only because the institution of *musanda* and *mahosi* are not satisfied with the manner at which government allocates their roles but also with the manner at which both institutions table their public service delivery priorities. According to Sindane (1995: 51) "Colonial intervention in the hereditary principles of appointment and the dynamic nature of tradition raise the important question of "who are *mahosi*' and furthermore, how "can we define their *vhuhosi*? In defining *mahosi* approaches can be taken. Either the basis of their authority, that is "tradition" or their functions, that is, the services they render to their communities, can be emphasized".

Those who prefer the first option would define *Vho-Thovhele* or *Khosi* simply as anybody who has been appointed to a position of power on the basis of custom or tradition". According to the Venda culture, there is nothing called the appointment of *Vho-Thovhele* or *Khosi* since the definition of *vhuhosi* is only on the basis of heredity. "*Vhuhosi vhu tou bebelwa*" (meaning that one has to be born within the royal family in the line of *vhuhosi* in order to be ordained as a *Khosi*).

It is therefore important to indicate that *vhuhosi* and *vhurangaphanda* (leadership) is a position that one does not acquire through education or through campaigning for votes. This position is hereditary.

The institution of *musanda* is based on royalty and as indicated above is the system where leaders are not elected by the community but appointed by virtue of being born within the royal family. Gildenhuis and Knipe (2000:272) argue that the institution of *musanda* was also demonstrated to be an important institution in the Christian Bible in Exodus (1:8) where the Bible talks about *khosi ya Egipita* and this is a clear indication that the institution of *musanda* and *mahosi* has been in existence way back before the democratic government and even long time ago before any other government came into being. (*Tshiimiswa tsha Vhuhosi, Vho-Thovhele Na mahosi vha dzhiwa vha vharumiwa nga Mudzimu*) Simple translated as: The institution of *musanda* and *mahosi* believed to be agents of God.

Gildenhuis and Knipe (2000) further argue that the authority exercised by *mahosi* has been given to them by God and therefore such wisdom also allows them opportunity to plan for the future of their communities. Keulder (1998:22) argues that "In general the concept 'vhuhosi' refers to the categories of leaders commonly known as "Thovhele, Khosi-Khulu, Khosi, and Gota".

However, this use of the concept tends to overlook the fact that in some communities leadership, positions are separated, and other categories of leaders fulfil important leadership functions." *Khosi-Khulu* occupies a status which is much higher than that of *Vha-musanda* or *khosi* because *Khosi-Khulu* takes charge of a large areas with different villages and some few *Thovhele* reporting to him regarding any matters affecting their villages

According to Walker (1994:61)), the debate on the institution of *musanda* and their role in national and local government is a recent one in South Africa. This debate was actually influenced by the political changes that started in 1992 and subsequent elections and process of putting together a new democratic constitution which created a need to enter into a debate on local government. At the core of this question was the future of the institution of *musanda* and *mahosi*, which has been the main governance structure closest to the people (*Vhalanda*).

On the 27/28 October 1994 a workshop on the role of traditional leaders was held in Durban and it was attended by a large number of *mahosi* including a delegation from

Contralesa. The workshop agreed that the institution of *musanda* and *mahosi* still have a vital role to play in the current democratic era.

They further agreed that service rendering or service delivery should be integrated in both the administrative/political and the traditional leadership structures. They further agreed that there should be clarity on who plays which role in service delivery to the people (Holomisa, 1994: 38) The President of South Africa Jacob Zuma addressed the annual opening of the National House of Traditional leaders in Parliament at Cape Town on the 03rd of March 2016. In his opening address, the President highlighted the importance of the institution of *musanda* and *mahosi* and said that the status and role of the institution of *musanda* and *mahosi* are recognized in chapter 12 of the Constitution of the Republic of South Africa. The President further indicated that the institution of *musanda* and *mahosi* have an important place in the lives of many of our communities, so the government has deemed it fit to establish the National House of Traditional leaders that includes a provincial house in order to form part of governance systems in South Africa. "As you are aware the importance of traditional leaders does not start now. They played a key role in fighting colonization and apartheid" He further said " Traditional leaders were present in the establishment of the ANC as a liberation movement that was to fight for decades to liberate South Africa and her people from subjugation and institutional racism" (President Jacob Zuma: 03/03/2016).

From this extract of the speech by the President including the whole speech of that day, one can easily see how important the institution of *musanda* is for the lives of most of South Africans who live under the leadership and custodianship of *mahosi* and *misanda*. The government fully supports this institution in terms of the constitution and other government policies. However, one then wonders whether the policy frameworks and other legislations are implemented in full as a way of recognizing this institution.

It could be a different scenario when it comes to affording those roles and responsibilities of the institution of *musanda* and *mahosi* to render required services to their communities as they use to be at this current democratic era. The government policies encourage partnerships between government and the institution of *musanda* and other *mahosi*, including other stakeholders, to improve the lives of citizens. From there the saying that "Together we can move South Africa forward".

Although participation and consultation are key principles embedded in the Constitution (1996) to forge the link between the two structures, they are not applied, from there the divide. Kanyane (2007) points out the paradox between local government and traditional leaders by demonstrating how two institutions are not able to work together towards service delivery and development.

According to him the municipal leaders who are members of council and management structure headed by the municipal manager are at loggerheads with the institution of *musanda* to a certain extent despite the provisions of the Municipal Structures Act 1998 and Municipal Systems Act, 2000 visa-a-visa traditional leadership and Governance framework Act, 2003. Both of these structures have only one common goal and that goal is to service the citizens of South Africa.

The article is raising sharp and relevant concerns about this paradox between these two structures since this difference between the institution of *musanda* and the municipality structures seriously compromises service delivery to the community. According to this article both the institution of *musanda* and the municipalities are affected by this paradox since their focus is on one clientele and that is the community. The article also confirms concerns by other researchers that the institution of *musanda* to a certain extent does not become part of the whole operations within the local sphere of government, particularly on planning and implementation of programmes and projects.

The journal further reveals tensions between the institution of *musanda* and municipalities due to the latter tendency of dictating project planning and implementation without consulting relevant local *mahosi* who are in charge of those particular affected communities. According to Mabaso (2006): "Responding to the basic human needs: Local Government versus Traditional Authorities, Limpopo leader Magazine". The problem this paradox between the government and the institution of *musanda* and *mahosi* has a history that is rooted in the apartheid era when tribal leaders were given custodianship of land that was then allocated by them to individual members of the community for various uses such as residential, grazing and agriculture. He further argues that the institution of *musanda* and *mahosi* had too many powers in the past, and now because of democracy, their powers are being diminished

by the existence of municipalities. This inevitable leads to conflict and resentment on both sides. The South African Government has three spheres of government. However, a fourth sphere is slowly gaining momentum, which is the traditional authority under the House of Traditional Leaders.

In Limpopo for instance, the governance by the institution of *musanda* and *vhuhosi* was once placed under the office of the Premier, far removed from the competence of the Department of Cooperative Governance and Traditional Affairs. This has been changed now since the institution has a directorate under the Department of Corporate Governance Human Settlements and Traditional Affairs. It is a newly created department that includes the Human Settlement Department, which used to be a stand-alone department. Keulder (1998:317) argues that traditional authorities should not have legislative powers as this would politicize the institution and open possibilities for partisan patronage that would damage traditional leaders' image as "fathers of their communities" He went on to say that they should instead be tasked with more technocratic functions such as mobilizing social energy for development, making sure that village needs are reflected in local development plans. In the South African context they are called Integrated Development Plans (IDPs). They should also in his opinion oversee the implementation of development projects. He further argues that traditional leaders should represent their communities in legislature.

According to Rhodes (2003:47) partnership and network arrangements is one of the most powerful and important development in improving public services delivery. Effective partnership can impact positively on policy debate, policy formulation and accelerated public services delivery (Van Der Molen 2008:258).

The South African public service delivery system is therefore challenged to fully embrace and strengthen partnering and to develop the competencies that would accelerate services delivery. A key challenge for the South African public service is to strengthen, expand and intensify these network and partnerships. This is off course partnerships and networks arrangements that one would like to see between the institution of *musanda* and the Thulamela municipality for enhancing public service delivery. There is a Venda saying that says "*Munwe muthihi a u tusi mathuthu*" meaning that we need each other in order to succeed. The partnering between the

Thulamela municipality as government entity responsible for providing resources for public service delivery and decentralization of services and the institution of *musanda* should be able to enhance public service delivery in the whole community of Thulamela municipality area.

There are studies that were conducted in Malawi and Mozambique that also revealed lots of debates around the position and roles of the institution of *musanda* within the space of tradition and modernity. The study conducted in Malawi by Chinsinga (2006) focused mainly on the transformation processes and period between tradition and modernity and in this case focus was directed to the place and role of the institution of *musanda* and *mahosi* who were perceived as traditional on providing service delivery which was the modern approach taken by government. The research actually look at the political power struggle between the institution of *musanda* and government more especially and the level of ordinary Malawian citizens Chinsinga (2006). Here the debate was based on the difficulties of implementing governance responsibilities without partnerships between structures responsible for community governance.

The Chinsinga study reveal that the institution of *musanda* and *mahosi* play a critical role in shaping the community livelihoods because *mahosi* as leaders inspire and motivate their people to be involved in every aspect of public service delivery, service decentralization and development as a whole.

The study continues to argue that politicians are aware that the institution of *musanda* and *mahosi* have more power and influence in the eyes of their subjects (*vhalanda*) than what government has in terms of authority. Chinsinga (2006) also acknowledges the fact that communities in rural areas hold the institution of *musanda* and *mahosi* in high regard since they are perceived as catalysts of development, enhancement of service delivery and agents of change.

The reason behind such community trust is that *mahosi* leaves in villages together with people they lead and they are in daily contact with them to listen to their daily needs and aspirations. Chinsinga (2006) further argues that because of their importance, *mahosi* and the institution of *musanda* as a whole, which had been deposed during the single party era, had to be reinstated by government. During this process new Kings (*mahosi-Mahulu*), *Vho-Tholele* and *mahosi* were placed on the

government payroll so that they receive monthly salaries and benefits like any other government employee.

There are different studies which have been conducted which demonstrate that the institution of *musanda* and *mahosi* can play a key role in domesticating and customising the reforms of the local government system and be part of improving people's life. In the current South African approach on public service delivery, politicians and members of the legislature tend to concentrate more on themselves and setting aside or ignoring the institution of *musanda* in the processes of democratization and decentralization of public service delivery to the community.

The current poor status of the relationship between the institution of *musanda* and municipalities appears to be arising as a result of the fact that the institution of *musanda* and *mahosi* wants to continuously cling to rural power and govern their villages completely without allowing municipalities and local government to implement some changes and control resources they are responsible in controlling. Natalini (2010) argues that in Ghana *mahosi* are appointed to serve in local government so that they deal with matters of tradition since they command respect in rural areas and are still effective in engaging communities. This power to mobilize communities and the respect they command from the communities means that the *mahosi* perceive themselves as the most powerful structures of community governance. As a result they are not considerate of government structures, including municipalities.

## **2.5 The institution of *musanda* and the decentralization of public services**

The post-apartheid era of South Africa introduced the democratization and decentralization of services throughout urban and rural settlements, including the former Homelands and Bantustan. The former Venda and the former Gazankulu were not excluded from this democratization and decentralization services. Of course a new concept that became very popular is developmental local government, which introduced to the public democratically elected leaders. This included those rural communities that are under the leadership of the institution of *musanda* and *mahosi*. The attempt to introduce government-elected leaders was a way of improving public service delivery to the communities and the decentralization of services, since all decision making used to occur at the central or national government level in Pretoria.

According to Ntsebeza (2004:21) the democratization process risks serious compromise due to the concessions being made to traditional rural authorities-the same autocratic local authorities who enjoyed significant powers under apartheid.

Particular reference here is made on the issue of land where Ntsebeza argues that the legal transfer of land to elected officials has not been made leaving this important power in the hands of *Vho-Thovhele*, *misanda*, *mahosi* and *Vhakoma* which in itself hampers the process of development and the provision of services to the community due to the power struggle on land ownerships. Although the above could not be generalized since some *mahosi* and *misanda* are willing and able to cooperate with Government and in this case the Thulamela Local Municipality on availing land for development and public service delivery that will finally benefit the community. (Ntsebeza, 2004) further demonstrated that since the 1994 democratically elected government came into place, South Africa has embarked on its own version of public service decentralization on different areas including land management and other areas which primarily benefit the communities.

Apart from the decentralization of services as indicated before from the extracts of the National development plan of government, South Africa has gone a step further to focus on the entire government reform and land administration which covers issues of natural resources, such as forests, wildlife and fisheries. “ The focus illuminates problems that are on the horizon for natural resources, such as forests, wildlife and fisheries, especially as these later resources are to be managed through similar structures that are being constructed and contested in the local government and land policy arenas” (Ntsebeza, 2004).

Several researchers argue that in accommodating the institution of *musanda*, the African National Congress-elected South African government attempted to avoid blood conflicts and political war battles such those experienced in Kwazulu-Natal between the Inkatha Freedom party and the African National Congress where some members of the institution of *musanda* were seen taking sides of this two different political structures. Dladla (2000:15) argues that government accommodation of the institution of *musanda* and *mahosi* was just a compromise to avert a threatened boycott of the first general elections by the Inkatha Freedom party if *mahosi* and the

institution of *musanda* were not recognized and protected by the government institutions. This observation continues to show itself towards national and local government elections where politicians and elected office bearers embark on visiting *misanda* and engaging *Vho-Thovhele* and *mahosi* as a way of convincing them to mobilize their communities to vote for them.

In the Thulamela Local Municipality the Local municipality mayor through her *mahosi/Tihosi* forum embarks more on mobilizing the communities through the institution of *musanda* and this committee to vote towards National and Local government elections. This active visitations by politicians to the institutions of *musanda* and *mahosi* goes to an extent that even senior Politicians like the state President, Cabinet Ministers get invited by the mayor to visit *misanda* and attend *Khoro/Tshivhidzo* as a way of mobilizing voters.

However, it must be noted that the institution of *musanda* and *mahosi* do not derive comfort from such practices, as they sometimes feel used during certain seasonal periods and neglected after that election season has passed. An outline of two key concepts, political/democratic decentralization and decentralized despotism, is useful for the understanding of South Africa's dilemma inherent in democratising rural areas while recognizing hereditary authorities" (Mamdani, 1996)

## **2.6 The implementation of policies governing the institution of *musanda* in South Africa**

There is a growing concern that the ability of leaders to implement policy in South Africa public service (Tshabalala-Msimang, 2003). This is re-iterated by President Thabo Mbeki (2003) also states that critical challenge facing the South Africa public service is its capacity to implement policy. Although both the former president Thabo Mbeki and Tshabalala-Msimang observed and raised the growing concerns regarding the inability of the officials to implement existing policy in 2003, the situation did not change much because the implementation of Traditional Leadership and Governance Framework Act 2003 remains a big challenge within the Thulamela Local Municipality.

The Traditional Leadership and Governance Framework Act 2003 (Act no.41 of 2003) state that the institution of *musanda* and *mahosi* perform the function provided for in

terms of customary law and custom of the community concerned, and in applicable legislation.

It further states that as per guiding principles for allocations of roles and function, the national government, as the case may be, may through legislation or other measures, provide a role for *Khoro or musanda* in respect of art and culture, land administrations, agriculture, health and welfare, the administrations of justice, safety and security, registration of births, death and customary marriages, economic department, environment tourism, disaster management, the management of natural resources, disseminations of information relatively to government policies and programmes and education.

The implementation of this legislative framework which encourages partnerships and working together of both the institution of *musanda* and the Thulamela Local Municipality remains something on paper with less of its content being implemented. While the constitution of the Republic of South Africa in section 156 (1) states that a municipality has executive authority in respect of, and has the right to administer local government matters like air pollution, building regulation, child care facilities, electricity and gas reticulation, local tourism, local amenities, local sport facilities municipal abattoirs, municipality parks and recreation, municipal roads, street trading, street lighting, traffic and pricing and control public nuisances.

If one looks at the function of the institution of *musanda* as outlined by the Traditional Leadership and Governance Framework and compare them with the function of the Local Municipality as outlined by the constitution of the Republic of South Africa, one immediately discovers that there are some activities that both institutions have the equal responsibilities in executing public delivery to the community. The role the institution of *musanda* has been in existence way back before the dawn of 1994 democracy in South Africa and this institution has been a custodian of cultural norms and values of all South African who lives under the leadership *Vho-Thovhele* and *mahosi*.

This institution has been leading and taking care of their communities in terms of facilitating public service delivery even during the apartheid era and the Venda homeland government. *Vho-Thovhele*, *mahosi* and the entire institution of *musanda*

through meetings of *Khoro* or *Tshivhidzo* were able to listen and record needs and aspirations of their communities and later submit them to relevant government departments for considerations. That is why during those days before the 1994 democracy in South Africa, there were committees like School committees, Clinic committees and Agricultural committees which were responsible in listening to the needs of the communities, recording of them and submit such to the relevant government departments for implementation.

These committees were formulated through the institution of *musanda* while the place of the meeting was *Khoroni ya musanda*. Some of these committees still exist though they might have changes their names and scope or terms of reference like the School committee which has changed to School governing body. Newspaper reported on government's eagerness to pass the Traditional and Khoisan leadership Bill into law before the end of 2015/2016 financial year, but opponents in the ANC were afraid that the new attempts to affirm the Traditional leadership systems might open a door to form a dictatorship. In that Bill the ANC was expected to craft a united position on the role of the institution of *musanda* at its upcoming National General Council the following weekend. That included addressing concerns that the new land claims by *Vho-Thovhele*, *mahosi* and *Dzi-Khadzi* could see government giving away ownership of the state land around the country (City Press, 2015-10-04, p. 14)

The Bill, which was made public in parliament on the 18th of September 2015 seeks to recognize the role and responsibilities of the institution of *musanda* and *mahosi* in the democratic systems. In this paper it was further reported that for the first time, government has also extended the privileges enjoyed by other *mahosi-Mahulu* (Kings) such as the R56 million annual budget spent on Zulu King Goodwill Zwelithini to Khoisan tribes (2015-10-04, p.14)

This is a clear indication of how important are *Vho-Thovhele*, *mahosi* and the entire institution of *musanda* in enhancing the provision of public services to their communities. However, it was further reported that *mahosi* are very upset about the limited rights to the ownership and control of rural land and have accused the ANC government of trying to impose laws of managing community land by giving it to the municipalities. This are critical challenges that are experienced in the Thulamela

municipality regarding allocations of land for development and public service delivery in general.

The powers by municipalities to demarcate local settlements are seen to be encroaching on their territory. The paper further reported that this Bill of *mahosi* had the potential to splint the ANC since there were opponents of the Bill within the ANC itself.

The main inputs on the Bill was about the role of the institution of *musanda* in a democratic local government system. At the moment they are more responsible for traditional issues. But there are issues like land where they are equally responsible. The Chairperson of the pot folio committee of the ANC Ms Mfeketo said that there were no concerns that the Bill in its current form seemed to reinforce the old Bantustan borders as some of the opponents in the ANC claim. She further said "We want to move away from that and democratize the institution of *musanda* and *mahosi*. As things stand now, many provinces are a mirror of the past. The troubling issues are the relationships with municipalities, in particular where it relates to land," The Deputy Minister for Cooperative Government and Traditional Affairs Mr Obed Bapela said that the ANC discussion document was not expected to make any major policy shifts, as it would continue to recognize the institution of *musanda* and *mahosi* in line with the South Africa's constitution.

"We are saying we should modernize and embrace what works in a democracy" he said. Bapela also rejected the criticism that the ANC government was entrenching Bantustan boundaries with the bill and in other proposed laws such as the Traditional Courts Bill. "This law doesn't talk of governance; *mahosi* no longer govern, but have jurisdictions in which certain practices are allowed as long as people believe in them" "These things must be expressed somewhere because there are jurisdictions of *mahosi* that were founded before the balkanization of the Bantustan system" "This is what we are leaving people to continue to practise to ensure that group identities are not killed and are recognized because we are building nation" he said. The statement which suggests that *mahosi* no longer govern might not go well with the institution of *musanda* since according to them government and *mahosi* should co-govern their communities. Again this statement might be seen as suggesting to take away *mahosi's*

governance powers by government and create a culture of being undermined by the community under *mahosi*.

On the 2<sup>nd</sup> of April 2015 the MEC for Public Works, Mr. Jerry Ndou and Musina Local Municipality Major, Muhlope met *mahosi* who fall under the jurisdiction of Musina municipality. The meeting, which was part of the continuous engagement with communities and stakeholders to consolidate the idea of inclusive governance within the municipality was held at the Madimbo municipal offices. Highlighting the purpose of the meeting, Mayor Muhlope said " This gathering signifies unity. We are here to solidify our already existing relationship with *mahosi*. Given that we work as a team with provincial government when it comes to issues of service delivery, we find it important to introduce the MEC to you, our *mahosi*. "I am certain that this initiative will bear fruits." During his address, MEC Ndou acknowledged that there has been a slight gap between government leadership and the institution of *musanda's* leadership when it comes to issues of service delivery. "As government, we intend to work closely with *mahosi* who are cognisant of people's needs in their areas. I believe that this initiative will bear fruits." (Mirrow 2015-08-14 p.7)

The MEC also commended Mayor Muhlope for establishing the forum for *mahosi* and the institution of *musanda*. On behalf of *mahosi*, *Khosi Vho-Solomon Nduvheni of Rambuda Royal Council* said; "We are delighted to know that the MEC is going to be part of our forum going forward. Strengthening our relationship as *mahosi* and government will help us deliver quality services to our people when needs arise". We appreciate the role that the government is playing to ensure that we are also active in deciding how best we can serve our people". As indicated before, the statement by the Deputy Minister that suggest that *mahosi* no longer govern contradicts the purpose of the meeting which took place in Musina Local Municipality between *mahosi* and government officials which was to solidify inclusive governance. From the entire purpose of the meeting in Madimbo hall under Musina Local Municipality to the all speeches delivered there one can see that government has a plan in place to involve the institution of *musanda* in governance of the country as a whole and more specifically on issues of public service delivery to the communities.

It is important to note that both contradicting views about the institution of *musanda's* role in enhancing public service delivery and governance emerge from senior government officials who are expected to speak with one voice regarding the position of *musanda* as an institution with certain powers and responsibilities.

This shows as well that although there are policies in place that directs the role and responsibilities of both the institution of *musanda*, government and municipalities, politicians still do not implement these policies as expected to do so.

This confirms what Msimang-Tshabalala said about the inability of officials to implement existing policies and laws to improve service delivery. Gildenhuis and Knipe (2000:271) states that the institution of *musanda* and *mahosi* is very important in the African way of governance. *Vho-Thovhele* and *mahosi* have a great authority in their areas of jurisdiction. They further said that it is through *Vho-Thovhele* and *mahosi* that the unity of the tribe he/she reigns over can be maintained. In most tribes *Vho-Thovhele* and the institution of *musanda* possess all the powers to rule. Gildenhuis and Knipe (2000:272) further argued that the institution of *musanda* has a municipal government set-up. *Vho-Thovhele* and *musanda* had powers similar to what municipal government has in terms of governance to their communities.

All powers, legislation, executive and judicial were in their hands. Community members had the freedom to participate in the meetings by *Vho-Thovhele* and *mahosi* at their kraal and those meetings are called *Khoro* or *Tshivhidzo* such a system could therefore be regarded as democratic (Mwele, 1997:47). *Mahosi* functioned like municipal government in the past since there were no structures like Thulamela municipality. They were recognized as chief executive officers (CEO) in their local councils. This research sought to analyse the position, place and the role of the institution of *musanda* in the Thulamela Local Municipality with current government public service delivery. The White Paper on Local Government (1998:17) considers fully development local governments as those committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and to eventually improve their quality of lives.

The expectation of this is that municipalities should co-operate with community stakeholders to further democracy and participation in local issues of concern to

ensure that their needs are addressed and effectively met. Therefore, the divide between the local government and traditional leaders is regretted as the latter is a primary stakeholder in the community.

The Republic of South Africa came up with a policy framework that seeks to foster and encourage partnership between the institution of *musanda* and the institution of government and in this regard reference is made to the institution of Thulamela Local Municipality. The policy framework is Chapter 12 of the Constitution of the Republic of South Africa. The Constitution acknowledges that traditional leaders should continuously be accommodated in the African culture. The traditional leadership and Governance Framework Act 2003 expects traditional authorities, through their mahosi to enter into partnership with elected municipal officials. This is the policy framework that used to be implemented to improve and enhance public service delivery with the Thulamela municipality.

The interim constitution of Republic of South Africa, 1993, defines the roles position of *misanda*, *mahosi* and *khoro* and the local government. Section 182 puts *mahosi* or the institution of *musanda* at the same status of as elected leaders, by stating that *Vhamusanda* of a certain *muvhundu* (Village) who observes a system of indigenous law and resides on land within the area of jurisdiction of an elected local government would be an ex-official member, and would also be able to stand for any position in such a local government. It could be argued, however, that although this section attempts to put *mahosi* and *musanda* in a position to participate in the life of democratic government, it compromises them since their position is hereditary as opposed to having been voted into power. One would argue that their participation in the life of the democracy should be that of partnerships with the Thulamela municipality in providing public service delivery.

The Local Government Municipal Structures Act of 1998 also requires them to attend and participate in the local council meetings. Although this is currently the practice in the Thulamela Local Municipality, there are always power struggles and disagreement between *musanda*, *mahosi* and their institution of with the Thulamela local municipal structures in particular members of community who see ward councillors as having intentions of undermining the role of *musanda*.

At a 2004 workshop of *thovheles* (Kings) and *dzi-khadzi* (Queens) under the auspices of the United Nations Economic Commission for Africa (UNECA), Molotlegi (2003:6) detected a similar sentiment among Bafokeng of the North West. He says “As traditional leaders and members of traditionally governed communities, we are not opponents of the national government, but rather its constituents, ready to participate in the wider national debate. What is needed is a mind set in which traditional structures are viewed as valuable partner than as competitors or opponents, in the formation of African democracies”. From the statement above one sees the desire of *mahosi* and the entire institution of *musanda* to be recognized as equal partners in public service delivery.

The statement also echoes the need to change mind set of all *mahosi* towards the new government approach and systems towards decentralization of public services to where the community structures are more based and that is in a rural communities in that workshop they also addressed the issue around the relevance of the institution of *musanda* and *mahosi* in terms of the roles the authorities of the institution of *musanda* play within the context of the modern democratic state.

The workshop also took into consideration of the fact that the institution of *musanda* were once upon a time the repository of political administration power in the colonial period and that they were responsible for public services such as land administration construction of feeder roads, latrines, wells, along with dispute resolution and administration of common law.

Oomen (1998) argues that it is therefore not by fault that during the first general elected, campaigns and slogans sung during those eras were against the institution of *musanda* and *mahosi* because were perceived as agents of colonialism and apartheid regime. Although it should be further argued that *mahosi* have obligation to make sure that basic services are provided to their community.

According to Oomen (1998:46), the situation regarding the place and role the institution of *musanda* plays in South Africa is currently fraught with political sensitivities. These sensitivities are more felt and become more sensible when it comes to the issues of land ownership and allocation with the Thulamela Local Municipality more especially around the area of Sibasa, Thohoyandou and

Shayandima/Muledane industrial area. Municipality officials and politicians are very careful when taking about who owns the land although the areas referred to above are in *Thohoyandou* town which forms part of Thulamela Local Municipality. *Vho-Thovhele Tshivhase* of Ha-Tshivhase tribe and *Vho-Thovhele Mphaphuli* of Ha Mphaphuli tribe both feel that they have final words on how the land should be allocated and they want the Thulamela Local Municipality pay royalties towards land allocation for development. The debate on the role and place of the institution of *musanda* does not involve in any way their legitimacy or whether they are the right institution to be recognized as a legitimate institution.

In Thulamela municipality area such debate are not in place for now although these are critical argument regarding their role and place on public service delivery and decentralization of services. As indicated above, the legitimacy of the institution of *musanda* is separated debate and never has been an issue within the Thulamela Local Municipality.

These two institutions recognize each other's legitimacy although the critical challenge is that of who does what on enhancing public service delivery and decentralization.

According to Beall and Ngonyama (2009:31), the legitimacy of the institution of *musanda* has been questioned since it was manipulated by both colonial and apartheid rule for their selfish gain. It was so indicated before when there was observation that *Vho-Thovhele* and *musanda* had shuffled their allegiance from their subjects of the apartheid regime, with purpose of being appointed as cabinet minister in the former homeland of *Venda* and *Gazankulu*. This situation has same changed because there is realization from *musanda* that the new dawn of democracy in South Africa put in place all the laws that recognize the institution of *musanda* and *mahosi*. "It should, however, be stated that not all chiefs supported the apartheid regime, and some actively resisted this regime, at the cost of exile and even death. A notable example of a traditional leader who put his weight behind a liberation movement is Chief Albert Luthuli of the African National Congress (ANC)" (Ibid 563-564). In Thulamela Local Municipality, *Vhamusanda Vho-Tshikalange* of Tshivhilwi in the Thulamela Local Municipality has been an example of *mahosi* who could not be used or manipulated by apartheid regime. What is left, however, is the understanding of who

they are and what is expected of them on public service and decentralization of public service to the community.

Houston and Somadoda (1996) argue that although these were expectations that the institution of *musanda*, *Vho-Thovhele* and *mahosi* will cease to be recognized and be abolished offers 1994, if turned out that this institution needs more of reviving and realignment so that it play meaning role forwards the development of community. In Thulamela for examples most of *Vho-Thovhele* who were cabinet minister of the former homeland were recognized and protect through introduction and implement of Traditional Leaders and Governance Framework. Since the establishment of local government and municipalities in 1995\1996, what seem not so clear are the place and the roles of the institution of *musanda* regarding the provision of public services to the community?

However, this institution has been very active in providing leadership to their community since they were once the highest governance institution responsible for administration and judicial power.

Houston and Somadoda (1996) agree that before the down of democracy in South Africa, the institution of *musanda* and *mahosi* through *khoro* had authority to administer common law justice in terms of the Bantu Act of 1951. The institution of *musanda*, according to Ntsebeza (2003), also had control over economy as they collected tax and distributed land. This institution is again responsible for controlling cultural activities and makes sure those cultural norms and values do not fade away.

Chief Zibi of the Mgwalana tribal authority in the Eastern Cape, which is based in the Amatole District also argued that historically *Vho-Thovhele* or *Vhamusanda* held all the leadership functions his community. *Vho-Thovhele* or *Vha-musanda* is a symbol of unity for his people. Khunou (2009:12) argues that the institution of *musanda* and *vhuhosi* is the oldest form of society organization that delivered on developmental needs of communities and preserved the culture, traditions, customs and values of African communities. What needs to be argued further it's whether or not the institution of *musanda* and *mahosi* has been degraded after 1994 elections or in the post democratic South Africa?

## CHAPTER 3: THEORETICAL FRAMEWORK

### 3.1 Theoretical Framework

The research is based on an Afrocentric approach to public service delivery to communities because it is conducted within the African communities of Venda and Malamulele also that the researcher continues to observe African cultures and values throughout the research. The focus is on the analysis of the institution of the *musanda*'s position in the provision of public services to the community. African culture entails a unique way of implementing governance principles within communities in that leaders are always part of the community and share all community experiences. Leadership involves respect for cultural values and norms, the practices of African religion and the observations of cultural practices such as dances, songs and poetry, and avoiding those practices that are taboo. However, this research takes the Afrocentric approach in an attempt to inspire African leaders like the *vho-thovhele*, *khosi-khulu*, *vhamusanda*, *mahosi* and *magota* to take fulfil their traditional role while working with the current government structure like the Thulamela municipality without being diluted by the current public service approaches on service delivery.

African leaders should emerge and take their rightful position in deciding how public service delivery to the community, including the process of decentralization of public services, should work. Within African cultures, culture has a great influence on how persons like the *vho-thovhele* or *khosi-khulu* should make a final decision on a particular action. This is true for the Venda people as well. It is with this background that a researcher is keen to follow an Afrocentric approach. According to Asante (1987): "the Afrocentric approach method is derived from the Afrocentric paradigm which deals with the question of African identity from the perspective of African people as centred, located, oriented and grounded"

Asante (1987) further argues that Afrocentricity can have a significant impact on the way African researches view their identity, specifically considering the African people as centred, located, and orientated and grounded. Reference is made to African cultures like Venda, Tsonga, Zulu, Pedi and Sotho. But it must be taken into considerations that these research will be looking at African Venda and Tsonga

cultures since they are located within the Thulamela Local Municipality. In providing a critical analysis of the two institutions and their roles and positions with regard to enhancing public service delivery, the researcher does not attempt to appear to be an invisible anonymous voice of authority that can dictate the terms and conditions of the research, but a real individual with concrete desires and interests (Mkabela, 2005:32).

Mazama (2003:14) argues that the most important aspect about this approach is to identify who Africans are. In this study the researcher identifies himself with the Vhavenda and Batsonga African people. This means that the researcher is part of Vhavenda and Batsonga African indigenous practices and understands the norms and values of both of these cultures. Some of the African religious practices include the veneration or appeasing of ancestors through conducting ceremonies like the *Malombo* dance in the Tshivenda culture or the *Machomani* in Xitsonga culture. In addition, many African tribes have sacred areas that are believed to be the places of the ancestors and a chosen few elders of the community are allowed to access those areas. Therefore it is important that the government public delivery system understands the African way of life so that both the institution of *musanda* and *mahosi*, which takes a leadership role in the African culture, can work well with government structures.

In other words, the researcher has a clear understanding of the cultural background of the institution of *musanda* and *vuhosi* within the Thulamela Local Municipality. The needs of the community is not identified from a distance, since a researcher is part of that community and understands their needs and aspirations. Mazama (2003) divides Afrocentricity into three parts, namely affective (cognitive and conative), structural and functional. All of these aspects are understood as navigating principles that function as the basis for inquiry into the phenomenon Mazama describes.

According to Mazama (2003:28), “this aspects equips the scholars with the necessary methodological tools and principals to conduct research that is liberating for continental and diasporic Africans. The institutionalization of organising principles generates a basis for methodological approaches that are rooted in African people's realities”.

He further argues that since Afrocentricity constitutes a systematic approach to African phenomena where culture is emphasized as essential for the collection of African people, it is imperative that Afrocentric methodologies are generated for and applied to the construction of research projects and the interpretation of research on African people. The key here is “epistemological centeredness”, which involves placing Africans as self-willed agents instead of objects of investigations (Mazama, 2003:5). Asante states that Afrocentricity serves as the establishment of the subject place of Africans and the destruction of the compliance with European ideas and concept of Africans (Asante, 1988:6). In effect, afrocentricity emerged as a methodology that consciously operates within African ways of knowing and existing and results in the implementation of principles, methods, concepts, and ideas that are derived from our own African cultural experiences (Mazama, 2003:5).

The researcher affirms and agrees with Asante (1988:8) on the debate around Afrocentricity as a statement servicing the destruction of the compliance with European ideas and concept of Africans. This argument is made on the basis that the government public service delivery approach in South Africa often adopts European approaches and methodologies for service delivery to the communities in Africa. In some cases those methodologies lack respect for African indigenous culture and as a results African feel offended. This framework seeks to find a way of destroying compliance to the Eurocentric approach on public service delivery and to adopt an African approach that can results in African people accepting or benefitting from government public service delivery and decentralization of services without fear of the eradication of their culture and a government that undermines their cultural values.

### **3.2 Definition of the Afrocentric approach**

Afrocentrism can be defined as an approach centred or derived from African culture. It emphasizes and promotes African culture and the contribution of the African to the development of western civilization. According to Asante, Afrocentricity is a paradigm based on the idea that African people should re-assert a sense of agency to achieve sanity. The approach dates from the 1960s, when a group of African American intellectuals in the newly formed Black studies department at a university began to formulate novel ways of analysing information.

The Afrocentric paradigm, according to Asante, is a revolutionary shift in the thinking. It proposes a contractual adjustment to black disorientation, decentredness and lack of agency. In other words, it asks what natural responses would occur in the relationships, attitudes toward the environment, kinship patterns, preferences for colours, types of religion and historical referent points for African people if there had not been any intervention of colonialism or enslavement? Afrocentricity answers the question by asserting the central role of the African subject within the context of African history, thereby removing Europe from the centre of the African reality.

Afrocentricity emerged as a process of creating political consciousness for people who existed on the edge of education, art, science, economics, communication and technology as defined by Eurocentrics. If the process is successful the recentering of the people would create a new reality and open another chapter in the liberation of African minds. This was the hope of Afrocentricity when Africans like Asante started researching and publishing on the subject. They aimed to strike a blow at the lack of consciousness of African oppression and the lack of consciousness of possible available victories. According to Asante (1998), “the objective has always been to create space for conscious human beings. This is the key to reorientation and recentering so that the person acts as an agent rather than as a vicious dependent”.

Asante (2003:36) posits that there are minimum characteristics for an Afrocentric project and, namely an interest in psychology and location, a commitment to finding the African subject place, the defence of African cultural elements, a commitment to lexical refinements and a commitment to correct the history of Africa. In this way, Afrocentricity becomes a revolutionary idea because it studies ideas, concepts, events, personalities, politics and black people as subjects and not as objects, basing all knowledge on the authentic integration of location.

### **3.3 Asante’s five general characteristics of the Afrocentric method**

It is worthwhile to quote Asante’s (2009) own rendering of the characteristics of the Afrocentric method:

*“The Afrocentric method considers that no phenomenon can be comprehended adequately without locating it first. A phenomenon must be studied and analysed in relationship to psychological time-space. It must be located. This is the only way to investigate the complex interrelationship of science and art, design and execution, creation and maintenance, generation and tradition and other areas passed over by theory.*

*The Afrocentric methods considers phenomena to be diverse, dynamic and in motion and therefore it is necessary for a person to accurately note and record the location of phenomena, even in the midst of fluctuation. This means that an investigator must know where he or she is standing in the process.*

*This method is a form of cultural criticism that examines etymological uses of words and terms in order to know the source of an author's location. These allow us to intersect ideas with actions and actions with ideas on the basis of what is projective and ineffective on the political and economic levels.*

*The Afrocentric method seeks to uncover the masks behind the rhetoric of power, privilege and position to establish how principles myths create place. The method enthrones critical reflection that reveals the perception of monolithic power as nothing but the projection of cadre of adventures.*

*The Afrocentric method locates the imaginative structure of economic systems, bureau of politics, policy of government, expression of cultural forms in the attitude, direction and language of the phenomena, be it text, institution, personality, interaction or event.”*

Since the research aims to affirm the above characteristics, each characteristics is analysed in line with the chosen topic for this research. The first characteristic deals with the investigation of complex interrelationships of science, including generation and tradition.

In this case there is a critical analysis of the institution of *musanda* and how it relates to the Thulamela Local Municipality regarding public service delivery to the community area. The issue of culture and tradition has to be located before an investigation can be conducted. The location is the Vhavenda and Batsonga cultures and traditions since the research is conducted in Thulamela Local Municipality where both these cultures reside. As indicated before, the Afrocentric approach allows the researcher to be part of the process as opposed to a spectator bringing a voice of authority from outside the process.

The second characteristic addresses the issue of diversity, dynamism and motion. It is therefore worth noting that conducting an investigation on the institution of *musanda*, *mahosi*, *vhovhovele* and *magota* requires diverse management skills since the two investigations are not remotely similar.

The third characteristic directly affirms the whole area of critical analysis of the institution of *musanda* and allows the researcher to intersect ideas with actions.

As per the fourth characteristic, this research seeks to uncover the masks behind the rhetoric of power and power struggles between the institution of *musanda*, *vhovhovele*, *mahosi*, *magota* and the Thulamela Local Municipality, councillors, managers and other external structures linked to the municipality. The research aligns itself with these characteristics because there is a need to uncover privilege and the position of both institution's power as nothing but the projection of a cadre of adventures. The research also aligns itself with the last characteristic, which describes the location of the imaginative structure of economic system, bureau of politics and policy of government and many more. The research focuses on politics and the policy of government and how the institute of *musanda* and the Thulamela Local Municipality could possibly work together towards enhancing public service delivery to the community of Thulamela municipal area.

In doing so government policies on the role of the institution of *musanda* is analysed together with all policies of government that were key in the establishment of the Thulamela municipality and the role it should play in the provincial public service delivery decentralization process. The Afrocentric approach offers a guiding principle for integrating indigenous culture into the public service delivery research process.

According to Asante (2009:56), the Afrocentric idea is essentially about location because Africans have been moved away from their own cultural and historical terms, decentred by the condition of oppression. It is important that any assessment of the African condition or analysis of African phenomenon be done Afrocentrically.

Stating a definition does not exhaust the power of concepts. It may in fact create further difficulties unless it is explained in such a way that it elucidates the idea. Afrocentricity is about location precisely because African people have been operating from the fringes of the Eurocentric experience. Much of what we have studied in African history and culture or literature and linguistics or politics and economics has been as peripheral to the real activity. This off-centeredness has affected both Africans and Whites in the United States. Afrocentrism is therefore a radical redefinition that seeks the reorientate of Africans to a centred position (Asante, 1998).

This chosen approach should be able to offer guiding principles to the Thulamela Local Municipality for integrating and utilising the Venda and Tsonga values within their public service delivery plan. The institution of *musanda* and *vhuhosi*, which in Venda culture still uphold their cultural norms and values, have to find a place and role to play in providing services to the community in the current government public service delivery system. The Afrocentric idea in this research is about locating the institution of *musanda* within the Thulamela Local Municipality after it has been moved off its cultural role of rendering community services and providing governance as per their cultural principles. The colonial interventions and systems of previous governments have succeeded in shifting and displacing the African values and norms, from there the need to take an Afrocentric approach as a way of redefining the African way of doing things.

## CHAPTER 4: DATA COLLECTION

### 4.1 Description of the study area



**Figure 3-1: Map of the study area (adapted from IDP document 2014/2015)**

The study was conducted in the Thulamela Local Municipality. The Thulamela Local Municipality is a category B municipality and one of the local municipalities within the Vhembe District Municipality. This municipality is situated in the far north of Limpopo with the Kruger National Park forming the border in the east, while the Mutale Municipality forms part of the boarder in the North-East and Makhado Municipality in the South and South-West. In terms of the size, the Thulamela Local Municipality is the largest Local Municipality in the province, with its head office in Thohoyandou.



Figure 3-2: Thulamela - photo taken on the 31<sup>st</sup> of May 2016

The Thulamela Local Municipality covers the areas that were formerly included in the Venda Homeland while other areas were under the Gazankulu Bantustan. As indicated above, Thulamela covers an area where there are two ethnic groups who speak two different languages. The area of Malamulele is dominated by people who speak Xitsonga, while the area around Thohoyandou and the neighbouring villages is dominated by people who speak Tshivenda. It is important to indicate that the Thulamela Local Municipality is mainly rural. There are only a few towns, namely Thohoyandou, Sibasa, Malamulele and Saselamani. The rest of the Thulamela Local Municipal area falls under *musanda* and *mahosi*, who are the traditional custodians of the land and its residents. The areas that are dominated by Xitsonga-speaking people are Basani, Green farm, Xikundu, Mhinga, Makumeke, Makuleke and Madonsi. The areas that are dominated by people who speak Tshivenda are Lwamondo, Tshisaulu, Duthuni, Shayandima, Thohoyandou, Sibasa, Mbilwi, Mukula, Mavunde, Ha-Lambani and Vhuri-Vhuri.

The population within the Thulamela Local Municipality is approximately 618 462 according to the census conducted in 2011. This number may have changed due to several factors. The Thulamela Local Municipality covers an area of 5 834 km<sup>2</sup>. The main economic activity in the Thulamela Local Municipality is agriculture, since most people are able to survive on fruits and vegetables they grow themselves. The Thulamela Local Municipality is known for developing small, medium and micro enterprises. These are funded by the Limpopo Economic Development Agency (LEDA) and the Small Enterprise Financing Agency (SEFA). These institutions promote up-and-coming entrepreneurs who cannot be absorbed by government through formal employment.

#### **4.2 Research design and methodology**

The intent of qualitative research is to gain in-depth understanding of a situation. As such, most sampling strategies involve purposefully selecting individuals according to criteria that the evaluator considers most valuable for answering the questions generated (Patton, 1990). This study precisely adopted the qualitative method of collecting data by purposefully selecting specific *mahosi* who have been in the position

for at least five years and specific members of the Thulamela Local Municipality who occupy specific positions relating to the research being conducted.

The *collection of data for qualitative research* is often used as a catch-all phrase to mean that a reader should not expect any “hard numbers” from research findings. While qualitative research is the collection and analysis of primarily non-numerical activities (words, pictures and actions), it does not mean you can’t apply a structured approach to your research efforts. Usability testing is often characterized as a qualitative activity. Summarising findings from watching participants in a usability test generates many utterances, actions and images. In reality, usability testing is (or at least should be) a mixed-method approach: both qualitative and quantitative data are collected (Johnson & Christensen, 2012). It is important to indicate that this research applied the qualitative approach and no usage of hard numbers was applied. The research was conducted to provide an analysis of the institution of *musanda* and *mahosi* within the Thulamela Local Municipality in line with the current government service delivery system. A full description of the research methodology follows in this chapter, covering the study area, research design, and research area, with reasons why those research areas were selected. The collection of data is presented in this chapter, while the next chapter presents the data analysis.

The problem that is investigated based on this data is the position, role and responsibility of the institution of *musanda* with regard to promoting public service delivery in the community in the Thulamela Local Municipality. In general, the data collected should be able to establish why the institution of *musanda* and the Thulamela Local Municipal structures can’t work together towards decentralization of services and improving and enhancing service delivery to the people.

According to Burns and Grove (2001), designing a study helps the researcher to have a plan that will assist or guide the implementation of the study in such a way that it will help him or her to reach the intended outcomes. This study analyses both the institution of *musanda* and the Thulamela Local Municipality with regard to their positions and roles in the provision and enhancement of public services and the process of decentralization of services to the communities. This study has taken a narrative format in terms of showing the definition of the institution of *musanda*.

The research design refers to the overall strategy that the researcher chooses to integrate the different components of the study in a coherent and logical way to effectively address the research problem. It constitutes the blueprint for the collection, measurement, and analysis of data. Burns and Grove (2003:195) define a research design as “a blueprint for conducting a study with maximum control over factors that may interfere with the validity of the findings”. Parahoo (1997) describes a research design as a “plan that describes how, when and where data are to be collected and analysed”. Polit et al. (2001) define a research design as “the researcher’s overall plan for answering the research question or testing the research hypothesis.”

This research design therefore describes how the data were collected, when it was collected and how it was collected. Data were collected during the period between October 2015 and December 2015. The University of Venda approved the study, and the letters were distributed to different *misanda* during the month of October. At the same time, telephone appointments were made through secretaries of the tribal councils. In cases where municipality officials were to be interviewed, the office of the acting municipal manager was visited to submit a letter that asks permission to conduct interviews with relevant municipality structures such as the LED manager, IDP manager, Municipal manager, the Mayor, and councillor responsible for both the LED and IDP.

This research design was appropriate for this study because the investigator intended to provide an analysis of the institution of *musanda* as it relates to the position, roles and powers *misanda* have in the process of decentralization of public services to the people, including enhancement and provision of public services to the entire community of Thohoyandou. The study also sought to critical analyse the institution of *musanda* with regard to the relationships they have with the Thulamela Local Municipality and how best that relationship can be improved to serve the recipients of much needed services. Critical to this relationship are the consultations and collaboration processes, including community engagement processes. The researcher wished to establish if there is an operational model in place between the institution of *musanda* and the Thulamela Local Municipality and to offer one if not.

The interviews took place within the agreed areas wherever both the respondent and the interviewer thought would be an appropriate venue for such an interview. The venues were mostly natural since most *misanda* were interviewed in the comfort of their palaces, while some of course preferred the tribal offices for confidentiality and respect in terms of accessibility.

In cases of participants from the Thulamela Local Municipality, the settings were their offices which they operate from on a daily basis. Again this provided comfort and confidence in responding to any question, since they are engaged in the activities related to the proposed questions in the same offices all the time.

Although these interviews were conducted in the respondents' natural setting, the fact that these settings were far apart in different *misanda*, the cost of travelling was very high. The average kilometres travelled between *misanda* was around 180 km. Some interviews took place in the area of Malamulele, while others took place at Vhuri-Vhuri, Xigalo, Mhinga and Shanzha, areas that are far apart. This required extensive travelling, using extensive resources to cover the cost of such travelling.

### 4.3 Research Population and Sampling

According to Polit and Hungler (1999:78), the population and sampling refers to the aggregate or totality of all the objects, subjects or members that conform to a set of specifications. The population is an aggregate or totality of all the objects, subjects or members that conform to a set of specifications. The population can also be defined as a complete set of element (persons or objects) that possess some common characteristics defined by the sampling established by the researcher. In this research the population was chosen as follows:

**Table 4-1:** This table presents population sampling of this research

Institution of <i>musanda</i>	Thulamela Local Municipality	Community structures
x Thovhele/Ndavesithe 1 x Advisor to Khosi-Khulu ya Vhavenda	1x TLM Mayor 1x councillor for IDP & LED	1 x SANCO executive member

1 x Advisor to Thovhele/Ndavesithe		
6x mahosi/Tihosi	1 x LED manager 1x IDP manager	1x TLM focus group discussion

The sample was arranged for interview from *vho-thovhele* to *mahosi* as follows:

### **The Mphaphuli tribal council**

Thovhele Mphaphuli – 24 November 2015

Khosi ya Malavuwe – 29 December 2015

Khosi ya Vhuri-Vhuri – 3 January 2016

### **The Tshivhase tribal council**

Thovhele Tshivhase – 21 January 2016

Khosi ya Shanzha – 6 December 2015

### **Xikundu**

Ndhavesithe Xikundu – 24 November 2015

Hosi ya le ka Hlengani, previously known as Ka Simbi – 8 January 2016

Hosi ya le ka Gonani – 8 January 2016

### **Mhinga Tribal Council**

Hosi ya le Makuleke on the 24<sup>th</sup> November 2015

Hosi ya le ka Botsoleni on the 24<sup>th</sup> November 2015

### **Additional Respondent**

Advisor to the King of Vhavenda clan on the 7<sup>th</sup> December 2015

## Community structures

SANCO - 5 January 2016

### The Thulamela Local municipality

The mayor of the Thulamela Local Municipality - 20 January 2016

The Councilor for IDP and LED - 21 December 2015

The IDP manager - 20 January 2016

The LED manager - 20 January 2016

#### 4.4 Questions for data collection

The questions below were asked to all the respondents during the different interviews and they also formed part of group discussions in cases where more than one person were engaged in data collection.

- What is your understanding of service delivery to the community?
- What role do you think *misanda* and *mahosi* should play in service delivery within the community of the Thulamela Local Municipality?
- Do you think the institution of *musanda* and all *mahosi* are fully involved in the process of decentralization of services and public service delivery within the Thulamela Local Municipality?
- How do you view the relationship between the institution of *musanda* and the Thulamela Local Municipality regarding public service delivery?
- Do you think the institution of *musanda* is currently playing a critical role in public service delivery within the Thulamela Local Municipality? If yes, how, and if no, how would you like this institution to play the public service delivery role?
- In your understanding, what could be the challenges facing public service delivery in the Thulamela Local Municipality?

- Were there times and situations where there were disagreements between the institution of *musanda* and the Thulamela Local Municipality regarding public service delivery that required the mediator to resolve those differences or instances where the two structures took each other to court for solutions?
- In your view, do you think there are enough consultation between the Thulamela Local Municipality and the institution of *musanda* regarding public service delivery?
- How would you like the institution of *musanda* and the Thulamela Local Municipality to relate regarding public service delivery to the community of the Thulamela area and the whole process of decentralization of public services?
- If you were to propose a working structure between the Thulamela Local Municipality and the institution of *musanda*, how should that structure be? (Modus operandi)

Data collection by means of the questions above aimed to answer the main research questions, namely:

- What is the role of the institution of *musanda* in Thulamela towards enhancing the current public service delivery system?
- What is the effect of conflicts between municipal structures and the institution of *musanda* on the provision of public services within the Thulamela Local Municipality?
- Which model of operation and engagement can improve working relations between the Thulamela Local Municipality and the institution of *musanda*?

The interview questions enlarged the research questions to try and answer the problem statement. The problem statement indicates the inability of the institution of *musanda* and the Thulamela Local Municipality to work together towards enhancing and promoting public delivery to their community. The interviews with different groups of people were intended to establish what could be the cause of this inability of the Thulamela Local Municipality and the institution of *musanda* and *mahosi* to work

together towards improving the lives of people within the Thulamela Local Municipal area. The questions were also aimed at determining the effect that these differences between the institution of *musanda* and the Thulamela Local Municipality have on the community.

In line with all of the above, it was important to determine what *modus operandi* could be put in place so that the Thulamela Local Municipality and the institution of *musanda* can work together harmoniously toward public service delivery.

Visits were planned and scheduled for the sake of precision. The *misanda* and *mahosi* were visited at their residences areas, called *musanda*, while some of them were visited in their offices. The participants from the Thulamela Local Municipality structures were also visited in their offices, situated in Thohoyandou. The following table shows how data were collected.

**Table 4-2**

<b>Data Collection</b>	
Name of the respondent	Vho-Thovhele Gole Musiiwa Mphaphuli of the Mphaphuli clan
Date of interview	24 November 2015
Time spent on interview	40 minutes: Refused audio-recording
Narrative account / Key points raised	<ul style="list-style-type: none"> <li>• The respondent's understanding of service delivery is that government through the Thulamela Local Municipality has an obligation to provide services to the people to improve their living conditions.</li> <li>• He did not think they are playing the role that they are supposed to play, in actual fact they are left behind on issues of service delivery.</li> <li>• When attending council meetings, they are treated like ordinary people and are outvoted</li> </ul>

Data Collection	
	<p>when it comes to issues of service delivery. As a result projects get implemented in their area and villages without our approval.</p> <ul style="list-style-type: none"> <li>• There is a challenge regarding experiences of ward councillors who are deployed in his area since many things go wrong.</li> <li>• The respondent raised concerns about councillors who hold meetings in his village without his knowledge to discuss service delivery programmes without consulting him.</li> <li>• He also indicated the need for proper consultation and collaboration between the institution of <i>musanda</i> and the Thulamela Local Municipality.</li> <li>• On the relationship between the Thulamela Local Municipality and the institution of <i>musanda</i>, he stated that the relationship is not so good and that much needs to be done in this regard.</li> <li>• He raised concerns around land ownership and usage since the Thulamela Local Municipality utilizes land they believe under <i>Ha-Mphaphuli</i> without their consent.</li> <li>• “There are still pending land claims but on some land but the Thulamela Local Municipality is going ahead to allocate such land for development without our consent”.</li> <li>• He feels that public service delivery should be a joint venture between the institution of <i>musanda</i></li> </ul>

<b>Data Collection</b>	
	<p>and the Thulamela Local Municipality. This is not happening at the moment.</p> <ul style="list-style-type: none"> <li>• He further indicated that there are a few court interdicts and instances of litigation that have been concluded, while some are ongoing between the Thulamela Local Municipality and the institution of <i>musanda</i>.</li> <li>• <i>Vho-thovhele</i> proposed that there be an operational model between the institution of <i>musanda</i> and the Thulamela Local Municipality is made up of some members from the Mphaphuli tribal council and the structures within the Thulamela Local Municipality.</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• From the above key points raised the researcher deduced that there is still a huge gap between the Thulamela Local Municipality and <i>musanda</i> on the understanding of the whole issue around public service delivery to the communities and the decentralization of services within the whole Thulamela Local Municipal area.</li> <li>• There is need to strengthen the relationship between the institution of <i>musanda</i> and the Thulamela Local Municipality regarding public service delivery to the communities.</li> <li>• The researcher also found that there is a need to orientate and train both the institution of <i>musanda</i> and the Thulamela Local Municipality regarding land management and land usage as a lack of knowledge about this matter has</li> </ul>

Data Collection	
	resulted in tensions and conflicts between the two structures.

**Table 4-3**

Data Collection	
Name of the Responded	Advisor/Spokesperson to <i>Vho-Thovhele Gole Mphaphuli</i>
Date of Interview / Engagement	17 <sup>th</sup> December 2015
Time Spent on Interview	48 minutes
Narrative accounts / Key points raised	<ul style="list-style-type: none"> <li>• My understanding of public service delivery is that government has as obligation to provide essentials that any community deserve to have and those essentials cover the issues like water, sanitations, roads and houses. This issues are budgeted for through government fiscus that are meant for that.</li> <li>• For me the institution of <i>musanda</i> has a critical role to play regarding service delivery since it has to work with the Thulamela Local Municipality towards enhancing service delivery to the community.</li> <li>• The institution of <i>musanda</i> has the duty to conduct service delivery needs analysis of their own people.</li> </ul>

Data Collection	
	<ul style="list-style-type: none"> <li>• The institution of <i>musanda</i> should act as a conveyer belt between the community and the Thulamela Local Municipality</li> <li>• The institution of <i>musanda</i> is well positioned to assist with governance within the community and to instill a sense of ownership of service delivery infrastructures that are built in the communities.</li> <li>• From the look of things I think the institution of <i>musanda</i> is and <i>Mahosi</i> are sidelined at all cost and it has no relations with policy issues but those are individual views and intentions to undermine the institution of <i>musanda</i>.</li> <li>• They are not involved by the Thulamela Local Municipality on issues relating to public service delivery at all.</li> <li>• In cases where a certain <i>Musanda</i> or <i>Khosi</i> is involved you will find that a certain individual benefits from that service delivery project or tender that may even include <i>Khosi</i> or <i>Vhamusanda</i> himself/herself who will benefit unduly.</li> <li>• As for now I would not say there are relationships between the institution of <i>musanda</i> and the Thulamela Local Municipality. More still need to be done.</li> <li>• The role that the institution of <i>musanda</i> play is when citizens of that village need to apply</li> </ul>

Data Collection	
	<p>for identity document or open a bank account then <i>Vhamusanda</i> will write a letter to confirm that such person resides in that village.</p> <ul style="list-style-type: none"> <li>• In most cases steering committee members change faces and there is always conniving between the project steering committee members and the service providers appointed by the Thulamela Local Municipality.</li> <li>• In that case projects are usually compromised in terms of quality</li> <li>• The issue of capacity in the Thulamela Local Municipality is a critical challenge. E.g. you will find an Educator managing a water project without a know-how on the technical matter for this project.</li> <li>• Bribes and Corruptions seem to be overshadowing public service delivery and those who are skilled get sidelined and not consulted when decisions are made.</li> <li>• There are many incidents were there were differences between the institution of <i>musanda wa ha Mphaphuli</i> and the Thulamela Local Municipality which some of those differences ended in court.</li> <li>• I would like to propose that there be a committee from the institution of <i>musanda</i> formulated to work with the structures from</li> </ul>

<b>Data Collection</b>	
	<p>the Thulamela Local Municipality ,in that way there could be an improvement in working relationships and minimization of tensions and conflicts</p>
Summary	<ul style="list-style-type: none"> <li>• The above discussions show that there is a need to strengthen the relationship between the institution of <i>musanda</i> and the Thulamela Local Municipality. However, the vigilant approach of councilors to the institution of <i>musanda</i> when providing service delivery to the people is slowly fading away due to education and awareness on individual's structure's role and responsibilities.</li> <li>• There is a need on basic training regarding land ownership, land management and land allocations for both the institution of <i>musanda</i> and the Thulamela Local Municipality.</li> <li>• This could be an eye opener for both parties and could reduce tensions and conflicts between the two institutions.</li> </ul>

**Table 4-4**

<b>Data Collection</b>	
Name of the respondent	Hosi Joseph Nwamba of Ha-Makuleke
Date of interview	24 November 2016

<b>Data Collection</b>	
Time spent on interview	45 minutes: Audio recording used
Narrative account / Key points raised	<ul style="list-style-type: none"> <li>• “I understand what service delivery is although I do not like the manner at which the Thulamela Local Municipality provides this services to the community”.</li> <li>• “On the issue whether the institution of <i>musanda</i> plays a role on service delivery, I think that they are sidelining <i>mahosi</i> and we just get to know about public service delivery through rumours”.</li> <li>• “At some point I see different types of services being rendered in my village without any knowledge of when were those things planned and I only get clarity after calling a ward councillor for knew all along about this plans”.</li> <li>• During elections times, councillors come to the villages and promise voters good public service delivery, but after elections they disappear.</li> <li>• The impression they create before elections is that they will continue to consult with voters on all issues relating to public service delivery to the communities within the Thulamela Local Municipality.</li> <li>• “In all cases the councillors call for a village meeting and discuss issues relating to public services delivery without even inviting me for that meeting.”</li> <li>• “I do not see any role that <i>mahosi/Tihosi</i> play in the provision of public service delivery because</li> </ul>

<b>Data Collection</b>	
	<p>every decisions are made for us without us, then get implemented”.</p> <ul style="list-style-type: none"> <li>• “The ward councillor does not consult me or report anything from the Thulamela Local Municipality that relates to service delivery to my village”.</li> <li>• “I perceive the Thulamela Local Municipality as undermining the institution of <i>musanda</i> in matters relating to providing services to the communities since in general things just happened without my knowledge”.</li> <li>• “In terms of the relationship between the institution of <i>musanda</i> and the Thulamela Local Municipality I think that such relationship is very poor and almost non-existence since public services gets dictated to us without our involvement”.</li> <li>• “<i>Vho-Thovhele/Ndhavesithe</i> do not report back to us on issues discussed at the Thulamela Local council meetings hence sometimes we do not know anything”.</li> <li>• “The only operational model I can proposed is to combine structures from <i>musanda</i> with those structures from Thulamela Local Municipality so that they work together”.</li> </ul>
Summary	<ul style="list-style-type: none"> <li>• According to Hosi Nwamba of Ha-Makuleke village, the Thulamela Local Municipality and the institution of <i>musanda</i> are not working together at all regarding public service delivery</li> </ul>

<b>Data Collection</b>	
	<p>to the community of the Thulamela Local Municipality.</p> <ul style="list-style-type: none"> <li>• He finally indicated that there is a need for both these institutions to work together towards public service delivery and decentralization of services to the community.</li> <li>• He has no idea regarding an operational model for the Thulamela Local Municipality and the institution of <i>musanda</i>.</li> </ul>

**Table 4-5**

<b>Data Collection</b>	
Name of the respondent	Hosi-Xikundu
Date of Interview	24 November 2015
Time spent on interview	42 minutes
Narrative account / Key points raised	<ul style="list-style-type: none"> <li>• “Service delivery according to us is what the government provides to the people so that their lives becomes easy or improved”.</li> <li>• “I do not think that the Thulamela Local Municipality considers of the institution of <i>musanda</i> in planning towards public service delivery to the community”.</li> <li>• “In terms of how I see things the institution of <i>musanda</i> does not play a critical role in public service delivery to the community”.</li> <li>• “As far as I see things there is still a huge gap between the institution of <i>musanda</i> and the Thulamela Local Municipality on issues of decentralization of public services to the</li> </ul>

Data Collection	
	<p>community within the Thulamela Local Municipality”.</p> <ul style="list-style-type: none"> <li>• “It is very difficult at the moment to work or be involved with the Thulamela Local Municipality on issues of service delivery to the community instead they have just been reduced to the status of spectators”.</li> <li>• “The relationship between us and the Thulamela Local Municipality is not good at all, in other words one would even say there is no relationship at all regarding the provision of public services to the community”.</li> <li>• “Off course the above has history, the late Hosi-Xikundu did not want to hear anything about the Thulamela Local Municipality including the African National Congress”.</li> <li>• “Ward councillors were not allowed to visit the Royal house of the Tribal council”.</li> <li>• “However, we are working on changing the situation since I am acting as <i>ndhavesithe</i> with the option of being installed after a morning period of a year and also with the help of my younger brother things are getting slowly normal now”.</li> <li>• “Water and Sanitation reports were never presented the <i>musanda</i> because of these tensions between the ward councillors and the institution of <i>musanda</i>”.</li> <li>• “The institution of <i>musanda</i> is currently re activating all community forums which should</li> </ul>

<b>Data Collection</b>	
	<p>work with the structures from the Thulamela Local Municipality in providing services to the Xikundu area and all its eleven villages under <i>mahosi</i>".</p> <ul style="list-style-type: none"> <li>• "We always have differences regarding consultations that we expect the Thulamela Local Municipality to have with us before developing certain areas but they do that without consulting us hence these differences.</li> <li>• "We are not in a position to can propose the operation model except to say that we expect the structures from the Thulamela Local Municipality to work with us in the provision of public services"</li> </ul>
Summary	<p>The institution of <i>musanda</i> at Ha-Xikundu should start moving faster to facilitate the restorations of all committees, including the structures of SANCO, so that all structures in this area can work together towards providing public services, the decentralization of services and generally improving the lives of people.</p>

The attached pictures below were taken at the Xikundu royal house which is where *Ndhavesithe* (Senior Chiefs) lives with some of the members of the institution of *musanda wa ka* Xikundu. The top thatched roof house is the burial house for all *Ndhavesithe* of Xikundu. It was found that *Ndhavesithe* in terms of the Xikundu royal house are buried in a closed house as opposed to be buried at the community graveyard with everyone.



Figure 4-1: Photo of *musanda ka Xikundu*

**Table 4-6**

<b>Data Collection</b>	
Name of the respondent	Vhamusanda Vho-Thinandavha Neckson Shavhani from the Shanzha Village
Date of interview	6 December 2016
Time spent on interview	38 minutes
Narrative account / Key points raised	<ul style="list-style-type: none"> <li>• “Service delivery simple means taking services to the people and making differences to people lives, just how I understand service delivery”.</li> <li>• “For me I think we are the relevant role players for service delivery to our communities since we are the custodian of those cultural values and norms of our society. We know who they are so we then know what they need”.</li> <li>• “Regarding our involvement in the provision of services to our community “I say a big NO to that because the Thulamela Local Municipality does not recognize the capacity the institution of <i>musanda</i> has on service delivery”.</li> <li>• “Our relationship with the Thulamela Local Municipality is not where it is supposed to be there is still more that needs to be done regarding public service delivery to the community, we are far apart from each other, and that becomes a big problem”.</li> <li>• “However, it is important to indicate that I personally relate very well with the ward councillor because I get all reports of my villages and meetings are held here in</li> </ul>

Data Collection	
	<p><i>musanda</i> with me present if there is a need but I always get reports of all the meetings”</p> <ul style="list-style-type: none"> <li>• “Structures like SANCO, Ward committees and the ward councillors themselves work with me so well so in that case I do not see any challenge”</li> <li>• “The critical challenges facing public service delivery in Thulamela Local Municipality is in general corruption and in some instances lack of capacity from within the municipality and on the side of service providers appointed by the Thulamela Local Municipality to deliver services on their behalf.”</li> <li>• “We never had any challenges that could lead to court interdict or litigation with the Thulamela Local Municipality since we are a village far from town”.</li> <li>• “The form of consultation that I would need to see happening is that of Government and the political alliances when there is a plan to embark on any major governance change but in the case of the institution of <i>musanda</i> such consultation is not visible”.</li> <li>• “There has to engagement between us and the Thulamela Local Municipality that should involve intensive consultation by municipality to us so that we work together on all issues affecting our community”.</li> <li>• “The operational model I will propose is that of putting together a working committee made up of structures from my village and structures</li> </ul>

<b>Data Collection</b>	
	from the Thulamela Local Municipality so that both structures can work together towards providing service delivery to the community”.
Summary	<p>There seems to be some extent of a working relationship between the Thulamela Local Municipality and the institution of <i>musanda</i> at Shanzha because some structures are reporting to <i>musanda</i> all issues relating to service delivery to the community.</p> <p>Vhamusanda brought forward a strong argument that the Thulamela Local Municipality is not tapping into the capacity of the institution of <i>musanda</i> regarding public service delivery. He argues that if the Thulamela Local Municipality can intensify their recognition of the institution of <i>musanda</i>, more could be achieved in working together in the community.</p>

This picture below presents musanda wa Shanzha. The thached roof roundavel has been avialed to the community structres to hold their meetings while there is a space created in that house for office adminstration. The thachet roof structure is where Khoro ar Tshivhidzo take place every Sunday while there is an overview of Shanzha village including the blackroof of Pfamo ya musanda (see Figure 4.4).



Figure 4-2: Musanda wa Shanzha

**Table 4-7**

<b>Data Collection</b>	
Name of the respondent	Mr Langanani Jackson Mafunzwaini: Advisor to the king of the Vhavenda
Date of interview	7 December 2016: Audio-recorded
Time spent on interview	20 minutes
Narrative account / Key points raised	<ul style="list-style-type: none"> <li>• The institution of <i>musanda</i> is a historical institution that needs to be protected and respected.</li> <li>• “I do fully understand service delivery and the role that municipality and the institution of <i>musanda</i> should play in providing services to the community”.</li> <li>• “It is my observation that the institution of <i>musanda</i> is not assigned a meaningful role to play in the process of providing services to their community and that in itself creates a lot of tensions and conflicts”.</li> <li>• “Regarding consultation when services are to be rendered I think the municipality still not doing enough in that area, <i>vho-thovhele</i> and <i>mahosi</i> feel left out and isolated on all issues regarding the provision of public services in their communities”.</li> <li>• “The relationship between the institution of <i>musanda</i> is very poor since there power struggle between the two structures which should not be the case since <i>vuhosi</i> is a</li> </ul>

	<p>different institution from the municipality and therefore should not compete”.</p> <ul style="list-style-type: none"> <li>• “I am a view that there should be continuous cooperation and collaborations between <i>mahosi</i> and the Thulamela Local Municipality regarding the provision of public services within the Thulamela Local Municipality”.</li> <li>• “You will remember that during the Venda Homeland government era, <i>mahosi</i> were the ones who were in the forefront of service delivery for their villages”.</li> <li>• The solution to these tensions and conflict could be the establishment of a forum which will be made out of members from <i>musanda</i> and members from the Thulamela Local Municipality, so in that way conflicts and service delivery protests could be minimized.</li> </ul>
<p>Summary</p>	<p>The above information demonstrates reasonable knowledge of the role of the institution of <i>musanda</i> with regard to public service delivery, although the respondent showed more knowledge on the history of <i>Vhuhosi ha Venda</i>, which is not what this study is all about. What came out very clearly is the issue of land administration and land ownership.</p> <p>The respondent indicated that <i>mahosi</i> are just custodians of land and they were made to believe that they own land by the apartheid regime, which is why it is becoming very difficult for the current government to work with <i>mahosi</i>.</p>

	Again there the growing perception among the <i>misanda</i> that the introduction of municipalities in rural areas is an attempt by government to do away with <i>mahosi</i> .
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**Table 4-8**

<b>Data Collection</b>	
Name of the respondent	Vhamusanda Vho-Ravhalitsheni Reckson Sumbana
Date of interview	3 January 2016
Time spent on interview	45 minutes: Audio-recorded
Narrative account / Key points raised	<ul style="list-style-type: none"> <li>• “I fully understand what service delivery is and for me it refers to services that are supposed to be deliver by government to the people, but in this case the expectations are that the Thulamela Local Municipality is responsible for public service delivery to the communities around the Thulamela municipal area”</li> <li>• “From what I can see the institution of <i>musanda</i> is not playing a meaningful role towards the provision and enhancement of public services within our community. The problem is that we do not form part of the decision structure that decides what happens where and when? It is only a handful of <i>vho-thovhele</i> who attend council meetings and in most cases do not provide feedback per village.”</li> <li>• “The institution of <i>musanda</i> should be given platform to lead the service delivery planning</li> </ul>

	<p>since they know and understand their community more than any other structure.”</p> <ul style="list-style-type: none"> <li>• “Regarding working with ward councillors and other structures I can say without hesitating that no meetings are held outside <i>musanda</i> and infrastructure has been made available for meetings to be held <i>musanda</i> , decisions made by any structures are communicated to <i>vhamusanda</i> so that he is kept up to date with developments”</li> <li>• “Structures like SANCO, CPF and all community development structures meet here to discuss issues of community development, I have also provided shelter for NGOs responsible for community development” (See the figure below).</li> <li>• “While there is good working relationship between the institution of <i>musanda</i> and the ward councillor including all structures, it is important that I also indicate that it has been difficult to relate well with the Thulamela Local Municipality because they do not avail their planning to us and we are only involved in IDP planning at the beginning phase while our contributions are not taken into considerations when the IDP is finalised.”</li> <li>• “There is still power struggle regarding allocation of land but that does not show itself in his village because they work well with the ward councillor.”</li> </ul>
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	<ul style="list-style-type: none"> <li>In terms of the proposed structure, <i>vhamusanda</i> proposed that he must be mandated to nominate people who will represent <i>musanda</i> while working with structures from the Thulamela Local Municipality.</li> </ul>
Summary	<p>The Vhuri-Vhuri la vho-Sumbana shows that there is a reasonably well-managed relationship between the institution of <i>musanda</i> and the Thulamela Local Municipality's structures regarding public service delivery within the community of Vhuri-Vhuri. However, there are challenges regarding the relationship between the <i>musanda wa Vhuri-Vhuri</i> on consultation with <i>Vhamusanda</i>. These challenges are not unmanageable.</p>

The next page shows pictures of *Musanda wa Vhuri-Vhuri fhasi ha Vhamusanda vho-Sumbana*. Three different pictures were consolidated into one picture to show different areas of the *Musanda*, including infrastructures availed for community development projects.



Figure 4-3 Musanda wa Vhuri-Vhuri fhasi ha Vhamusanda vho-Sumbana

**Table 4-9**

<b>Data Collection</b>	
Name of the respondent	Ms Ndivhuho Grace Mahosi: Mayor of the Thulamela Local Municipality
Date of interview	20 January 2016: Audio-recorded
Time spent on interview	48 minutes
Narrative account / Key points raised	<ul style="list-style-type: none"> <li>• “Service delivery is our mandate that we should carry as instructed by the National development plan as well as by the department.”</li> <li>• “My office has established a committee which we call it <i>Mahosi/Tihosi</i> forum which aims at find a common working arrangements to the provision of public service delivery to the communities.”</li> <li>• “From what I can say the institution of <i>musanda</i> it’s playing a meaningful role in the provision of public service delivery but I must say there are challenges here and there since some <i>mahosi</i> do not attend the established forum and it’s very difficult for them to understand the sense of direction the municipality is taking.”</li> <li>• “Most <i>mahosi</i> have moved from allocating land to their residents using the old traditional way of measuring stand through footsteps (<i>Magoza</i>) but are working together with the Thulamela Local Municipality to allocate land for residential purpose.”</li> </ul>

	<ul style="list-style-type: none"> <li>• “The mayor indicated that there is enough capacity within the municipality to can enhance public service delivery to the community and in her view the available capacity can work well with the institution of <i>musanda</i>.”</li> <li>• The respondent is also of the view that there is enough thorough consultation during her mayoral <i>imbizos</i> and the <i>Mahosi/Tihosi</i> forum.</li> <li>• However, there are still challenge related to land management and ownership since there are a few cases that ended up in court with some <i>thovhele</i>. Some of the cases were settled out of court while some are still pending.</li> <li>• The proposed operational model according to the mayor would be the strengthening of the Mahosi/Tihosi forum so that the institution of <i>musanda</i> can find a voice and platform for deciding what needs to happen within their communities</li> </ul>
Summary	<p>Throughout the interview the mayor presented a picture of a municipality that is working very well with the institution of <i>musanda</i>. In the view of the researcher mayor presented a defensive response, although there are areas where she admitted that much needs to be done. At the time this study was conducted, most senior officials were acting, which does not constitute proper capacity within the municipality.</p>

	The critical area that the mayor agrees needs immediate training is land ownership and land allocation by both the institution of <i>musanda</i> and the Thulamela Local Municipality structures.
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Below are the Pictures of the Thulamela Local Municipality situated in Thohoyandou town area. The Thulamela Local Municipality Mayor and all the Head office staff are based in this office complex. All respondents who participated on this study are based in this offices although some of them do perform field activities outside this office complex including visiting satellite offices which are in Malamulele town and Saselamani. There are also fulltime councilors who are also house in this complex. The office complex has council chambers and a Legislature hall were council meetings are held.



Figure 4-4: The Thulamela Local Municipality Head office photo taken 31<sup>st</sup> May 2016

**Table 4-10**

<b>Data Collection</b>	
Name of the respondent	Mr. Ezekiel Munzhezi: LED Acting Manager
Date of interview	20 January 2016: Audio-recorded
Time spent on interview	28 minutes
Narrative account / Key points raised	<ul style="list-style-type: none"> <li>• “Our role in the providing service delivery to the community is through Local economic development.”</li> <li>• “The institution of <i>musanda</i> works closely to us since all our application are processed by the Tribal council. In fact the Tribal council through the community structures submit applications for NGOs that need assistants for LED funding.”</li> <li>• “The institution of <i>musanda</i> then allocate land for LED project by issuing the PTO.”</li> <li>• “Challenges faced by the LED unit in the Thulamela Local Municipality is actually limited funding which fails to cover the proposed scope of work.”</li> <li>• “Regarding cooperation and collaboration, the institution of <i>musanda</i> and the Thulamela Local Municipality are working together very well.”</li> <li>• “There is common understanding between the institution of <i>musanda</i> and the Thulamela Local Municipality since they are aware that the LED</li> </ul>

	<p>projects reduce unemployment and create income for living.”</p> <ul style="list-style-type: none"> <li>• “There were indications that the institution of <i>musanda</i> does not interfere with LED projects and only beneficiaries are entitled as per agreement.”</li> <li>• What also came out very clearly was that there were correspondence between <i>misanda</i> and <i>mahosi</i> regarding the LED projects from application to the actual implementation.</li> <li>• The Thulamela Local Municipality is the main sponsors of all LED projects, although at some point they receive funding for those projects from LEDA and other funders.</li> </ul>
Summary	<p>During the interview, the LED manager projected a picture of a smooth relationship between the institution of <i>musanda</i> and the Thulamela Local Municipality. The only challenge was limited financial resources to fund projects since there is a need for LED projects in most rural areas within the Thulamela Local Municipality.</p>

**Table 4-11**

Data Collection	
Name of the respondent	Mr Norman Madi: IDP manager
Date of interview	20 <sup>th</sup> January 2016
Time spent on interview	25 minutes

<p>Narrative account / Key points raised</p>	<ul style="list-style-type: none"><li>• “I understand the whole issue regarding public service delivery to the community within the Thulamela Local Municipality area. My task here is to coordinate the development and review of the strategic document commonly known as the IDP.”</li><li>• “The institution of <i>musanda</i> is not really playing a meaning role on the compilation and the review of the IDP since they do not attend at all. Again from how I see it there was no proper transition from the previous government to the current one since some members of the institution of <i>musanda</i> are not aware of the importance of the IDP hence they do not attend to those meetings.”</li><li>• “Regarding the working relationship I must say there are areas where both structures cooperate with each other while there are areas where they do not and for me there is an element of mistrust between these structures.”</li><li>• “The main factor that brings these lack of trust in particular from <i>mahosi</i> they think that when their areas are developed fully by the municipality, they will lose power since their communities will start respecting the municipality. More than anything is the fear that the Thulamela Local Municipality intends to take over their villages after developing them fully.”</li></ul>
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	<ul style="list-style-type: none"> <li>• “There is also an element of displeasure from <i>Tihosi</i> under Malamulele area who always accuse the Thulamela municipality of focusing their developmental agenda at the Thohoyandou area while their villages remain underdeveloped.”</li> <li>• “There are no cases reported from the IDP division that ended up in court although what gets reported in court regarding the usage of land and land management.”</li> <li>• “The proposed working model here was that the institution of <i>musanda</i> should at least nominate skilled personnel to be part of the exercise on the development and review of the IDP. This is very important because the institution has to be represented while the Thulamela Local Municipality develops or review the IDP.”</li> </ul>
Summary	<p>There is a need for cooperation and collaboration between the institution of <i>musanda</i> and the Thulamela Local Municipality on the development of the IDP, including the implementation of all projects as planned. The inability of the Thulamela Local Municipality and the institution of <i>musanda</i> to work together results from mistrust between the two institutions. The institution of <i>musanda</i> always suspects that the Thulamela Local Municipality has a hidden agenda regarding the future of the institution of <i>musanda</i> and <i>vhuhosi</i>.</p>

**Table 4-12**

<b>Data Collection</b>	
Name of the Responded	Vho-Thovhele Kennedy Midiavhathu Tshivhase
Date of Interview / Engagement	21 January 2016: Audio recorded
Time Spent on Interview	40 minutes
Narrative accounts / Key points raised	<ul style="list-style-type: none"> <li>• First of all let me tell you that I am very interested in any discussion that relates to the institution of <i>musanda</i> because I have so much passion for that institution.</li> <li>• Service delivery is what is expected of government top deliver to the community to improve the lives of people within the community.</li> <li>• For me I think the institution of <i>musanda</i> is not fully involved in the process of public service delivery to the community because most of the planning are done without our people.</li> <li>• The institution of <i>musanda</i> should take lead on all matters relating to public services. People who are living in our areas are ours, they know us better than any other person</li> <li>• We call for <i>Tshivhidzo</i> or <i>Khoro</i> and discuss issues of community importance including service delivery and decentralization which we seek to understand more.</li> <li>• In terms of consultation by the Thulamela Local Municipality I think we are not properly</li> </ul>

	<p>consulted on issues of public service delivery and decentralization of services to the community.</p> <ul style="list-style-type: none"><li>• We think the Thulamela Local Municipality has an intentions of taking away our powers as the institution of <i>musanda</i>, the powers that we inherited from our forefathers. When they develop our areas we suspect that they want to take over our villages and render us redundant as <i>Mahosi</i>.</li><li>• The matter of land ownership is very crucial to us because we believe this land belongs to us and when it gets developed and rezoned without our concern and consultation that becomes a serious problem to us.</li><li>• Areas like Muledane which is now known as Thohoyandou Block J is under us, the Tshivhase tribal council but we have lost powers over that area because it is now an urban area.</li><li>• There have been differences that have led us to court and those differences relate to land ownership and allocation therefore. This is an ongoing problem between us and the Thulamela Local Municipality.</li><li>• I propose that we have members of Tshivhase tribal council who together with structures from the Thulamela Local Municipality form a</li></ul>
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	<p>committee that deals with all service delivery plans and implementation thereof.</p> <ul style="list-style-type: none"> <li>• I also suggest that the same team from a steering committee which will look after all projects.</li> </ul>
Summary	<p>The above points of discussions have demonstrate high level of dissatisfaction by the institution of musanda wa ha Tshivhase in working with the Thulamela Local Municipality. There are several instances when the Tshivhase tribal council and the Thulamela Local Municipality take each other to court for land administration and land allocation. The view on the Tshivhase tribal authority in general is that the Thulamela Local Municipality has all plans of taking over the institution of musanda.</p>

The last person to be interviewed on the 21 January 2016 was *Vho-Thovhele Midiavhathu Kennedy Tshivhase*, who was also interviewed at his palace in Thohoyandou. *Vho-thovhele* was interested in the interview because has a passion for retention of the institution of *musanda* in the current democratic era. He feels that the role should be defined in relation to public service delivery to the community. *Vho-thovhele* has a different understanding of the position of *musanda* with regard to service delivery to the community.

Although he understand what service delivery is, he thinks that the institution of *musanda* should take the lead to determine what should be provided to the community as basic needs and aspirations of the community. He emphasized the importance of *tshivhidzo* or *khoro* as the place where all discussions regarding what services should be provided to their communities should take place. The *khoro*, which is chaired by

himself as *thovhele* unless the chairing powers are delegated to someone to do so on his behalf.

*Vho-thovhele* think that there is no proper consultation between the institution of *musanda* and the Thulamela Local Municipality regarding the provision and decentralization of services, although his major problem is land ownership and the allocation of land, because he feels that the Thulamela Local Municipality is taking away their powers of owning land.

There are cases where the Thulamela Local Municipality has taken the Tshivhase Tribal Authority to court due to the fact that the tribal council allocated land for business development without properly consulting the Thulamela Local Municipality. The Thulamela Local Municipality's process of rezoning land into business areas does not involve *Vho-thovhele* and his cabinet. This, according to him, is the challenge, because for example an area like Muledane, which is commonly known as Thohoyandou Block J, is under the governance authority of the Tshivhase tribal council. This creates the need for the Thulamela municipality to work together with *Musanda wa ha Tshivhase* to allocate any land available for development.

Regarding creating a model for operation between the Thulamela Local Municipality and the institution of *musanda* said that maybe that will ease the tensions between the two parties because they are always fighting over land for development and land for residential purposes.

## CHAPTER 5: DATA ANALYSIS

### 5.1 Introduction

The analysis of qualitative research involves uncovering the big picture by using the data to describe the phenomena and what it means. Both qualitative and quantitative analysis involve labelling and coding all of the data to recognize similarities and differences. Even responses in an unstructured qualitative interview can be entered into a computer to be coded, counted and analysed. The qualitative researcher, however, has no system to pre-code, therefore each researcher should develop his own method of identifying and labelling or coding data. This is called content analysis.

Content analysis can be used when qualitative data were collected through.

- Interviews
- Focus groups
- Observations
- Documentary analysis

This research used content analysis because all the information analysed was obtained through interview and focus group discussions. Some was collected through documentary analysis such as court cases between the institution of *musanda* and the Thulamela Local Municipality.

This research applied qualitative data analyses methodology as outlined by Glaser and Strauss (1967), who say that qualitative research is well suited for understanding phenomena within their context, uncovering links between concepts and behaviours, and generating and refining theory.

This research seeks to understand the position of the institution of *musanda* within the context of public service delivery in the Thulamela Local Municipality and to further uncover links between the behaviour of *musanda* structures and the Thulamela Local Municipality structures.

## 5.2 Summary of this study in relation to the objectives

The objectives of the study are as follows:

- To analyse the institution of *musanda* in the Thulamela Local Municipality and to determine which role this institution can play in the current government public service delivery.
- To determine causes and impacts of conflicts between the Thulamela Local Municipality and the *musanda* on public service delivery.
- To propose a model of operation and engagement between the institution of *musanda* and the Thulamela Local Municipality to improve working relations towards public service delivery in the Thulamela area.

These objectives were considered throughout data analysis. Data analysis took the form of thematic content analysis. The respondents' views were divided into common themes. Thematic analysis of data as defined by Boyatzis (1998) is a method for identifying, analysing and reporting patterns (themes) within data. It therefore means that data are minimally organized and described in detail as per the respondent's view.

For the objective of providing critical analysis of the institution of *musanda*, all *vho-thovhele*, *khosi-khulu*, *vha-musanda*, *magota* and *vhaeletshedzi vha mahosi* were grouped into one category to provide their view on the position of *musanda* and *mahosi* in promoting and enhancing service delivery to the community. The other category was that of municipality employees such as the municipal manager, manager responsible for LED, manager in charge of the IDP, which is the most important municipal document since it directs the strategic focus for a certain defined period, as well politicians like the Thulamela Local Municipality major and councillors responsible for LED and IDP.

The first step of this data analysis was to organize the collected data and prepare it for analysis. The interviews were arranged in terms of the different categories of respondents. The main data collection method was interviews and group discussions. Both interview and discussions were recorded and transcribed. Materials presented

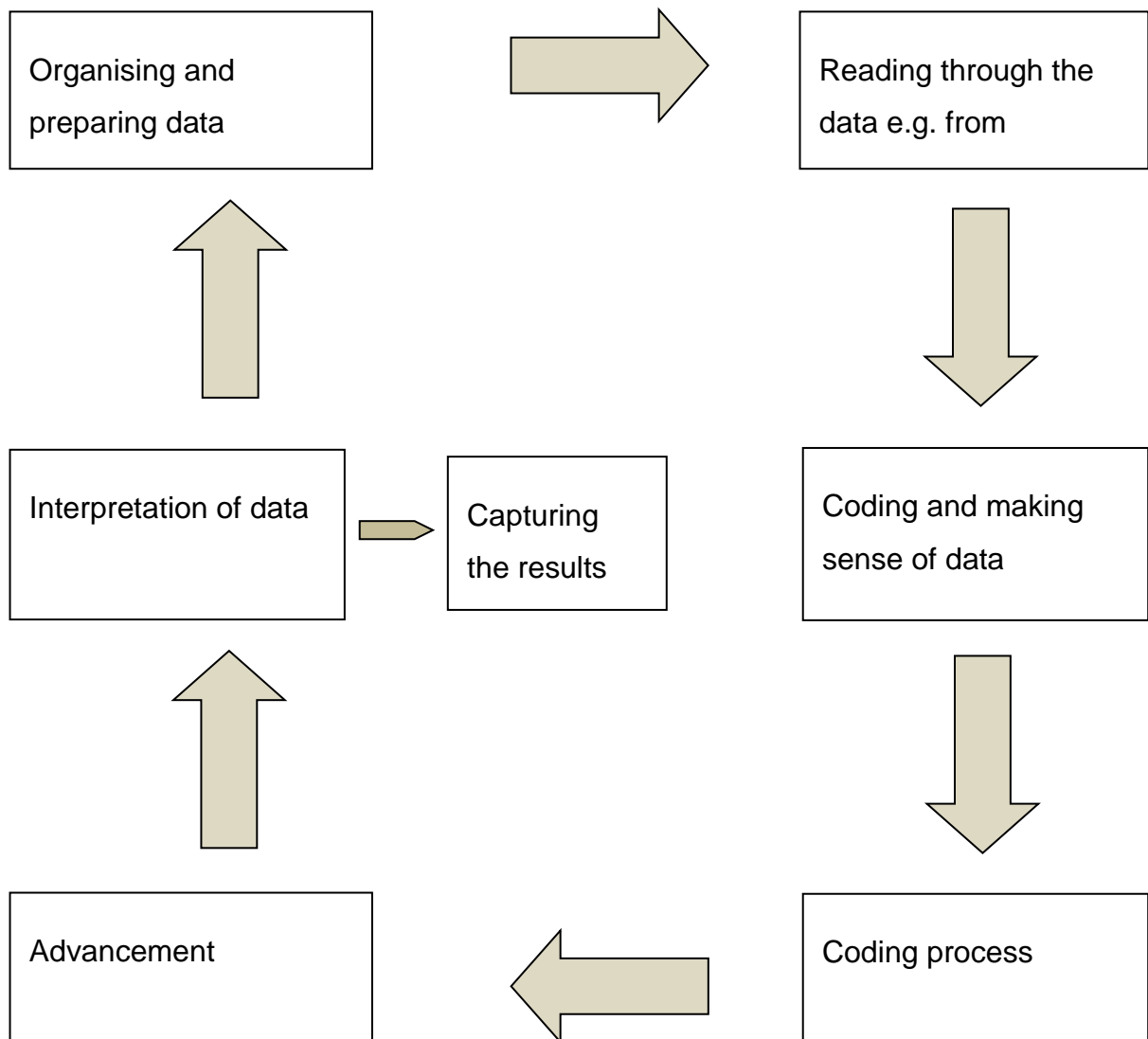
during data collection were scanned and field notes were typed once the services of a typist was secured.

This research relied on data collected from interviews with *vho-thovhele*, *khosi-khulu*, *mahosi*, *vhamusanda*, *magota* and *vhaeletshedzi vha mahosi* (advisors to the chiefs or headmen). Data were sorted per respondent and into themes. It is easy to see that the respondents differ in their views regarding the place and position of *musanda* and *mahosi* in promoting and enhancing public service delivery to the community. Their views and perceptions on the working relationship between the institution of *musanda* and the Thulamela Local Municipality also differ.

The second objective of this study was to determine the extent of conflict between the Thulamela local municipal structures and the structures of the institution of *musanda*. Analysis of the data collected for this objective involved coding. Coding refers to the process that identifies the exact sense of each respondent view on the matter and provides a proposed solution to how this conflict could be minimized or completely resolved.

The next step was a process of selecting or organising information into segments. The process mainly involved ascribing a meaning to each and every response from participants as some participants are very diplomatic in their attempt to respond on whether there are conflicts between the institution of *musanda* and Thulamela Local Municipality regarding service delivery to their communities.

This research utilized the most frequent messages to convey the findings of the analysis. After gaining an understanding of the respondents' views about what could be the cause of conflict between the institution of *musanda* and the Thulamela Local Municipality, the researcher had to interpret the data. This was done by posing questions such as "How can these two institutions work together"? In the case of narrative research, the results can only be captured in a narrative format.



**Figure 5-1: Data Analysis as Explained by Creswell, 2009**

### **Findings of the thematic content analysis**

This section presents the detailed findings of the research after a thorough analysis of the data. The section divides the results into different themes to create an understanding of the reasons behind the public service delivery challenges within the Thulamela Local Municipality.

## Theme 1

### 5.2.1 How do people understand service delivery to the community?

The question that resulted in this theme was asked to test the respondents' understanding of service delivery. The results showed that almost all structures within the institution of *musanda*, the members of *vuhosini*, community structures, including SANCO and Civics, as well as the participants from the Thulamela Local Municipality, share the same understanding of public service delivery. They differed on how they express the meaning of public service delivery and on what constitutes these services. However, there is a common understanding of what service delivery is and of who should provide these services, even though no-one went into the details of service clusters as described by the National Development Plan. Those who are well advanced in terms of their knowledge defined service delivery as a process where government sets aside fiscal resources for undertaking that process. Others simply said that public service delivery refers to taking services to people using government resources. The majority of respondents belong to the latter group.

## Theme 2

### 5.2.2 The role of *misanda* and *mahosi* in public service delivery

The institution of *musanda* and *mahosi* feel that their role is very minimal and that they do not form part or occupy any position regarding service delivery. *Mahosi* feel that although there are laws that dictate that they have a place within the community regarding public service delivery, they feel completely left out. It must be said, however, that most of those who share the above sentiment are reside in the former *Gazankulu* area, which falls under *Malamulele*.

The *mahosi* here who are referred as *ndavesithe* or *tihosi* have a view that the Thulamela Local Municipality focuses more on providing services to the people in *Thohoyandou* and the surrounding area, while their regions are neglected. The *mahosi* and *misanda* who formerly formed part of the Venda homeland feel isolated regarding the whole process of service delivery to their community, including planning towards service decentralization to the public within the Thulamela Local Municipality.

Again the issue of literacy plays an important part in this matter, because those who are educated indicated that they are able to force their way towards having a voice on how services should be provided to their communities.

There are politicians who feel that the institution of *musanda* and *mahosi* have a role to play public service delivery. In this case reference was made to the call by the Thulamela municipality to invite *misanda* to participate in the review of the municipality IDP.

However, it is important to indicate that the submission by politicians on this matter is disputed by *mahosi* and *misanda*, who say that even if they attend meetings they make no contribution since they simply get told what is going to happen to their village.

The response from the political side defended the political space. These participants reverted to what is on paper regarding the position of *musanda* with regard to service delivery. The *misanda* and *mahosi* share a different experience:

*“Ri tshi swika henengei kha Imbizo ya hone ya Meyara Na vhathu vhawe ri swika ra so kou tumba ra thetshesela ri tshi vhudzwa zwithu zwine zwa do itwa kha mashango ashu namusi vhathu vhanganga vha songo vhudzisiwa.” na uya kha idzo dzi imbizo dza hone ri kha di ya u itani sa musu zwothe zwo dzudzanywa henengei dzi ofisini vhe nga tshavho”*

*[“When we get to the imbizo we just sit and listen to what we get told of the proposed service deliveries that will happen in my village without being consulted first, so what is the reason for even going to this Imbizo, because even my own people were never consulted since everything discussed at these Imbizo are already planned by them in their meetings without us”.]*

The views of the institution of *musanda* and the Thulamela Local Municipality are clearly contradictory. It seems that each structure wants to defend its territory. In particular, politicians want to be seen complying with the Traditional Leadership and Local Government Act, which stipulates that the institution of *musanda* is very important in service delivery to the community, although their role is not clear.

Politicians do not want to be seen as acting against the Constitution, which recognizes the institution of *musanda*. As a result their response was to always agree that these structures play an important role. This is sharply disputed by *misanda* and *mahosi*. Some of them would even go to as far as saying that on paper is true, but in practice we are isolated from taking part in planning for what has to happen in our villages.

### Theme 3

#### 5.2.3 The relationship between the institution of *musanda* and the Thulamela Local Municipality

The institution of *musanda* and all *vho-thovhele*, *mahosi*, *musanda* and *magota* who were interviewed indicated that the relationship between them and the Thulamela Local Municipality structures is not good at all. They feel councillors (ward councillors) have a tendency of dictating to them on how services should be provided to their committees. Some of *mahosi* think that councillors are taking over their authority over their subjects and feel threatened. This causes a lot of tension at the expense of service delivery to the community.

There are off course those *misanda* who agree that the way they relate to the Thulamela Local Municipality structures is good to the extent that ward councillors and ward committee meetings are held at the *musanda* with open discussions and debates by all attendants without reservations. The Thulamela Local Municipality mayor also agreed during data collection that her office and the mayoral committee have a good working relationship with the institution of *musanda*. They have even established a committee or a forum of *mahosi*.

It was established during data collection that there are challenges regarding the relationship between the institution of *musanda* and *mahosi* with regard to public service delivery to the community and the decentralization of services. There is a need to strengthen this relationship. Stakeholders should first build trust between the institution of *musanda* and *mahosi* and the Thulamela Local Municipality. The different *misanda* to trust each other so that they should not perceive other *mahosi* as selling the institution of *musanda* to the government while benefitting in some ways.

## Theme 4

### 5.2.4 Challenges faced by the Thulamela Local Municipality in providing public service delivery

During the process of collecting data it was established that the issue around challenges with public service delivery emerged very often from *mahosi*, although there is minimal admission from Thulamela Local Municipality structures that challenged exist in that area.

Critical challenges that were voiced by *misanda*, SANCO, Civics and some residents are as follows:

- General lack of skills and capacity required for service delivery projects by employees of the Thulamela Local Municipality who are supposed to supervise all service delivery projects planned by the municipality.
- Increased number of projects that are left incomplete by the service providers.
- Collusion for corrupt activities between the service providers and some members of the project steering committees which end up compromising the quality of services.
- General lack of proper supervision during projects by members of the project steering committee due to lack of technical expertise.
- Exclusions of *mahosi* from membership of the project steering committee until there are challenges or problems, which they are expected to resolve.
- Public service delivery protests that result in the destruction of already existing infrastructure and public service delivery points. This deprives communities of enjoying the benefits of public service delivery points.
- Poor service delivery planning and prioritising as a result of the institution of *musanda* and the Thulamela Local Municipality structures not agreeing on joint collaboration in public service delivery.

## Theme 5

### 5.2.5 Disagreements and disputes between the institution of *musanda* and the Thulamela Local Municipality

During the process of data collection disagreements developed between the institution of *musanda* and the Thulamela Local Municipality in the areas of *Ha-Mphaphuli* and *Ha-Tshivhase*, whose *musandas* have fast developing areas?

The *Mphaphuli* tribal area takes charge of the whole of Sibasa, Mbilwi, Makwarela and Thohoyandou, which are prime areas for development and industrialization. This also applies to the Tshivhase area, which covers areas like Shayandima Industrial Area, Ha-Ramasaga, Thohoyandou Block J and Midi tea estate.

Land ownership in these places is a major issue that causes many challenges, for example: there is an ongoing court case between the Thulamela Local Municipality and the *musanda ha Mphaphuli* regarding the area around a unit in Thohoyandou.

In fact, there seems to be confusion about who owns the land. The government views it as their land, while the *mahosi* have places there and view it as an area of land allocated to them. The *musanda* often contest land where development is in progress or the Thulamela Local Municipality allocates land while it is contested, like the land where Thavhani Mall is under construction.

If the contest succeeds through the courts of law and construction is put on halt, it would mean a loss of jobs, a decline in the economy of the Thulamela area and the disruption of families due to a lack of income. What is strange is the land commission releasing the land claim results when the construction of the mall has already started. There is a bit of confusion on this matter. The claimant feels that the land commission has also treated them unfairly.

## Theme 6:

### 5.2.6 The level of consultation between the Thulamela Local Municipality and the institution of *musanda* on public service delivery

Most of the *mahosi* and *misanda* feel that they are not consulted on matters related to service delivery. Some even went as far as saying that they only hear about plans when they see a service provider and equipment in their village. When they approach the service provider they are informed for instance that there is a project on water and sewerage system installation.

*“ndi tshimbila tshimbila henefha muvhunduni wanga udi vhona gandakanda li tshi khou mona mona henefha tsini na bada ndi tshi li imisa nda vhudzisa uri ndi la mini ili gandakanda ndi hone ndi tshi do divha uri hu khou dzheniswa madi na soredzhi Mukhansela musu ndi tshi mu founela ndi hone atshi do kona u mbudza uri ndi zwone ha vha vhathu vho rumelwa nga masipala na ene u a zwidivha”.*

*[“As I walked through the village I then see the grader driving around and when I asked the driver why he is driving around the village on a grader he informed me that they are installing water system and when I called the ward councillor she confirmed what the driver of the grader said. The Ward councillor will agree that she did not tell me. As far as I know the only time I as a headman of the village am consulted by the ward committee or ward councillor is when there are problems with some initiative they have started, e.g. the ward councillor and SANCO decided to call for a meeting at school for the whole community to discuss a contribution of R5 from each household to repair broken water taps. After those taps were brought and repaired the remaining money could not be accounted for and they started fighting amongst themselves. That is when they came to me so that I can resolve the problem. I then escalated the matter to the tribal council, where it was resolved. You see now, when they started with the initiative I was ignored, but I am their khosi who is expected to lead them.”]*

However, it must be said that in some villages, like *Vhuri-Vhuri* and *Shanzha Vhamusanda*, respondents insist that not even a single initiative on service delivery is allowed to take off without them being consulted. The ward councillor visits the *musanda* after every meeting to share the report on plans discussed regarding their village. This gives the *mahosi* an opportunity to provide input on how things should be done and he becomes part of the planning process.

## Theme 7:

### 5.2.7 Proposed working structure between the institution of *musanda* and the Thulamela Local Municipality.

*“It is my thinking that when the municipality appoints councillors, they should be done through consultation with misanda. Actually I think that identification of councillors should be done by misanda who will nominate persons who have the ability to present to represent their community well”.*

These words were uttered by one of the *thovheles* in the Thulamela Local Municipality who think that ward councillors deployed in their villages come with an agenda of undermining them and just continue with their service delivery mandate from the Thulamela Local Municipality without consulting the *thovele* at all.

These councillors should have a certain level of skills and education, including exposure to issues of service delivery to the community. The respondents proposed a working structure made up of representatives from *khoro ya musanda* and representatives from Thulamela Local Municipality.

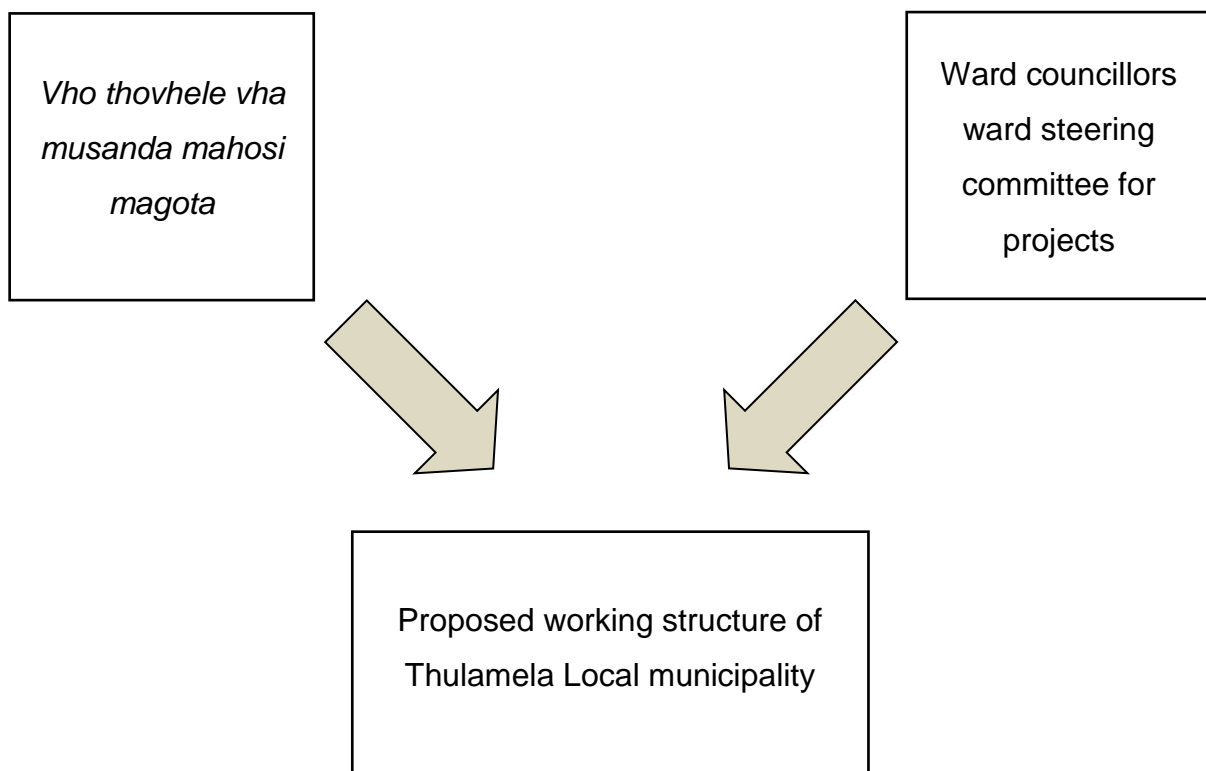
According to the suggestions, this structure should meet monthly at *Khoroni ya musanda* to discuss any service delivery initiative by the Thulamela Local Municipality and to provide a progress report on any project underway within the village. In all these meetings the *vho-thovhele* and or *mahosi* should attend and contribute since they are the ones who know the needs and aspirations of their communities.

There is also a feeling that representations at the Thulamela Local Municipality do not share information after meetings, so *vho-thovehele* remain ignorant about the service

delivery initiatives planned for their villages. One *mahosi's* proposal is that a proper working structure should include that they are also part of the Thulamela Local Municipality and that they have an opportunity to represent their villages. When the ward councillors then come back to the villages to have meetings with members of their communities, they would already know what will be reported to the community.

The proposed working structure is based on the fact that there are allegations of exclusion from almost all *mahosi* and *misanda*. The Mayor of Thulamela Local Municipality confirmed that *vho-thovhele* often do not provide the necessary feedback to their *misanda* after attending the council meetings. When projects are implemented the *misanda* always think that the ward councillors are undermining them. Therefore, the proposed structure should involve *vho-thovhele* from the whole area, with two or three *mahosi*. These individuals should meet with the structures responsible for service delivery projects.

The following diagram represents the proposed working Framework



**Figure 5-2: Proposed Working Framework**

### 5.3 Summary of the thematic content analysis

The institution of *musanda* and the Thulamela Local Municipality structures share a common desire to provide public services to the community of Thulamela. The challenge is the approach the different parties take when attempting to address the needs of their communities. Key to this challenge is the uncoordinated attempts to render public services to the people.

The institutions of *musanda* and *mahosi* share the feeling that they are being pushed aside by structures from the Thulamela Local Municipalities. These power battles result in conflict and eventually court cases. Projects are halted and the community suffers as a result.

There is clearly a communication gap regarding the services to provide to the communities. The *mahosi* and *misanda* are reluctant to attend the meetings where the integrated development plan is developed and reviewed because they feel that even if they give input, their contributions are not considered. Some go as far as saying that the IDP consultation process is a process of rubber stamping what has already been agreed upon at the council meeting in their absence, so they do not attend.

However, there is another view. The Thulamela Local Municipality LED division acknowledged the active participation of *misanda* in local economic development projects. These respondents indicated that *mahosi* are their direct point of contact when it comes to identification of observed as well as documentations in a form of correspondence between *mahosi* and the unit dealing with LED projects.

There is a chain of communication starting from applications for land allocations to issuing permission to occupy and to implement of LED projects. The office of the mayor of the Thulamela Local Municipality emphasizes the *mahosi/tihosi* forum, which is the highest body formed to share service delivery challenges among villages. The mayor indicated that there are regular *imbizo* to discuss these challenges and *mahosi /tihosi* forum usually takes charge of these meetings.

From the above analysis, it becomes clear that there is need for a coordinated approach that involves both parties to render much needed public services to the Thulamela inhabitants.

**Table 5:1 Summary of question and responses by the institution of *musanda*'s structures and structures of the Thulamela Local Municipality**

<b>Research objectives and questions</b>	<b><i>mahosi / musanda</i></b>	<b>Municipal Councillors /Managers</b>	<b>Concluding Remarks</b>
<b>Objective 1</b>			
To critically analyse the institution of <i>musanda</i> in the Thulamela Local Municipality and to determine which role they can play in the current government public service delivery system.	At the moment <i>mahosi</i> feel that they are not playing a meaningful role in planning, providing and enhancing service delivery to the community.	The ward councillors and the entire Thulamela political structure and management argue that they are involving <i>mahosi</i> and <i>musanda</i> on public service delivery.	General observations and findings from interviews suggest that there is a huge gap between the roles that the institution of <i>musanda</i> should play and what the Thulamela Local Municipality structure does to provide services.
To discover what role the institution of <i>musanda</i> and <i>mahosi</i> can play in enhancing public service delivery?	Currently the <i>musanda</i> do not feel fully involved, and they feel that if involved, they could improve the current status.	They play their part through formulation and reviewing of IDP documents.	
<b>Objective 2</b>			
To determine the effect of conflict between the	The different parties are not always in	The institution of <i>musanda</i> is reluctant to	The problem of land ownership and allocation for

Research objectives and questions	<i>mahosi / musanda</i>	Municipal Councillors /Managers	Concluding Remarks
Thulamela Local Municipality and the institution of <i>musanda</i> on public service delivery.	agreement on the approach to service delivery to our communities, so there is often conflict and litigation.	participate when called for <i>Imbizo</i> by the municipality so they are ignorant of what needs to be done. This causes conflict.	development and the provision of public services are the main causes of conflict between these two structures
<b>Objective 3</b>			
To propose a model of operation and engagement between the institution of <i>musanda</i> and the Thulamela Local Municipality to improve working relations towards public service delivery in Thulamela.	There is a need to come up with model of operation between the Thulamela municipality structures and structures from the institution of <i>musanda</i> and <i>mahosi</i> .	The Thulamela Local Municipality ward councillors and the mayor suggest that there is a working structure in a form of <i>mahosi/tihosi</i> forum and they think that this is enough.	During the data collection process and interviews it became clear that an operational model is required to guide both these institutions to provide services with fewer challenges.
To discover what a working structure between the Thulamela Local Municipality and institution of	The <i>musanda</i> suggest having members of the tribal council who are selected to form a committee with Thulamela	The <i>musanda</i> at the moment feels that the participation of <i>mahosi</i> and <i>tihosi</i> should improve.	The only proposed solutions is to establish an operational model that will public service delivery.

Research objectives and questions	<i>mahosi / musanda</i>	Municipal Councillors /Managers	Concluding Remarks
<i>musanda</i> should look like.	Local Municipality members.		

## 5.4 Discussions of findings based on the study objectives

### 5.4.1 Introduction

This section mainly focuses on discussing the findings of data analysis. The study aims to provide a way to improve public service delivery to the communities through healthier partnerships between the institution of *musanda* and the Thulamela Local Municipality structures.

During this research it became apparent that there is some form of a power struggle between the Thulamela Local Municipality and the institution of *musanda*. The latter feel that their historical governance power is eroding slowly due to the introduction of the Thulamela Local Municipality in their villages.

It is therefore necessary to form an operational relationship between the Thulamela Local Municipality structures and the structures of the institution of *usanda*.

Once there is a structure in place with cooperation between these two structures, public service delivery will improve since there would less tension between the two structures. There is the potential to minimise conflict between these two structures and reducing the amount of litigation. Since this study has three objectives, the discussion is divided into the objectives as follows:

#### 5.4.1.1 Objective 1

Objective 1 was to analyse the institution of *musanda* in the Thulamela Local Municipality and to determine what role this institution can play in the current government public service delivery system. The current public service delivery model of the Thulamela Local municipality does not include full participation of *musanda* and

*mahosi*. The establishment of the Thulamela Local Municipality presents a threat and a level of uncertainty on the part of *mahosi* and *misanda*. The *mahosi* and *misanda*'s feeling is that they are no longer considered as the authority in terms of what needs to be done in their communities. There is need for the institution of *musanda* to actively play their role and to take or position on decided what kind of services, projects and development needs to take place in their villages.

One cannot forget the fact that the Thulamela Local Municipality holds financial power in the form of budget. The *mahosi*, *vhamusanda* and *magota* all share the view that if they were fully involved in the process of service delivery and decentralization of services they would also be in a better position to engage and educate their communities on how to look after the existing infrastructure and avoid vandalization during service delivery protests. Above all, the *mahosi* feel that if they are given the opportunity to play an active role in service delivery, the Thulamela Local Municipality would gain more information on what seem to be the priorities of every village because the institution of *musanda* knows their communities and understands their culture, norms, values and beliefs. They could provide guidance on where to developmental projects as opposed to the current scenario where the municipality launched projects in an area believed to be sacred. With regard to labour, *musanda* are well positioned to properly select those who need employment.

#### **5.4.1.2 Objective 2**

Objective 2 was to determine the effect of conflicts between the institution of *misanda* and Thulamela Local Municipality on public service delivery. The provision and decentralization of services have always been characterized by conflict between the Thulamela Local Municipality and the institution of *musanda*. In urban areas like Thohoyandou, Sibasa, Makwarela, Shayandima, Malamulele and Saselani, *mahosi* feel that they are entitled to levies when developments such as malls take place, while the municipality feels that they are entitled to develop any area that is viewed as municipal land.

The different views always result in conflicts, tension and litigation, and while the two parties are at loggerheads, the communities who are the recipients of services suffer the consequences of not receiving the services they deserve. One typical example is

the construction of one of the biggest malls next to Thohoyandou stadium, called Thavhani Mall. The Mphaphuli tribal council have lodged a complaint with a court of law as there was no agreement on the construction of that mall.

If by any chance the litigation favours the *Mphaphuli* tribal council, it halt the process, resulting job losses and a decline in the economic development of the area. These are some of the effects of conflict between the Thulamela Local Municipality and the institution of *musanda*. There are few hardware stores, tire warehouses and other business built along the Punda Maria road under the Tshivhase tribal council that are being contested in courts as well. If it is so happened that the courts grant the Thulamela Local Municipality the authority to close all those business enterprises there would also be job losses, no income for some households and an increase in the unemployment rate.

#### **5.4.1.3 Objective 3**

Objective 3 was to propose a model of operation and engagement between the institution of *musanda* and the Thulamela Local Municipality. The institution of *musanda*, *mahosi*, *magota* and all structures of *vuhosi* are in agreement that the current approach to public service delivery is not properly addressing the needs and aspirations of their communities. In some cases where due diligence is needed, no research is conducted on whether the projects that are planned for implementation are viable or sustainable to the communities. This is so because there is no working model that is inclusive of both the structure within the institution of *musanda* and the Thulamela Local Municipality.

There is a need to establish a service delivery working committee that made up of members from the Thulamela Local Municipality and members from *musanda* who jointly commission the conduct of due diligence or feasibility studies to pre-determine whether some of the projects that are planned as per the IDP are viable and can be sustained. Equally in such a joint work committee will mean that role players will able to prioritize the basic needs of the communities and provide those services as a collective. In the absence of the model of operation, one always finds for example a plan that proposes to build a sports playground or tennis court in a community that does not have running water.

## 5.5 Data Analysis per category of respondents

### 5.5.1 *Vho-thovhele* and *mahosi* (the institution of *musanda*)

The institution of *musanda* and *mahosi* responded in the same manner to most of the questions. There are of court cases where one detects a situation that where some of the *vho-thovhele* do not want to be seen to be differing sharply with the Thulamela Local Municipality structures because there are areas where they collaborate well. However, the common area where the institution of *musanda* and *mahosi* have a common agreement regarding dissatisfaction in the working relationship with the Thulamela Local Municipality is on land administration and land allocation for development and residential purposes. Here all *musanda* feels that the Thulamela Local Municipality does not fully consult them on this matter and they feel undermined. As a result there are always tensions and conflict on who should allocate the land for both development and residential purposes.

There is a feeling among all the members of the institution of *musanda* that the Thulamela Local Municipality structures have no regard for them or for their cultural values and norms when they plan land development. The institution of *musanda* seems to be prepared to work with the Thulamela Local Municipality towards providing service delivery to the community and towards decentralization of services to the community, but the challenge is that the institution of *musanda* and *mahosi* are not clear of the motive and the agenda of government regarding the position and their future existence.

*Mahosi* perceive government and the establishment of municipalities as a way of phasing them out and rendering them redundant, so there is no cooperation between the two structures.

On the other hand, the deployment of ward councillors in villages that were previously taken charge of by *mahosi* and *magota* is posing a serious threat to the institution of *musanda*. In addition, ward councillors are not properly trained on working with structures in the community and interacting with the institution of *musanda* and *mahosi* towards providing, improving service delivery to the community. After the first local government elections and the establishment of metro, district and local municipalities

with the appointment of ward councillors, it appears that ward councillors in rural municipalities became so power hungry they no longer recognized the existence of the institution of *musanda*. They felt that they have been afforded the authority by the new democratic dispensation to take over from *misanda* and all the structures of the institution of *musanda*. This excitement was also fuelled by the fact that most *mahosi* are not educated and are not familiar with how government operates.

Ward councillors started calling residents for meeting without even asking for permission from the *Vhamusanda* or any structure from the institution of *musanda*. This created conflicts between the ward councillors and *mahosi*. This study also discovered that the *musanda* and *mahosi* who were previously under Malamulele administration in the Gazankulu Bantustan, do not appreciate what the Thulamela Local Municipality offers in terms of public service delivery. *Mahosi* in areas like Xikundu, Mhinga, Makuleke, Madonsi and Mavambe perceive their own ward councillors as sell-outs who agreed to work with the Thulamela Local Municipality, who they perceive as a municipality for Venda-speaking people. These *mahosi* and *magota* find it very difficult to work with their ward councillors.

### **5.5.2 Analysis of responses from the (SANCO)**

SANCO and the institution of *musanda* are always at loggerheads in some villages, although there are areas in some villages where SANCO and *misanda* work hand-in-hand towards service delivery to the community.

SANCO is fully recognized by the Thulamela Local Municipality and are equally consulted together with the institution of *musanda* on issues of public service delivery.

The problem arises when SANCO wants to take charge of village governance in the presence of *vha musanda* or *vho-thovhele*. The village communities in some cases get confused about who to listen to if SANCO works in the area.

SANCO perceives itself as having influences in the municipality in terms of what types of services should be rendered to the community within the Thulamela municipal area. They believe that they are they are the relevant structure to discuss public service delivery initiatives on behalf of the community.

SANCO seems to believe that the institution of *musanda* and *mahosi* do not believe in working together with them towards public service delivery. SANCO thinks that *mahosi* regard themselves as not needing any intervention from any other structures since they perceive themselves as having absolute power in their community since they have been governing them without any help from any structures in the past.

However, SANCO has indicated there are some improvements in the working relationship between the Thulamela Local Municipality and the institution of *musanda* based on proper role allocations regarding public service delivery and the decentralization of public services.

### **5.5.3 Analysis of Responses from both Advisors of the *Khosi- khulu ya Venda* and *Vho-Thovhele***

The advisor to the king of Vhavenda tribe believes that the institution of *musanda* can play a meaningful role in providing services in partnership with the Thulamela Local Municipality. However, he warns that all municipality should respect the institution of *musanda* and *vuhosi* and continue to recognize the governance role they had before the establishments of municipalities.

He continues to indicate that he has observed a culture of disrespect of cultural values and norms when public services are rendered within the Thulamela Local Municipality. He adds that there are developmental initiatives and projects within the Thulamela Local Municipality.

The above concern was supported by the advisor to the Mphaphuli royal house who indicated that the Thulamela Local Municipality lacks recognition for the institution of *musanda* when they allocated land for development and service delivery to the people.

The advisor to the Mphaphuli royal house believes that there has to be thorough consultation between the institution of *musanda* and the Thulamela Local Municipality on land allocation so that the institution of *musanda* could help the Thulamela Local Municipality identify land that is sacred and ancestral areas.

According to him the issues with land allocation and developers is still a challenging area. However, there is a different view from the advisor of Vhavenda King, who said

that the institution of *musanda* do not own any land, but they have been appointed as custodians of the land that belongs to the government.

This creates a lot of confusion for the *misanda*. They are now appointed as custodians of land, while they were given authority by the apartheid government similar to land ownership. This created the impression that the institution of *musanda* owns land.

The advisor to the king of the Vhavenda tribe said that the issue around differentiating between communal land ownership and government land ownership is a critical challenge that is showing to be difficult to resolve.

#### **5.5.4 Analysis of responses from LED**

The Local Economic Development Manager's general response indicates a good working relationship between his unit within the Thulamela Local Municipality and the institution of *musanda*. The unit does not experience difficulties in getting land or PTO for land to implement the LED projects since every application for permission to occupy land is always granted by *misanda* without any difficulties

The challenge with LED projects is the limited funding from the municipality and the amount allocated to each project, since it is not enough for the each projects and the beneficiaries.

Regarding the working relationships between the institution of *musanda* and the Thulamela Local Municipality, particularly the LED unit, the manager indicated that there are no marked serious challenges since they also update *vhamusanda* and *khoru* about progress made on each project and *misanda* do not interfere with how the project is managed. Regarding a work structure between *misanda* and the Thulamela Local Municipality, there seems to be no need for that since the unit works well with *misanda*.

#### **5.5.5 Analysis of responses from the IPD manager**

The IDP manager's responses show that there was no proper orientation regarding the introduction of municipalities to the institution of *musanda* and how they both need to work together towards providing public service delivery to the community.

His response also shows a lack of trust between the two institutions since they continue to suspect each other.

From the response of the IDP manager, one senses that there is no clear understanding of the role of *misanda* in public service delivery processes and the decentralization of service to the public, since each structure thinks that it can do better than the other structure in coordinating public service delivery to the people.

What comes out very clear is the reluctance by the institution of *musanda* and *mahosi* on the putting together of the IDP documents

### **5.5.6 Analysis of responses from ordinary citizens**

Discussions with ordinary citizens within the Thulamela Local Municipality who reside in areas that are under *misanda* shows that the institution of *musanda* has a role to play in service delivery to the community.

The citizens in and around the Thulamela Local Municipality have the opinion that *mahosi* should take leadership in identifying the needs of their communities since they are the ones who live close to them and they are in direct contact with them on a daily basis. They should therefore be directly consulted on what the development needs and service delivery needs of their community are.

What becomes very clear from their responses is the lack of a working relationship between *mahosi* and the Thulamela Local Municipality structures. One immediately sees the need for the government to provide training on how the two structures should relate to each other and to clarify the roles and positions of both structures. This would ease the tension and friction between these structures.

The citizens of Thulamela Local Municipality are also worried about the manner in which the municipality operates because they allege that the provision of services and development initiatives seek to eradicate and do away with the institution of *vuhosi* and *misanda*. It is their wish that the decentralization of services and enhancing public services should be done not at the expense of *misanda* and *vuhosi*. They feel strongly about preserving the African cultural values and norms, while ideas of improving the lives of people are being implemented.

### 5.5.7 Analysis of responses from LED and IDP councillor

The councillor responsible for Local Economic Development and Integrated Development Plan's responses were all based on the intention to mirror the success that the Thulamela Local Municipality has had on both portfolios.

The councillor understands the role that Thulamela should play in promoting public service delivery to the community. He also confirmed that the institution of *musanda* has an important place on providing service delivery to the community, but cited challenges in working with some *misanda* due to the fact that some do not understand why the municipality is operating in their area.

The councillor, like the manager responsible for IDP, share the sentiment that in putting together the IDP, the institution of *musanda* is not well represented since they show no interest in the process. In analysis of this response one is taken back to how some *misanda* responded to the question by saying that even if they contribute to the formulation or review of the IDP, their responses are not taken into consideration so why then attend these IDP meetings? The councillor does not want to openly agree that the reasons for *misanda* not attending is based on the fact that they are not taken seriously when they contribute. As a politician, the councillor hides behind the fact that there is not enough meeting coordination mechanisms for this process.

The councillor fully agrees that there is a need for working structure to be created between the institution of *musanda* and the Thulamela Local Municipality. There is agreement from all respondents that the current system is not working and there is a need for the creation of Operational Model that can be used by both *misanda* and the Thulamela Local Municipality (Modus Operandi).

### 5.5.8 Responses from the Thulamela local municipal Mayor

According the mayor of the Thulamela Local Municipality, public service delivery is what the Thulamela Local Municipality as an agent of the Department of COGHSTA is mandated to deliver to the community of Thulamela local area.

The mayor's view is that the institution of *musanda* and the Thulamela Local Municipality should work together towards improving public service delivery to the

community of Thulamela, since they are service the same constituency. By that she was referring to the fact that since the Thulamela Local Municipality is mostly rural with areas that fall are under *misanda* and *mahosi*, it is important that the two structures work together towards improving people's lives.

Regarding the relationship between the two structures, the mayor said the *mahosi/Tihosi* Forum creates an improved working relationship between the institution of *musanda* and the Thulamela Local Municipality.

However, her point of concern was that not all *mahosi* belong to this forum so there are still some tension and conflict between these two structures. The *mahosi/Tihosi* Forum was established to directly involve the institution of *musanda* and *mahosi* in all Thulamela Local Municipality public service delivery programmes.

The mayor went further to say that the *mahosi/Tihosi* Forum was established to attend to the *tshivhidzo* or *khoro* that are called to provide progress reports on some development projects that have been initiated within the community of Thulamela Local Municipality.

The mayor agrees to the fact that although there are areas of collaboration and cooperation, there are still areas where there is so much tension and conflicts between the ward councillors and the structures of *musanda* that service delivery at times comes to a standstill. This impacts negatively on recipients of these services. This in most cases happens in villages that are situated next to the urban prime area that attracts business development.

The mayor further confirms statements that some of *vho-thovhele* have had differences with the Thulamela Local Municipality that ended up in court for settlements. These cases actually relate to the land ownership and allocation of land to the developments, which is actually another way of job creation and service delivery to the community. While these court battles are underway, the community suffer the consequences of losing their jobs with no income to support their families.

Regarding whether the issue of capacity within the municipality could be a stumbling block to the provision of services in the Thulamela Local Municipality, the mayor said that that could not be the case since according to her there is enough capacity and

skills to manage the public service delivery within the community of Thulamela Local Municipality area.

The mayor provided a defensive response to the issue of the necessary capacity in the Thulamela Local Municipality since the municipality was running with skeleton staff who are not qualified to occupy those positions because they are in an acting capacity. The mayor could not provide reasons why those positions were vacant, but refused to acknowledge that they have a negative impact on the provision of public services, including the interactions with the institution of *musanda* and *mahosi* regarding working together towards improving public service delivery. The picture painted by the mayor is that all is well regarding the capacity and skills required by the municipality for service delivery, and yet more is required in terms of skills and capacity within the Thulamela Local Municipality.

One can deduct from the above scenario that one of the critical challenges faced by the Thulamela Local Municipality is shortage of required human capital to drive public service delivery to the community.

The mayor did not agree with the fact that some of the appointed service providers do not have necessary skills for service delivery projects. The service providers are appointed for services such as the building of RPD houses, water reticulation and sanitation projects, storm water drainage, gravel road rehabilitations and tarring roads. However, there are projects that are left unfinished due to a lack of skills from the appointed services providers. There are projects of which the quality was compromised, for instance the tar road that starts from *Ha-Manwadu* complex via *Vhembe* offices in *Muledane* towards the Porsche Villa Hotel. The road only lasted for a very short time until the road was repaired during the period of July 2015 to February 2016.

The mayor also confirms that there is a need for a structured working committee between the Thulamela Local Municipality and the institution of *musanda*. She proposed a committee from the Thulamela Local Municipality that needs to work with established committees from all *musanda* and *mahosi* and that working committees will include the local ward councillor for that particular *musanda*.

### 5.5.9 Proposed Operational Model.

In view of the fact that there were perceived challenges regarding the inability of the institution of *musanda* and the Thulamela Local Municipality the study proposed the following working model.

That the institution of *musanda* nominates senior members of the Tribal council who should form a committee responsible for identifying the public service needs and aspirations of the community and report to *Khoro* during their meetings. In this case *Khoro* will then decide on compiling the service delivery priority list and present it to the committee responsible for public service delivery. This research recommends the formation or establishment of the working committee from the institution of *musanda* who should act as a permanent public service and development structure of *musanda*. The committee from the institution of *musanda* could be made up of Vhasanda, Gota, Vho-Makhadzi, Vhakoma and other elected tribal council members to serve on the committee.

On the other hand the community under the ward councillor should also establish a working committee made up of all community structures like SANCO, NGOs and CBOs. This committee would be representing community structures on public service delivery with an aim of also coordinating needs and aspirations of their members. Both the committee from the institution of *musanda* and the community structures are representatives of the entire community, although it must be noted that there are those community members who derive comfort from belonging to the institution of *musanda's* committee under *Khoro*, as opposed to belonging to other structures. It is important for both committees to exist.

The Thulamela Local Municipality should establish a public service delivery committee which could be made up of LED manager, IDP manager, Project Manager and any relevant public service delivery officer. This should be made a permanent public service delivery committee. The committee could be chaired from the Mayoral office as a way of spearheading the committee in line with the needs and aspirations of the community. It is important that the office of the spokesperson and marketing be part of the committee so that the officer from this office act as a liaison person for the working structure.

As indicated above both of these committees would then form a working structure for public service delivery which could be chaired by either a representative from the institution of musanda and or the community representative. This committee will have a meeting monthly to discuss all matters relating to public service delivery.

It must be indicated that each village under *Thovhele* or *Vhamusanda* should have those two committees as mentioned before which will work with the Thulamela Local Municipality committee for the promotion and enhancement of service delivery in all rural areas under the institution of *musanda*. Therefore the public service delivery proposed working framework will be made up of members from the institution of *musanda*, community members and members from the structures of the Thulamela Local Municipality. The public service delivery committee will be responsible for the following activities:

Participate in the development of the IDP.

Reviewing the IDP.

Assist in further identifying other service delivery needs and aspiration of the community.

Assist in recruitment and employment of labour for the project.

Monitor the implementation of all service delivery projects of the village area.

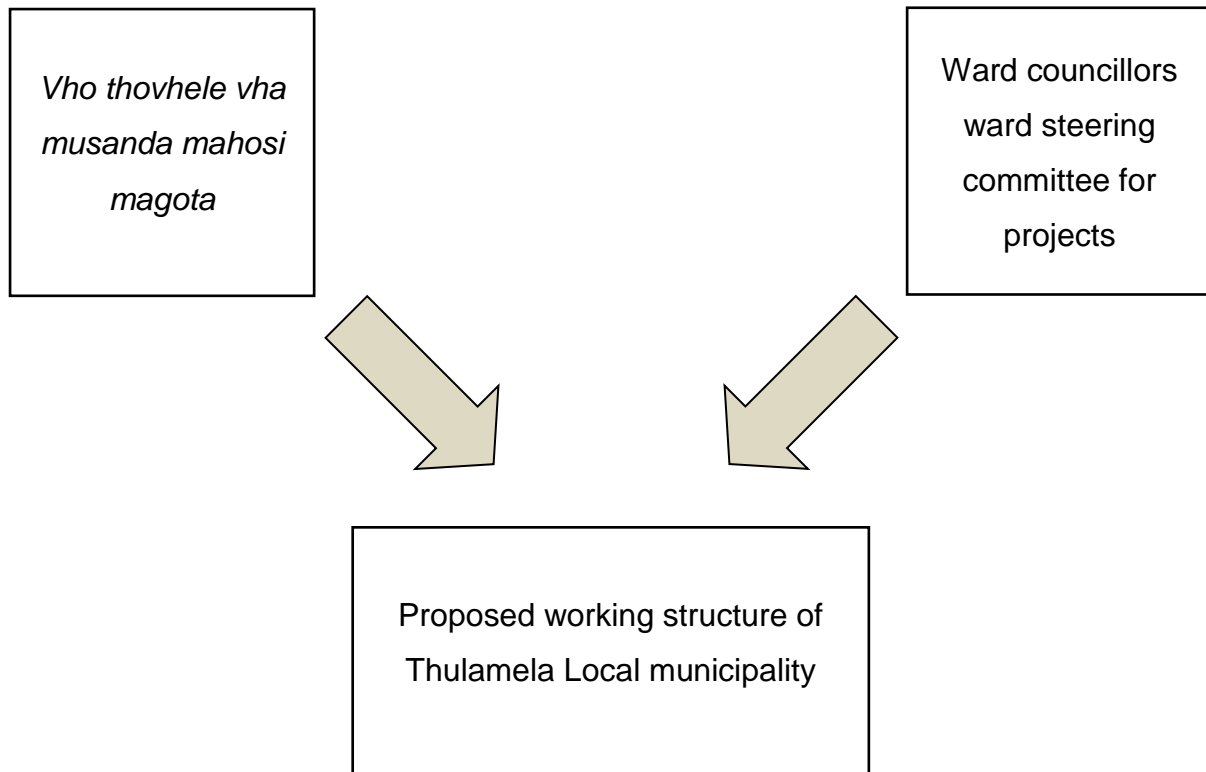
Report to the Tribal Council on progress made or any hinderances to progress.

Report to the Thulamela Local Municipality Senior Management on the performance of all service delivery projects.

Update members of the community at Imbizo regarding all the progress made in all service delivery projects.

The establishment of this proposed operational structure will also help to minimize the feeling that members of the institution of musanda are left out when projects are initiated for their communities. This allows all participants to take ownership of all service delivery projects within the municipality and help minimize the possibilities

of vandalization of service delivery projects and insfratructures since all members would have taken part in those projects. For further reference the above explanation can be supported by the diagram below which demonstate the proposed working frameowork.



## CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

### 6.1 Discussion of research findings

This study found that there is no clear roles and responsibilities of the institution of *musanda* regarding public service delivery to their communities even if the Constitution of the Republic of South Africa (Act No. 108 of 1996) protects the institution of *musanda* as the legitimate institutions. The study found that *Vho-thovhele* and *mahosi* who participated on this research feel left out of all decisions made regarding the provision of services to their communities. They all feel that their roles have been reduced to that of spectators of services that are delivered in their own villages by the Thulamela Local municipality and yet they take charge of those areas in terms of governance.

The study also found that there are evidence of conflicts between the institution of *musanda* and the Thulamela Local Municipality, with documents showing court litigation between these two parties and some service delivery projects that have been halted with interdicts until the legal court proceedings are finalized. This legal litigation with disruptions in service delivery projects have led to the community suffering delayed service delivery with some job losses in the process. These conflicts also end up with some community members embarking on service protest staging support with their *Khosi* or *vhamusanda*.

As highlighted earlier on the study found that the institution of *musanda* feels left out of all service delivery decision making process including the implementation of all services within their communities. That shows a high level of lack of collaboration and cooperation. Most of *Mahosi* interviewed claimed that they are never informed of the decision or intentions by the Thulamela Local Municipality to initiate service delivery projects in their area but only get surprised by the presence of the service provider working in their area or village without their knowledge. However, it must be noted that *Vhamusanda vha Shanzha* and *Vhamusanda vha Vhuri-vhuri* have a different working relationships with the ward councillors in their villages because they both indicated that no service delivery project can be implemented without their knowledge. They both in their separate responses said that all initiatives regarding public service

delivery are planned at *Khoroni* with all members of *Khoro* jointly with the ward councillors. This arrangements were found to be acceptable when all parties take part in planning towards public service delivery projects. In Shanzha for example, the meetings could even be chaired by *Vhamusanda* as and when members agree on who chairs the meeting and this is what *Vhamusanda* said during the interview so that in itself demonstrate a positive move towards involvement of relevant participants in service delivery.

There is a need to train members of the institution of *musanda* on issues relating to public service delivery and the importance of taking ownerships on all projects that are implemented within their villages. This training will provide them with basic knowledge on identifying community needs and aspirations and allow them opportunities to engage with the Thulamela Local Municipality with confidence. In line with training the study found that *Mahosi* need to be trained on Land ownership together with the current Land claim processes. The study found that there is general lack of knowledge in that area of Land ownership and the Department of Land Affairs should conduct basic training on different legislations that cover the Land issue.

Again the study found that the Thulamela Local Municipality in some cases do not observe areas declared to be sacred or ancestral when planning for development in some villages. They sometimes temper with sacred area while developing areas or villages. A typical example could be given of a new tarred road to Thohoyandou Block M which is commonly known as *Maniini* where human bones were dug during road construction. The road was put on hold until the matter was resolved by the court of law.

The Thulamela Local Municipality management structure was incomplete during the study with more position on the acting capacity and that brought the whole debate around whether there is enough reasonable capacity to implement service delivery within the Thulamela municipality area. Lack of knowledgeable human resources could also trigger communication breakdown that may result in conflicts between the two structures. During this study, it was found that there are no communications plan in place on how the municipality engages the institution of *musanda* except during the

IDP review and *Tihosi/Mahosi* forum. Both of these forums do not receive much attention since some Mahosi do not recognize this forums

The study strongly recommended the establishment of the operational module where diagram and discussions were made on page 148 to 149 on how the module should look like. The study found that there is a need for a start to have that module and may be later ammendendments could be made based on the situation during that moment.

### 6.1.1 Conclusion Remarks

According to Mandani (1996) the post-1994 South Africa moved from an authoritarian apartheid regime to a democracy strongly influenced by liberal democratic values that include representative government. This contribution employed two key concepts to analyse the implications of decentralization reforms in the rural areas of South Africa that are under the institution of *musanda* depending on which province these rural areas are. The difficulty with examining decentralization in this areas is that it is still incomplete since some important players on decentralization and democratization are not included in the process and the apartheid laws on land administration and land ownerships have still not been properly revisited.

Again the major stumbling block in resolving decentralization and democratization of services including the provision of services to the rural areas by the Thulamela Local Municipality and the entire local government is that the roles, powers and functions of the institution of *musanda* is still not clearly defined. According to Mandani (1996) democratic decentralization with its insistence on elected representatives, is incompatible without the recognition of a hereditary institution of *musanda* and *mahosi*. The inadequate support of elected democratic structures within the communities poses a serious threat on public service delivery and decentralization of services within the Thulamela Local Municipality and equal to that the inability of the Thulamela Local Municipality to work together with the institution of *musanda* and *mahosi* towards decentralization of services and democratization of public services.

It is important that the post-1994 democratic government reformulates and revise the powers, position, functions and the role s of the institution of *musanda* and *mahosi* in the entire democratic South Africa, taking into considerations the incapability of

democratic decentralization with hereditary rule that underline the institution of *musanda*. The key issues here that the current government should be seen to be taking care of is whether rural residents should continue to be subjects when their counterparts in urban areas enjoy full rights as citizen of the democratic South Africa. However, in doing that the democratic new Government of South Africa must device all means to protect the institution of *musanda* while revising all laws and policy on democratization and decentralization of services in the rural areas where *misanda* are in charge of those villages.

The research was conducted in the Thulamela Local Municipality, which covers some of the former homeland and parts of the Gazankulu Bantustan, which falls under Malamulele. In this municipality there are two major language spoken as influenced by two main cultural and ethnic group, for instance Venda-speaking people and Tsonga-speaking people.

The need to conduct this research was based on outside observations that reflect critical challenges on the position, place and the role of the institution of *musanda* can play in public service delivery and the process of decentralization of public services. It was important that when government talks about taking services to the people under different clusters, one needed to find time to study how this services will be rolled out particularly at a local level. This study also took cognizance of the fact that the Thulamela Local Municipality is more rural with more population under the custodianship of *mahosi* and *misanda* who are not only leaders of their people but also custodian of their culture, values and norms.

## **6.2 The position, roles and powers of the institution of *musanda* towards public service delivery**

The study is also considerate of the fact that the Thulamela Local Municipality is in Africa with Vhavenda and Batsonga people as residents of that municipality. It is therefore relevant to take an Afro-centric approach. The research seeks to locate an African within his/her full identity, ethnic background, ethnical practices, norms and values and to recommend how that African should be provided with public services. As such the study can offer wisdom regarding the provision of public services and the decentralization of services. It should be noted that public service delivery refers to

services as outlined in the national development plan, of the South African government and those that are relevant to the Thulamela Local Municipality falls under the social cluster, security cluster economic sectors, employment and infrastructure, development social protection, community and human development and crime precautions and security just to name the few.

The study has three main research objectives that can be answered by looking at ten research questions. When these are addressed, the researched comes to a whole that provides new insight.

The three main objectives are as follows.

- To analyse the institution of *musanda* in the Thulamela Local Municipality and determine which role this institution can play in the current government public service delivery.
- To determine the effect of conflicts between the Thulamela Local Municipality and the institution of *musanda* on public service delivery.
- To propose a model of operation and engagement between the institution of *musanda* and the Thulamela Local Municipality in improving working relations towards public service delivery in the Thulamela local area.

It is important to indicate that of the three objectives the researcher was able to formulate ten questions that were able to answer the much need responses on how the institution of *musanda* should fit in on the process of service delivery. In order to achieve on this three objectives a thorough literature review was conducted starting from the theoretical framework which informed the conducting of this study. These objectives were also achieved through administration of questionnaires through interviews and group engagements where a group of Headmen were organized together for a dialogue at *Saselamani* Butchery where we had lunch together.

In all engagements that took place the feeling was that the institution of *musanda* and *mahosi* feel left out and marginalized in the process of providing public services to their communities and as the interviews were conducted it came out clearly that there

is need to find a common group on providing services to the community which both the Thulamela Local Municipality to render services to them.

In some cases these conflicts show themselves when they are events or gathering when both parties feel that they are the main figures and should speak last to their community. In most cases when *Vhamusanda* is given a platform to address the audience where the Mayor and other politicians are in attendance time gets spent in criticising the other party as a way of positioning oneself as the rightful leader. These power struggle in most cases leaves residents confused on who they should listen to regarding promises made on providing public services to the people. If for example a politician is scheduled to speak last as a main speaker, *Vho-Thovhele* or *Khosi* would immediately leave such gathering and the organizers are taken to task. Apart from fighting for governance status, such behaviours affect residents who depend on both the Thulamela Local Municipality and the institution of *musanda* for the provision of services within their communities.

Actually this research found that the community/public expect collaborations and cooperation between the institution of *musanda* and Thulamela Local Municipality so that service delivery projects are delivered on time without being stopped while awaiting for courts outcomes

In line with the findings during collection of data the researcher attempted to identify key areas which if attended to could change the manner of which both the institution of *musanda* should relate to the Thulamela Local Municipality when providing and enhancing services to their communities. *Mahosi* and *misanda* demonstrated their desire to cooperate with the Thulamela Local Municipality structures. However, there seem to be a need to educate ward councillors, ward committees and other community structures like SANCO and NGO, on the importance of *mahosi* and *misanda*. Once that education, awareness or orientation fails to happen, *mahosi/misanda* will continue to feel unrecognized when government through the Thulamela Local Municipality roll out their services to the people.

According to the White Paper on Traditional Leadership and Governance (July 2003), the institution of *musanda* and *mahosi* constitute part of leadership structure that should continue to struggle for a better life for all in the democratic South Africa. So if

they feel left out on that struggle while other government structure lead the struggle to improve people's life without them, there will be always be conflicts between these two structures i.e. Thulamela Local Municipality structures and *misanda/mahosi*.

This research does not suggest or propose that *misanda* be involved in active politics but it recommends that when policies of government are put together in parliament *misanda* and *mahosi* should be part of that and have voting powers which will strengthen their governance position. In line with that the implementation of those service delivery policies will not be difficult for *misanda* since they formed part of the debate during policy formulation and or review of those policies and strategies which in this case is the IDP of the Municipality. It is also important to indicate that cooperation and collaboration between these two structures is very important because such will lead to the success and sustainability of service delivery projects and programmes in that community.

It is important that conclusion be drawn in reference to the Traditional leadership framework Act of 2003 (Act no 41 of 2003) which outline powers and functions of the institution of *musanda* and *mahosi* as important structures of the community. Key to these powers are issues of facilitation of the involvement of traditional community in the development or amendments of the IDP of a Thulamela Local Municipality. On paper this matter has been clearly articulated by practically there is a need to change the manner of which these invitations are extended to *mahosi* and allow, *mahosi* themselves to call meetings or *Tshivhidzo/Khoro* at *musanda* then together with structures of the Thulamela Local Municipality this process will be successful.

It has been proven by other researchers that *misanda* still commands authority and when they call their meetings through "*Ulidza tsimbi* or *Phalaphala*" every community activity stops and people go to *Khoroni* to listen to their *mahosi* and *misanda*. The Thulamela Local Municipality should adopt this approach for IDP reviews. Again key to powers and functions of *misanda* is to support municipalities in the identification of community needs and in this case reference is made to the public service delivery needs.

There is a need for ward councillors to change their approach of need identification and work directly with *misanda* all the time even during employment of labour for some

community development programmes. *Mahosi* are better positioned to know the need of their communities including the economic status of every house hold.

Although the traditional leadership and government Act stipulates some few functions of the institution of *musanda* in providing service delivery to the community, this research focuses also on administration of the affairs of traditional community in accordance with custom and tradition. The establishment and functioning of the Thulamela Local Municipality should not temper with how *mahosi* wish to emphasize their custom and tradition to their community. It is their duty to preserve these practices while facilitating and promoting public service delivery to their communities. This research subsequently took an Afro-centric approach that emphasizes the African identity, origin and position.

It is important for government including the Thulamela Local Municipality in this case to be mindful of the fact that they are governing Africans who should be encouraged to know who they are including their history, songs and dances, rituals and while providing services the Thulamela Local Municipality should not adopt the Eurocentric approach and attempt to translate that into Africanism because it will always cause conflicts and tensions between the two structures. Developing the local area of Thulamela should not face away cultural practices, societal value and cultural norms so *mahosi* should remain the custodian of these practices.

The powers and functions of Thulamela Local Municipalities are clearly outlined on the IDP review 2013/2014 and for this research it is important that both these powers of the two structures are implemented harmoniously with less conflicts and tensions. Both institutions should feel highly recognized by each other while both exercise their powers.

The second objectives of this research is to determine the effect of conflict between the structures of Thulamela Local Municipality and the institution of *musanda's* structures. This research has come up with remedial actions to avoid those conflicts and in a way of summarizing then one would reflect on the powers and functions of both structures and then recommend the coordinated approach in implementing services delivery strategies.

In the absence of coordinated approach and continuous consultation by both structures, there will always be an element of mistrust, suspicion and loggerheads between *misanda* and Thulamela structures and that in itself hampers service delivery to the public. It is therefore important that conflicts be avoid so as to allow public services to reach the intended recipients on time.

This research recommends an operational model between the institution of *musanda* and the Thulamela Local Municipality. It is not enough to have *mahosi/Tihosi* forum which seeks to represent the community needs and aspirations. This forum, according to the findings, does not represent *Vhamusanda*, *mahosi* and *Magota* since they do not attend. In addition, information sharing is very poor, so there is no cooperation between the two structures.

It is therefore recommended that in each village, *Vhamusanda* and or *Gota* together with his or her village council committee form part of the ward committee which is charged by the ward councillor.

That arrangement should include SANCO and any other forum which has interest in community development and provision of services to the community. This established structure should then be the one to work with *Vhamusanda* to identify public service needs of the people, compile their wish list and hand it to the ward councillor for debate at the Thulamela council meeting. In that way there is equal and fair representation. There is also an observation regarding the attendance of Thulamela council meetings by *Vho- Thovhele* only. Firstly not all *Vho-Thovhele* are very reluctant in attending these meeting and end up sending representatives to attend on their behalf. Even those who continue attending indicated that during the attendance sitting arrangements relegates them to the back of the gallery and that brings the feeling of being an ordinary person yet they are *Vho-Thovhele*. As a result of that some have since stopped attending those council meetings. Again those who are attending raised an issue on being outnumbered and their voices not heard because they are few and that frustrates them so much that they do not see reasons for being there except to fill in attendance register and access attendance fee.

It is therefore recommended that each *Thovhele* appoint one *musanda* to represent the entire area which *Thovhele* is in charge and after the council meeting that Khosi

will then through *Thovhele* call the whole *misanda* and *Magota* at *Khoroni* and share the information as tabled at the council meeting. In that case the information is shared to all necessary recipients who are the main implementers of public service delivery to their communities.

It is therefore recommended that Thulamela Local Municipality council allows *mahosi/Vhamusanda* to attend this meeting since they are the one who have direct contact with the community on a daily basis.

There is a feeling that *Vho-Thovhele* do not share information with *mahosi* and *Vhamusanda* after attending this meeting and participate of this research from the Thulamela Local Municipality shared the same settlements. However, in sharing this concern with the major of Thulamela Local Municipality, she indicated that *Vhamusanda* are so many that they cannot be accommodated in one gallery.

It is further recommended that *Vho-Thovhele* appoints *Vhamusanda* and *mahosi* in terms of seniority to represents few villages and thereafter report back to those other *mahosi* and *Vhamusanda* who did not attend. For example in the case of *Ha-Tshivhase* where there are more than 40 *Vhamusanda* one might recommended that at least five senior *mahosi* attends council meetings then call *Tshivhidzo tsha mahosi* and share all discussions that gathering.

It is finally recommended that the House of Traditional leaders with all *Vho-Thovhele*, *mahosi*, *Vhamusanda*, *Magota*, *Vhakoma* and *Dzi-Khadzi* be work shopped our issues on land ownership. There is a different view regarding this matter. *Vho-Thovhele* have a thinking that they own the land as opposed to be the custodian of a certain piece land. *Vho-Thovhele* in particular should be trained and made to understand on the following Acts. i.e. upgrading of Land Tenure Rights Act, 1991 (Act no.112.1991), Delegation of powers, upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991), As amended by the upgrading of the Land Tenure Right amendment Act, 1996 (Act 34 of 1996) it is important to just mentioned the purpose of this Act as the understanding of these Acts may somehow minimize conflicts, tensions and litigation which subsequently comprise the process of service delivery to the communities.

The research will also recommended through training and exposure on Communal Land Tenure Policy (CLTP) and the new Communal Land Tenure Policy. The other key policy will be the Interim Protection of Informal Land Rights Act 31 of 1996. It is also recommended that the Thulamela Local Municipality structures and management and the institution of *musanda* and *mahosi* are trained on Act no.16 of 2013, the Spatial Planning and Land Use Management Act. This research is not in any position to detail what this policies stands for, but training and exposure through knowledge sharing is important to both structures, since many of the projects initiated in the Thulamela Local Municipalities have suffered great blows with litigation and court battles.

The Thulamela Local Municipality is a rural municipality, *Vho-Thovhele*, *misanda*, *mahosi*, *Magota*, *Vhakoma* and *Dzi-Khadzi* command more traditional authority than any other structure. So it important and recommended that the Thulamela Local Municipality structures including management observe and recognize structures within the institution of *musanda*. He community recognized this structures and when called for a meeting they attended, they do not experience non- attendance of Tribal meetings so working with them will benefit the Thulamela Local Municipality more and create stability within the municipality area.

Public service delivery and decentralization of services in the Thulamela Local Municipality is either constrained or enhanced by how well both the institution of *musanda* and Thulamela Local Municipality structures exercise their leadership and governance framework and in that way the like hood is that Thulamela Local Municipality could achieve their expected public service delivery targets to their communities. The working module or operational model consisting of the relevant attributes to leadership from *misanda* and *mahosi* and governance framework from Thulamela Local Municipality political and management structures should be developed for delivery targets and meeting basic needs and aspiration within Thulamela Local Municipality area.

The proposed training and capacity building of *misanda* and *mahosi* proposed in this paper will add on the transformative African leadership and institution governance framework which must serve as a vehicle to improve public services delivery by the Thulamela Local Municipality. It must be voted that numerous challenges, problems

and weaknesses exist which have actually been identified before must be dealt with in the Thulamela Local Municipality public service delivery system to improve the situation. The approach taken have including the proposed operational model has taken in consideration of the unique political, social, economic and above all cultural diversities in the Thulamela Local Municipality since there are two different main cultures who speak different languages. However, in spite of these diversities, the ultimate objective is to define the role of *misanda* and *mahosi* in the process of providing service delivery to their community. This will transform the Thulamela Local Municipality into an innovative, flexible and responsive local municipality that is service delivery-driven and continuously seeks to improve and enhance public service delivery and decentralization of services.

One important aspect that this research continuous to bring to light is the fact that the institution of *musanda* in the Thulamela have been given a platform to attend and participate in the Thulamela Local Municipality meetings such as council meetings as ex-office members who do not have voting rights. Since the establishment of the Thulamela and inclusion of *misanda* in their meetings, the status of ex-office member of *misanda* has raised a lot of challenges because they are not able to make any binding decision more so on developmental decision and service delivery projects and programmes that are to be implemented to their communities.

On many occasions the institution of *musanda* and *mahosi* have at the highest level submitted proposals to suggest a South African constitutional amendment which will at least empower them to make joint decision with all government structures since they feel left out decision making structure. As indicated before about the need to capacitate *mahosi* and *misanda* who do not have accessory required knowledge of all municipality programmes, the Thulamela Local Municipality should therefore empower them than with those skills, knowledge and information particularly the ex-officio members who attend council meetings.

The ever-present conflict suggests that councillors should all the times consult *misanda* on all issues that do not only affect *mahosi* but also on matters that affect the entire communities while settlement arrangements and or introduction of infrastructure will take place. The trend in the Thulamela Local Municipality established during the

collection of that was that the Thulamela Local Municipality always involves *mahosi* and *misanda* when projects/programmes are to be implemented or even when they are already at a final stage.

It is suggested that this trend should be discouraged and open door for *misanda* to start with community projects or any other project that talks to serves delivery initiative. The Thulamela Local Municipality should move away from the practice of utilizing the institution of *musanda* and *mahosi* rubber stamping decisions that already taken in some private meetings and brought to council meetings which should also be non-partisan in the Thulamela Local Municipality politics.

During data collection it became apparent that in some wards, the relationship between the institution of *musanda* and ward councillors is mutually beneficial. Both these institution work hand-in-hand towards service delivery and the enhancement of public services, like the wards where *Vho-Musanda Vho-Thinandavha Shavhani* in charge. This area is called *Shanzha* and it was found that all ward meetings are held *musanda wa Shanzha*, which reveals the relationship between the two structures.

Again in ward at *Vhuri-Vhuri* under *Khosi Vho-Sumbana*, it has been found that the relationship between *Vha-musanda* and ward councillors is good since all decisions are taken jointly by both structures. In many village it was noted that there is lack of consultation between the two structure and that lack of by the Thulamela Local Municipality with the institution of *musanda* when undertaking public service delivery projects within their community contribute to massive conflicts and tensions. Proposed future roles and responsibility of the institution of *musanda*. It is therefore important that the entire institution of *musanda* and *mahosi* learn from the two above *misanda* who have good working relationships with their ward councillors. Others should learn how these people were able to convince the relevant persons to hold meetings at *Khoroni* with *Vhamusanda* present to participate in all discussions during that meeting.

Based on the engagement, interviews with *vho-Thovhele*, *mahosi* and *misanda* within the Thulamela Local Municipality the following sentiments were echoed. The institution of *musanda* and *mahosi* have positive prospects on the future relationship with the Thulamela Local Municipality and they appropriate the minimal role and opportunities offered to them to provide basic knowledge on issues of cultural norms and value.

Therefore they have this positive part if relationship should be maintained of sustained in order to build and ensure sustainable workable and progressive relationship between the institution of *musanda* and the Thulamela Local Municipal council.

*Mahosi* and *misanda* feel that that the Department of Corporate Governance and Traditional Affairs should develop a skills development programme that is tailored to the institution of *musanda*. Such a programme will provide *mahosi/misanda* with knowledge about the field of public service delivery, project and programme management, as well as information on the decentralization of service.

The institution of *musanda* and *mahosi* regard themselves as part of Thulamela Local Municipality system although they belong to the different structures but their main concern and frustration are the feeling of power struggle between them and the ward councillors with the latter attempting to take over governance responsibilities from the institution of *musanda* and *mahosi*. This power struggle shows itself in a ward whose *misanda* and *mahosi* and the Thulamela Local Municipality ward councillors in certain villages.

The institution of *musanda* and *mahosi* still hold governance power and influence in their villages and communities. This power has been shown to be more than that of the councillors, since members of the community belong to different political parties. They view their *mahosi* as natural in terms of political belonging, so when *mahosi* call for a meeting, attendance is good, and instructions by *misanda* get carried by their communities. The village communities views their *mahosi* as leaders who are always in constant content with them throughout the year and every time as opposed to political leaderships whose contact with to the communities is seasonal and call only be realized more towards political campaigns towards elections.

The institution of *musanda* is an institution which has an opportunity to continue to grow if not suppressed by politics desire to replace it and the influence they have in village communities within the Thulamela Local Municipality is stronger than political influence. When *Vho-Thovhele Kennedy Midiavhathu Tshivhase* calls for a meeting at *musanda Makumbani*, the attendance of that meeting is so good that no political party around Thohoyandou and the Thulamela Local Municipality can attract such an audience.

Therefore, there is a need to recognize the institution of *musanda* by the Thulamela Local Municipality and work together with them since their authority continues to grow irrespective of the perceived political interference to this institution. *Vho-musanda vha-Shanzha under the Tshivhase* Tribal council had set an example of working with all structures within his community with manageable differences.

During the interview he said, “The opportunity they have in utilizing us to mobilize our own people, these people listen to us more than any other person. For example you see, out Sunday morning if I called for *Tshivhidzo* or *Khoro* they all come then in the early hours of the morning in multitude, then I address them before they go to their difficult churches if the formal provision of public service delivery and decentralization of public service would not be a problem at all because community would see us working together.”

One critical observation made during interaction and engagement with the institution of *musanda* and the chairperson of Vhembe House of Traditional leaders is the level of skills required for understanding the scope of service delivery and its enhancement. It is therefore important that the Thulamela Local Municipality conducts skills audit to all *vho-Thovhele*, *mahosi*, *misanda Magota*, *Vhakoma* and all structures that run at the front and face of the Thulamela to the community. This will allow the Thulamela to identify skills gap and recommend relevant training and capacity building programmes to the entire institution of *musanda*.

It must be noted that the institution of *musanda* has been in existence long before the democratic South African government and way back during apartheid and colonial era. This institution was in place and very active and operational during establishment of the Thulamela Local Municipality but it lies within *mahosi* and *misanda* themselves.

Although *vho-Thovhele*, *Khosi-Khulu*, *mahosi* and some of *Magota* has been put on salary payroll of government and get paid every month that does not and should not determine that government has power over the institution of *musanda*. In fact the Vhembe House of Traditional leaders together with the Thulamela House of Traditional should function in manner that shows the desire to protect the institution of *musanda* and *mahosi*. These houses to Traditional leaders including The Limpopo House of Traditional leaders should work tirelessly to resuscitate the institution of *musanda*

which appears to get slowly get slowly swallowed and absorbed by the modern democratic dispensation.

This does not suggest that the institution of *musanda* must reject salary offers from Government for their leadership role they provide to their communities but those salaries should not persuade them to do away with their traditional governance model of governing their communities. Again these discussions and suggestion above should serve as an attempt to propose a working operational model or trajectory which needs to be adopted by the Thulamela Local municipality who are always working with relationship is of vital importance since it will consolidate the modern government approach as articulate in the National development and decentralization of public service to the communities.

This research has also found that the future of the institution of *musanda* is very uncertain *who-Thovhele*, *mahosi* and *misanda* are an attempt to abolish or do away with the institution of *musanda*. They feel that the establishment of municipalities is an attempt by government to replace their governance role with that of the Thulamela Local Municipality structures, like ward councillors. There is the perception that the institution of *musanda* themselves have not contributed or provided any strategic focus. The institution of *musanda* should take a meaningful position and define their role and responsibility on how they plan serving their community.

The Thulamela Local Municipality should equally be considerate on the proposed sense of direction and plan the institution of *musanda* wish to take on the provision of services to their people and above all the institution should take a position on how to govern their communities during this modern era. These is a need by government, Provincial and or local or national government to propose and develop a document on communication channel between the Thulamela Local Municipality and the institution of *musanda* which will ensure that their relationship is strengthen and the provision of services in the Thulamela Local municipality is implemented with minimum challenges and disruption. Finally the future of the institution of *musanda* is in their hands they have the responsibility of defending their institution and sustained their existence. It is recommended that the partnerships between the institution of *musanda* and the

Thulamela Local Municipality be strengthened for the communities to benefit on this partnership regarding the provision of public services to the community.

This partnerships can successfully be promoted and be encouraged by the National and Provincial government through establishing laws that will assist in governing such partnerships. If such partnerships are in place such arrangements should be based on mutual respect and recognition of the roles and powers each partner has towards influencing the community to take a certain direction of decision towards improving their lives.

Again it is important that these partnership is guided by the principles of cooperate governance which can also allow that the institution of *musanda* and *mahosi* can enter into a service delivery agreement with the Thulamela Local Municipality. This will be structures in a way as the practice between Government institution for example and the service provider and in this case the Thulamela Local Municipality could become the service provider while the institution of *musanda* on behalf of all residents are the recipient of those services

### **6.3 The Institution of musanda in administering justice and crime prevention**

During interviews with *Vho-Thovhele*, *mahosi*, *misanda* and *Magota*, it became apparent that the role that the institution of *musanda* played before the dawn of democracy and during the apartheid era regarding the administration of justice, has faded way. The department of Justice and Constitutional development has taken over all those responsibilities of prosecuting even minor criminal offences.

The institution of *musanda* feels marginalized by this take over without proper consultation and feels that the backlog on the court register would not have resulted if their powers had not been taken away.

They also feel that the democratic dispensation has eroded their powers even that of crime prevention through campaigns that they were able to make including implementation of punitive measure of those found guilty like paying with cattle, sheep or goat. That in itself instil discipline and maintain law and order within the communities. The SAPS in *Thohoyandou* also agree that the increase of crime within the Thulamela Local Municipality particularly the destructions of infrastructures during

service delivery protest and non-intervention by *misanda* is due to the government undermining strategies applied by the institution of *musanda* in crime prevention. The SAPS fully agree that *misanda* have a greater role in influencing the community in abstaining from committing crime during their meeting at *Khoroni*. The SAPS also states that they enjoy cordial relationships with the institution of *musanda*, so they are able to apprehend criminals through information obtained from *musanda*.

In line with the above information it is recommended that the institution of *musanda* and *mahosi* be mandated and empowered to administer justice and help prevent crimes through the following mechanisms. I.e. they be given back their prosecutorial powers which they had before the introduction for the Thulamela Local Municipality. They should be allowed to prosecute on matter like petty theft and common assault including boys impregnating girls as it used to be.

This petty cases never dragged too long since *mahosi* had certain authority to arrive at a resolution without wasting of time., e.g. when a boy has agreed that he has a relationship with a girl but refused to have father a child a resolution would be “*Ya longa khwanda yo nwa*” meaning as long as there was intimate romantic relationships then the child is yours, case closed”.

The institution of *musanda* should be accessible through proper road infrastructure so that the tribal communities can easily access *mahosi* to report crime and make necessary arrest without delay.

That *mahosi* and *misanda* should be awarded equal proper crime prevention resources to prevent crime and to make arrests like in the past. Within the previous system there were police officers who called *tribal rangers* based at *misanda*.

There is a need to train *mahosi* and all members of the institution of *musanda* particularly *Mukoma zwawe* (ordinary traditional mayor) on crime prevention strategy so that they work hand in hand with the community policing forum. *Mukoma zwawe*, according to the African culture, more especially in *Venda* culture, is a member of the structures of *musanda* whose role is to receive all complaints, matters to be attended to by *mahosi* at *musanda*, as well as progress reports on matters that were discussed during *Tshivhidzo* or *Khoro*. He then has to report back at *Khoroni* or *Tshivhidzo*.

*Mukoma zwawe* also acts as a messenger for the *musanda* to convey messages to specific Families who might have been summoned by *Vho-Thovhele* or at *musanda* so therefore since he or she is familiar with many activities of *musanda* it is important that such a person receives training on crime prevention strategy and how to deal with crime in cases there are crimes.

It is also recommended that the relationships between the Thulamela Local Municipality and the institution of *musanda* be strengthened so that there are no challenges in addressing crime around the Thulamela Local Municipality area. Both institutions should take responsibility for crime prevention and combating crime within this municipality. Whether crime prevention belongs to the SAPS, the Thulamela Local Municipality and or the institution of *musanda* must be clarified so that all stakeholders take ownership of crime prevention, of combating crime and of participating in prosecution as and when required to do so and depending on the level of crime. The institution should also be afforded an opportunity to understand matter relating to the implementation of justice and some basic justice Acts as indicated before, so training and exposure is important for all *musanda* towards administration of justice within their Tribal council.

The Traditional local Governance Act of 2003 is very clear about the attempt to address matters of governance within the institution of *musanda* and *mahosi* at local area although it is the first step towards the right direction there is a need to immediately promulgate this act so that the institution is impacted and perceived positively at their community areas.

There is also a need to harmonize the relationship between the institution of *musanda* and the Thulamela ward councillors on matters of crime prevention because already there is perception by some councillors that *mahosi* are obstacle at some point on issues of administration of justice, crime prevention and general public service delivery. Harmonizing this relationships will allow a joint venture of some kind in the process of the above public service delivery initiatives.

Although the perceptions by the ward councillors and the whole Thulamela Local Municipality on the institution of *musanda* as obstacle towards public service delivery and crime prevention could be partly understood, the fact remains that the heredity

leadership of the institution of *musanda* gives them complete authority over their subject to deal with issues affecting their communities and resolve those at *Tshivhidzoni* or *Khoroni*. While on the other hand the Thulamela Local Municipality councillor's and ward councillors as elected office bearers with certain expectations from their constituency are expected to deal with the same community matters and report back to council.

So it is unfair to subject the Thulamela Local Municipality to the institution that they perceive as hindering service delivery processes and prevention, combating of crime. On the other hand there is Congress of Traditional leaders of South Africa (CONTRALESA) which would prefer the institution of *musanda* and *mahosi* to be the only institution that should provide leadership of governance to their communities. It is therefore recommended that CONTRALESA, the Thulamela Local Municipality and the Community Policing Forum (CPF) which is the SANCO structure work together on all matters relating to community crimes and prosecutions on common crimes.

The unfortunate part of the 2003 Act is that it is silent about providing framework for corporation between the institution of *musanda* and the Thulamela Local Municipality structures on issues of crime prevention and combating crime. It is therefore necessary that this act be revisited and amended in general on addressing cooperation between these two spheres of government. The critical challenge is that both the institution of *musanda* and the Thulamela Local Municipality should make sure that the spirit of this Act prevails through joint ventures within the critical areas of service delivery, including the issue of crime prevention.

This could be done even before any attempt or proposal to amend the Act so that sees the need to cover partnerships initiatives within the Act. It is recommended that both the institution of *musanda* and the Thulamela Local Municipality structures acknowledge the fact that they serve the same communities and have obligations to do so in terms of their expectations from the communities. Tensions, conflicts and litigation should be avoided since all that disadvantage the communities they need to provide public services and decentralization of those services to the communities.

Although it is important that both institution forge cooperation between themselves as a way of improving service delivery and cooperate on crime preventions such

cooperation's should be extended to the sub-structures like SANCO, CPF, Development forums and the structures of *musanda* the problem remains when the institution of *musanda* is the only institution to be held responsible for all the crimes happening within the communities. While the institution of *musanda* can be able to combat crime and conduct basic prosecution on minor crimes, the institution should avoid using this strategy as a tool or weapon to force their communities to abide by certain unlawful practices that might invite the attention of SAPS.

There are evidence from other communities where *Vhamusanda* requires to be given some gifts by members working in urban areas like Gauteng before *Vhamusanda* can allow a man marries a girl from their villages. There was also an outcry from a certain village under the Kingdom of *Tshivhase* where *Vhamusanda* demanded or put a price tag for any girl that get impregnated before marriage and it came to an extent that pregnant girls had to vacate the village until Human Rights commission intervene to stop the practice. So it is recommended that whatever the institution of *musanda* does to improve services within the community and or combat and prevent crimes they should do it within the ambit of laws of the country. Any demand for compliance to certain requirements should be within the approved rules and regulations governing the country.

It is also recommended that since *misanda* and *mahosi* are receiving salaries from government they should not expect payment favours or charge any fees for rendering their services to the communities but do that as part of their expected governance role. However, there is a common traditional practice that cuts across all Africans and that requires that, when appearing before *Vho-Thovhele*, *Vhamusanda* or *Khosi*, one has to present a token of honouring *musanda*. It cannot be regarded as paying for services since that it is called (*Nduvho*) "*Phanda ha musanda a hu iwi u si na Tshikuni*", meaning that when you go before a King or a Chief you must carry with you a gift that shows a token of respect. This should never be confused or perceive as payment for any services to be rendered by the institution of *musanda*. It is a cultural practice that needs to be retained since it shows respect and appreciation to *mahosi*.

There are no expectations from the community that *Vhamusanda* should be part of the community policing forum or conduct patrols at night. This could be a way of showing

respect to them as community leaders. However, there are expectations that *mahosi* should always alert their members of the dangers of committing crime during meetings and that they should devise basic measures to combat crime. This research would differ sharply with the perception that the institution of *musanda* is not contributing much on the prevention of crime since in their *Tshivhidzo* or *Khoroni*, crime form part of the Agenda to discourage their community to refrain from committing crimes.

In line with the above there are feelings by other community members that the institution of *musanda* and *mahosi* are not doing enough to combat crime or to come up with mechanisms to fight against crime and this view contradicts the explanation give above that indicates that in every *Tshivhidzo* or *Khoro* the agenda of that meeting will always have an item on the fight against crime and lawlessness. One of the important role that the institution of *musanda* plays is to receive criminal cases reported to them by the communities and refer them to the police with immediate effect and one should be able to see that they are able to play their part.

However, there should be the expectation that *mahosi* will be involved in the practical policing and be chasing after criminal. They are regarded as the custodian of the law and not the implementers of the law. The history of administration of justice and understanding of justice by *misanda* dates back before the 1994 era where every Tribal council had a small holding cell for the detained accused (*Tshitokisi*) since mahosi has authority and powers to prosecute. Their approach on prosecution and sentencing was the application of stiff and harsh sentences without the opportunity for bail application and appeal systems. The accused would be treated as a real criminal who sometimes deserves the sentences of lashing or payment of fine through giving away a cow to *Vhamusanda* or any other sentence that could be imposed to him.

It is therefore recommended that the institution of *musanda* retain its power of prosecuting for minor offences but move with time in cases where the accused seeks bail or intends appealing for the sentence as opposed to the saying that says “*Khosi ya tshea a hu na zwinwe fhungo lofhela*” what the chief has said is final and there is no option for appeal or challenging his/her wisdom. During the new dispensation, the prosecution system by the institution of *musanda* and *mahosi* must adopt the governing justice system which allows legal representative and or a request to

postpone the matter until the accused is ready for prosecution. *Mahosi* should at least receive basic training so that they gain an understanding of the Bill of Rights, including the presumption of innocence until proven guilty. They should do away with the ancient way of prosecution where if an elderly council pronounces a decision there is no space for defence.

It is important to note that the constitution of the Republic of South Africa and other legislation recognizes and respects the position and place of the institution of *musanda* and *mahosi*. However, their role is not clear when it comes to the crime prevention policy documents, such as the 1996 National Crime Prevention Strategy (NCPS) and the White Paper on Safety and Security. *Mahosi* remain at the periphery of crime prevention.

It must also be taken into cognizance that *mahosi* are at the centre of development and the provision of public services in the Thulamela municipality and it has been the role that they have been playing before the establishment of the Thulamela Local Municipality. Typical examples would be their role in building schools and clinics for their communities. In *Ha-Xikundu* at one of the villages during November 2015 while conducting interview one of Tihosi indicated that they have contributed more than R500000 for their building of clinic since their community members get assaulted, robbed of their belongings and some even raped while travelling to the clinic.

Any attempt by the Thulamela Local Municipality to ignore the indispensability of the institution of *musanda* might sound governance suicidal since this is the most observed and respected type of governance structure by the village communities of the Thulamela Local Municipality. Unlike other scholars who are critical about the role and position of *musanda* on crime prevention this research acknowledge that the role of *mahosi* seem more pronounced when it comes to crime prevention and the administration of justice.

#### **6.4 The importance of the institution of musanda in Decentralization of Services and public service delivery in the Thulamela Local Municipality**

The post liberation orientation in South Africa put more focus on the democratization process which needed to pay more attention to the local government reform and the

establishment of municipality in the rural areas like the former *Venda* Homeland and the *Gazankulu* Bantustan. These areas were previously declared a self-governing states although the main control of the affairs were based in Pretoria. These areas never had municipalities. The only public service delivery agent was the local government of that time. This created the need for a new government to develop local government with the introduction of local government elections and nominations and the appointment of office bearers like mayors, councillors, speakers, chief whips and ward councillors.

The approach was mainly aimed at improving the quality of people lives of the previously rural dwellers like the one within the Thulamela Local Municipalities which is more rural than urban. The democratization process of course lives much doubt to the powers and roles of the institution of *musanda* and *mahosi* since they enjoyed significant powers and more resources privileged under the apartheid era and the formation of Homelands and Bantustans regimes. The process of legal transfer from *mahosi* has not yet fully been completed which leaves them with more power over land than government and this makes it difficult for the processes of decentralization of services to succeed due to the battle of land ownership between the institution of *musanda* and the Thulamela Local Municipality.

There are scholars who argues on whether democratic decentralization is compatible with the institution of *musanda* or is it difficult to embark on decentralization with *mahosi*. This research moves from the premises that democratic decentralization is compatible and can be very successful if the institution of *musanda* and The Thulamela Local Municipality work together towards the process. Some of *mahosi* interviewed suggested ways for these institutions to work together towards improving people's lives through the process of decentralization of services and by working together as a team towards improving public service delivery to the community.

Although there are those who think that the process of democratization and decentralization of public services turns to exclude the institution of *musanda* while *mahosi* are turned into spectators of the whole process. However, it is also important to indicate that there are those *mahosi* and *misanda* within the institution of *musanda* who chose to engage in public participation forums with the community and the

Thulamela Local Municipality with the aim of promoting decentralizations of public services. During the interview the Mayor singled out some *mahosi* who actively avail themselves for public participation processes and are fully willing to work closely with the institution of *musanda* towards democratization and decentralization of services with the Thulamela Local Municipality.

After the 1994 national government elections and the beginning of the democratic state, South Africa has been and continues to embark on democratization and decentralization of public services in all areas of the country. Thulamela Local Municipality is not left out in this case although it must be indicated that democratization and decentralization of public services in the rural municipality like the Thulamela Local Municipality differs by far from democratization and decentralization of services in urban area and Metropolitan since these area do not fall under the institution of *musanda* and *mahosi*. This research wish to pay attention to decentralization of public services through local government reform including the position of *misanda* in this processes.

The main issue that continue to show itself within the Thulamela Local Municipality when an attempt is made to decentralize public services is the issue around land administration which both parties are always on loggerheads regarding this matter. What seems to be a problem regarding land administration is the issue around natural resources and forest including the understanding by the Thulamela Local Municipality on areas that are declared sacred and ancestral areas that cannot be accessed by any other person.

The land administration that involves natural resources like *Tshatshingo*, *Mahovhohovho* in *Phiphidi*, *Zwendeulu zwa misanda* are still administered completely by the institution of *musanda* and *mahosi* and the introduction of the Thulamela Local Municipality meant that both these institution should work together to manage these land with natural resources. This new arrangements has raised a lot of tensions between the institution of *musanda* and *mahosi* to an extent that some of the conflicts ended up in court like the one between the *Mphaphuli* Tribal council and the Thulamela Local Municipality in which an area called *Nzhela Vhalimi* is being contested. The institution of *musanda wa Ha-Mphaphuli* got victory over this place where after the

Thulamela Local Municipality requested to settle out of court as a way of creating of peace and harmony between the Thulamela Local Municipality and the *Mphaphuli* royal house.

In spite of that agreement the Thulamela Local Municipality went on to allocate the land to someone against the court judgment that went in favour of *musanda was Mbilwi*. This is an indication of how the institution of *musanda* gets undermined by the Thulamela Local Municipality on matters of land ownership and land administration. Again *Nzhela vhalimi* is a sacred burial place for the *Mbilwi* Royal family so there cannot be a transfer of that land to anyone for any other use. It is important that structures within the Thulamela Local Municipality understand that they are operating within the African villages where African norms and values that the communities still respect irrespective of how the municipality and government operates.

It is therefore recommended that the Thulamela Local Municipality should be transparent towards the institution of *mahosi* and respect the cultural way of doing things. This research subsequently took an Afrocentric approach, which identifies the African origin, place and African religion. It is therefore recommended that the position of *musanda* and *mahosi* and the position of structures within the Thulamela Local Municipality be assessed to find common ground on matters of decentralization of services. The institution of *musanda* remains a legitimate structure to retain cultural norms and values including area or bushes that are considered sacred and therefore deserves consultation as and when the Thulamela requires to develop certain areas that fall under *musanda*.

Again focus is made back to the constitution of the Republic of South Africa regarding the establishment and the functions of the municipalities with the inclusion of the Thulamela Local Municipality. The issue regarding decentralization in this area also receives focus as it promotes provision and enhancement of public service delivery within the Thulamela Local Municipality. This municipality as indicated above is a rural municipality but the constitution dictates that municipalities should be established even in the rural areas and cannot be denied their powers and functions as they are the extended arm of National and Provincial government on decentralization and public delivery services.

The coordination of integrated development planning which covers rural development and urban renewal is the responsibility of the Thulamela Local Municipality. It is also important to note that rural development initiatives and rural development projects cannot take place without the involvement of the Institution of *musanda*.

Despite the fact that most of *mahosi* within the institution of *musanda* and their Tribal authorities were collaborators and agents of the colonial and apartheid regime in both *Venda* and *Gazankulu*, the institution of *musanda* and *mahosi* are fully recognized by the constitution and even before the finalization of the constitution the current constitution the interim constitution in 1993 fully recognized the institution of *musanda*. Again in this two documents there are no indications in terms of powers and responsibilities of the institution of *musanda* regarding the process of democratization and decentralization of services.

Agrawal and Ribot (1999) argue that “political / democratic decentralization is said to occur when powers and resources are transferred to authorities that are downwardly accountable to the local populations” They further argue that the aim is to increase public participation in local decision-making. This research agrees and form part of those who are advocates of this arrangements who believe that locally accountable representatives with real public powers and greater community participation will increase efficiency and equity in the use of public resources. Again this research looks at the argument around decentralization which occurs when the central state transfers some responsibilities to its local branches. When it comes to resource transfers to local authorities and increasing the efficient use of resources by the community, the element of resource ownership cannot be left out. Once there is public participation in decision making that involves a transfer of resources, there is no way that local authorities can exclude the institution of *musanda* and *mahosi* in a rural municipality like the Thulamela Local Municipality.

It is so because the leadership of communities within the rural areas are solely under the care of *musanda* and *mahosi*. May be the question could be when this resources are transferred to the local communities, does the institution of *musanda* have the required capacity to utilize those resources as per the central state requirements and the common answer is could be that they do not have that required capacity. what

then is needed is partnerships and recognition of each other's role and responsibilities within that community.

In the case of the Thulamela Local Municipality, when resources are transferred by the Provincial government and the National treasury, there is a need for thorough consultation between *mahosi* and structures of the institution of *musanda* on how best can these resources be utilized. Therefore the institution of *musanda* cannot be ignored and side-lined when decentralizing services.

“Whether the privatization could be regarded as a form of decentralization is a hotly debate issue. Those in dispute argue that decentralization concerns public resources while privatization entails transferring public resources to private groups and individuals that may or may not serve public interests” (Agrawal and Ribot 1999). This research agrees with those who argues that decentralization concerns public resources since decentralization of public services is the way of bringing services closer to the people and improving the lives of people without expecting any profit whatsoever. However, with privatization there is the intention to realize profit after rendering services.

The argument advanced by this research is based on the powers and responsibilities of the institution of *musanda* when resources are transferred to the local communities. In fact this research takes sentiment of the fact that there cannot be a definition of local communities in the Thulamela Local Municipality without making mention of the institution of *musanda* since most residents in this community lives under the villages that are taken care of by the institution of *musanda* and *mahosi*

This research recommends that although the institution of *musanda* is made of undemocratically elected leadership who occupy their positions through heredity, there is the opportunity to integrate them into the new democratic government system because they command authority and respect from a larger population within the Thulamela Local Municipality. The institution of *musanda* cannot continue to be subjected to the former Bantustans rules or even perceived as serving other regime since those regime do not exist anymore. It is important that the current government revised their laws and fully prescribe the powers and responsibilities of the institution of *musanda* in providing service delivery to the people.

The question that other researchers have been asking and will continue to be asked is whether the current governance structures responsible for service delivery system provides a space for the institution of *musanda* to participate on public service delivery initiatives and the process of decentralization. When making references to the constitution and the Traditional leadership Framework Act there is clear indication that *mahosi's* positions and roles do not come up very clear.

Despite that this research provides a critically factually analysis of what the institution of *musanda* can play in decentralization of services. It therefore means that the research wishes to recommend the revision of the Traditional leadership Framework to include more responsibilities and powers of the institution of *musanda* in the process of service decentralization and enhancing public delivery as a whole as per the current govern public service delivery system within the Thulamela Local Municipality.

This research fully agrees with the recommendation in the White Paper that the institution of *musanda* should play a role in the community as was recommended in the 1994 ANC election manifesto and in the Reconstruction and Development (RDP).

The Reconstruction and Development Plan including the current National Development Plan were put together to provide platform for democratically elected structures to implement these plans. However, it is important to note that the institution of *musanda* and *mahosi* were also provided meaning role of implementing these plans together with the democratically elected structures. The White Paper demonstrates major shifts in government policy and shows positive spin-offs, such as the opportunity to implement democracy in the rural areas under *mahosi* and *misanda*.

From the premise of the White Paper on Local Government, the Reconstruction and Development Plan, as well as the National Development Plan, this research recommends that these laws can be implemented by both the democratically elected institutions and the institution of *musanda* with all the structures below it.

The White Paper on Local Government also provides and dictates power to the institution of *musanda* and *mahosi* to implement all programmes that could improve the lives of the communities living in their rural areas. In this case the Thulamela Local Municipality cannot be left out, since this is one of the most rural municipalities in South

Africa. Although it is one of the largest, its residents are more rural than urban. This creates the need to actively involve *mahosi* and their structures in the process of public service decentralization and the provision of public services to the communities.

There are some *mahosi* and *misanda* who feel that the statement captured in some government policies including the White Paper on Local Government that suggest that the institution of *musanda* must play active role in development, enhancing public service and decentralization of services must be viewed with suspicion since there is no material evidence to support this statement. This perception is raised by those *mahosi* who feel that they are occupying the rightful position in improving the lives of their own people while the Thulamela Local Municipality continues to dictate terms and conditions of their participation.

Again there is no material evidence to support these allegations or perceptions of some members of the institution of *musanda* because in the view of the Thulamela Local Municipality, the institution of *musanda* and *mahosi* are always invited to form part of the development of the IDPs, *mahosi/Tihosi* forums and *Zwivhidzo* called by the Thulamela Local Municipality. However, their reluctance to attend cannot be the main factor of feeling isolated.

This research provides major findings regarding the institution of *musanda* in improving service delivery to the people, enhancing service delivery and decentralization of services in that the institution *musanda*, *mahosi*, *Magota* and all structures of *musanda* are effective in mobilizing their own communities and engage them on matters that directly affect their villages. In that case public service delivery, developmental initiatives and decentralization of services affects directly the rural communities so *misanda* have the capacity to engage their communities on those issues.

It is important to note that meetings(*Khoro/Tshivhidzo*) called by *mahosi* gets attended more that meetings called by the Thulamela Local Municipality, so this institution of *musanda* has powers to convince their constituency on any matters regarding development. Their *Tshivhidzo* or *Khoro* usually take place on Sunday morning earlier enough to allow people to go to their different churches which is very convenient to the communities while the Ward council meetings are called on Saturday afternoon

while most people would prefer to be watching TV sports games as a results these meetings do not from quorums.

According to Buccus (2011) the democratically elected officials do not function effectively despite the fact that they have made promises on public participation on their political manifesto due to the fact that communities still observe their *misanda* and *mahosi* as leaders who can influence government to make things happen as opposed to promises they are given towards local government elections with no delivery thereafter. The issues around lack of understanding on the role of Ward councillor within the community always present a lot of tensions and conflicts between *mahosi* and the Ward councillor. Hicks(2006) and Nyalunga(2006) concur with the above statement and say that the institution of *musanda* views councillors as having intentions to take over their governance role. This has become evident during interviews with *misanda* and *mahosi* around the area of *Ha-Makuleke, Xikundu* and *Mhinga*, when *mahosi* emphasised the fact that development projects and public service delivery projects are implemented without their knowledge. The result is that they feel that they are being undermined and they perceive this as an intention to take over their rule of their communities.

In this research there has been findings that the institution of *musanda* and *mahosi* are effective in the process of decentralization of services and enhancing service delivery as a whole. The communities give more audiences to their *mahosi* more than the structures of the Thulamela Local Municipality and are able to engage each other and make a meaningful decision degrading providing service delivery. The communities and residents under the *misanda* do not care whether the institution is democratically elected or not all they want is the leadership preference that comes from their *musanda* and *mahosi*. As compared to the Thulamela Local Municipality structures, the institution of *musanda*'s meetings and gathering are fully attended and it is not difficult to make a decision. Although their limitations is the accessibility of financial resources their model of operation is fully understood by their residence. What is good about their engagements is that all meetings are held at *Khoroni ya musanda* where *Vhamusanda* is the chairperson with other structures of *musanda* taking care of meeting logistics.

In most cases discussions are centred on specific public service needs and aspirations coming from the community members. Community members are actively involved in this discussions while resolutions captured are relayed to the Thulamela Local Municipality for implementation. What was observed during the engagement with *misanda* and *mahosi* was the dissatisfaction regarding the implementation of the resolutions taken during the meeting since the Thulamela Local Municipality only delivers their public services as per the IDP.

Evidence collected in this study suggest that for a Thulamela Local Municipality to function properly they must use the existing recognized structures close to the communities and such structures comes from the institution of *musanda* and *mahosi*. There is no need for the Thulamela Local Municipality to create a new structure as an attempt to improve service delivery or decentralization since that might add more tensions and conflict amongst all those structures while the community suffers the absence or delay of service delivery.

All of the above findings should be able to connect the institution of *musanda* and *mahosi* with Thulamela Local Municipality and create a strong working bondage that will allow them to provide much needed public service, prevent and combat crime and decentralize services together as a collective with less misunderstandings and minimized conflicts. Public participation by all relevant stakeholders within the community is of vital importance if the Thulamela wishes to realize their dream of decentralization of services to the community and enhance community development as a whole within the Thulamela local area.

It is appropriate to assert that the Thulamela Local Municipality as a local sphere of government remains the important player in ensuring sound and solid economic growth, effective poverty alleviation particularly in the rural areas under *misanda* and job creation including Local Economic Development. All of the above should be done within the context of developmental local government agenda.

For this research the developmental role of the Thulamela Local Municipality should be characterized by the maximum cooperation and collaboration between the institution of *musanda* and the Thulamela Local Municipality structures.

Apart from that this role of the Thulamela Local Municipality should also be accompanied by provision of adequate institutional support and administration support system, efficient and effective service delivery is informed by the relevant required capacity. It is recommended that there be additional required capacity at the Thulamela Local Municipality since by the time this research was conducted the following positions were vacant i.e. Municipal Manager, Senior Manager Corporate services, Senior Manager Community and all of these positions are critical for the provision of public services to the community within the Thulamela area.

While the latter is important it is also of vital importance that capacity building and training of members and structures within the institution of *musanda* is conducted to close the observed ignorance gap that exist on *misanda* regarding decentralization, local economic development and public service delivery. The impetus to build viable, efficient and effective municipality and in this case the Thulamela Local Municipality should also be informed by local economic development imperatives underpinned by job creations, local economic growth and poverty alleviation efforts within the Thulamela Local Municipality.

## **6.5 Executive summary of the proposed recommendations**

- It is recommended that the Thulamela Local Municipality improves on public consultation and includes all stakeholders who are beneficiaries of the public services who benefit directly when the public services are decentralized.
- It is further recommendation that the Thulamela Local Municipality collaborate and cooperate with the institution of *musanda* on all issues regarding providing public services to the communities and the Thulamela Local Municipality should recognize the existence of this institution and its powers to influence their subjects. There is a need for the Thulamela municipality to work with this institution.
- The institution of *musanda* should receive basic training on all matters related service delivery and how to oversee and monitor any progress on all service delivery projects that are implemented in their villages. This training will also

allow them to have enough authority over quality of services that are rendered in their villages.

- That the Thulamela Local Municipality respect wishes and plans of the institution of *musanda* regarding allocation and land for residential purpose and actually try and work together so that they can minimize conflicts. A typical example is what is happening at Malavuwe where the Thulamela Local Municipality has just identified a land and allocated it for residential purposes selling a site at a price which no resident is able to afford such price. There was no communication and consultation in this case. It is important that the Thulamela Local Municipality listens to the plans of *mahosi* before improving any land or allocating any land for a particular usage.
- It is highly recommended that the Thulamela Local Municipality work with the institution of *musanda* to call the community for *Imbizo*, actually the Thulamela Local Municipality should request all the time *misanda* to call service delivery *Imbizo* on their behalf since *misanda* are fully recognized and have a huge command to their subjects and they are respected. It cannot be overemphasized that the good working relationships between the Thulamela Local Municipality and the institution of *musanda* is very important for the promotion of public services within the rural communities where *misanda* are taking charge of such communities
- The institution of *musanda* should cooperate with the Thulamela Local Municipality regarding the usage and land for development and avail land for such projects where possible it those projects increase chances of job creation opportunities. However, the Thulamela Local Municipality should also be considerate of the advice from the institution of *musanda* regarding the status of land which the municipality intend to develop, for instance sacred or ancestral areas. It also recommended that the institution of *musanda* be fully trained on Land ownership and land allocation since this is the major challenge and stumbling block for service delivery and community development in general/

- That senior members of the institution of *musanda* be elected by the House of Traditional leaders in Thulamela to represent their communities in council meetings so that they report back all discussions and decision from the council, for example one *musanda* from *Ha-Tshivhase* who will accompany *Vho-Thovhele* then after the meeting that *Vhamusanda* then calls for a meeting of all *misanda* for a report back meeting since it was realized that there is no enough information sharing to *mahosi*.
- That a (mode of operandi) operational model be established which should be made up of at least Ward councillor from each ward, Civic member, *Khosi* or *Gota*, Steering committee members, projector coordinator from the municipality and LED official from the municipality who will then meet regularly to discuss on all service delivery projects that are planned for the particular village and those that are underway. The Thulamela Local Municipality might decide how the operational model should be but what is important is that such a model should be inclusive of all the community stakeholders who are beneficiaries of public services and decentralization of services.

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## ANNEXURES

### APPENDIX 1

#### Research Ethics Consent Form

##### Research title:

An analysis of the musanda institution within Thulamela Local Municipality and the current South African public service delivery system

##### Researcher's details:

Name: Muthuhadini A Madzivhandila

Position: Researcher

Contact Details: 0716803437

I .....hereby consent to participate in the research study on the analysis of the institution of *musanda* within the Thulamela Local Municipality and the current South African public service delivery systems.

The purpose of the study has been explained to me in writing and I am participating voluntarily with no pressure exerted on me. I give permission for all recordings by means of a tape-recording.

I fully understand that I can withdraw my participation in the study at any given time without prior notice. I also understand that I can withdraw my permission for the usage of any collected data and order that all collected data be destroyed.

I understand that my original identity will not be made public and instead a temporary identity will be used. I understand that some of my interview information in form of extracts can be utilized in any publication under a hidden name.

Signed ..... Date.....

## APPENDIX 2

### Statement by the Researcher

I hereby certify that I explained the research to the abovementioned participant, including all the processes, procedures, possible challenges or risks and the potential benefits that come with participation in this study. The participant's concerns and questions were answered to his/her satisfaction.

Signed .....

Date .....

Muthuhadini Madzivhandila

## APPENDIX 3

### Letter to the Thulamela Local Municipality

Muthuhadini A. Madzivhandila

University of Venda

The Municipal Manager

Thulamela Local Municipality

Vhembe District Municipality

7 April 2015

### **Subject: Request to be granted permission to conduct study a within the Thulamela Local Municipality's jurisdiction**

I, Mr. M.A. Madzivhandila, student number 8702936, am a PhD student from the University of Venda in the School of Human Sciences and I am conducting research focusing on the institution of *musanda* and its influence on service delivery within the Thulamela Municipality. My study areas are as follows: *Tshivhase, Mhinga, Mphaphuli* and *Xikundu* territorial areas, which fall under the Thulamela Local Municipality.

I hereby request that the municipality grant me permission to interact with structures such as SANCO, the ward committees, traditional leaders and municipal councillors. During the process of research, the researcher will request the Thulamela Local Municipality to furnish him with the relevant required information. Research questions will be forwarded to different structures as indicated above, including your officials, whenever the need arises. The research is aimed at improving service delivery in Thulamela Municipality by means of good working relationships between the traditional leaders' structures and the Thulamela Municipality structures.

I thank you in anticipation of your cooperation

.....

Prof A. Masoga

Prof M.A. Makgopa

## APPENDIX: 4

### Letter to the Vhembe House of Traditional Leaders

Muthuhadini A. Madzivhandila

University of Venda

The Chairperson

Vhembe House of Traditional Leaders

15 September 2015

**Subject: Request for permission to conduct research within the following traditional territories: Tshivhase, Mhinga, Mphaphuli and Xikundu**

I, Mr. M.A. Madzivhandila, student number 8702936, am a PhD student from the University of Venda in the School of Humanities. I am conducting research focusing on the institution of *musanda* and its role in service delivery within the Thulamela Local Municipality. The study areas which have been identified are the Tshivhase, Mhinga, Mphaphuli and Xikundu territorial areas, which fall under the Thulamela Local Municipality.

I request your permission to interact with chiefs, headmen/headwomen, and other structures such as SANCO and ward committees in the abovementioned territorial councils.

During the research process, the researcher will request the tribal offices in those villages to furnish him with the relevant required information. Research questions will be forwarded to different structures as indicated above. The research is aimed at improving service delivery in Thulamela Local Municipality by means of good working relationships between the institution of *musanda* and the Thulamela Local Municipality structures.

I thank in anticipation of your cooperation.

.....

Prof A. Masoga

Prof M.A. Makgopa

## APPENDIX 5

### Questions for Data Collection

1. What is your understanding of service delivery to the community?

.....  
.....

2. What role do you think *misanda* and *mahosi* should play in service delivery within the Community of Thulamela?

.....  
.....

3. Do you think the institution of *musanda* and all *mahosi* are fully involved in the process of decentralization of services and public service delivery within the Thulamela Local Municipality?

.....  
.....

4. How do you view the relationship between the institution of *musanda* and the Thulamela Local Municipality?

.....  
.....

5. Do you think the institution of *musanda* is currently playing a critical role in public service delivery within the Thulamela Local Municipality? If yes, how, and if no, how would you like this institution to play a role in public service delivery?

.....  
.....

6. In your understanding, what could be the challenges facing public service delivery in the Thulamela Local Municipality?

.....  
.....

7. Are there times and situations where there have been disagreements between the *musanda* and the Thulamela Local Municipality regarding public service delivery that required a mediator to resolve?

.....  
.....

8. In your view, do you think there is enough consultation between the Thulamela Local Municipality and the institution of *musanda* regarding public service delivery?

.....  
.....

9. How would you like the Thulamela Local Municipality and the institution of *musanda* to relate on public service delivery?

.....  
.....

10. If we were to propose a working structure between the Thulamela Local Municipality and the institution of *musanda*, how should that structure be?

.....  
.....

## APPENDIX 6

### Mbudziso dzo Vhudzisiwaho u Kuvhanganya Vhutanzi

1. Ndisedzo ya tshumelo u ya nga ha vhone ndi mini?

.....

.....

2. Vhone vha vhona unga Tshiimiswa tsha musanda tshi tamba tshipida de kha Ndisedzo ya tshumelo?

.....

.....

3. Vhone vha vhona unga Tshiimiswa tsha musanda tshi a dzheniswa naa kha Ndisedzo ya tshumelo afha masipala wa Thulamela?

.....

.....

4. Vha vhona vhushaka ha Tshiimiswa tsha musanda na masipala wa Thulamela ho tou ita hani?

.....

.....

5. Vha vhona u nga Tshiimiswa tsha musanda tshi khou tamba tshipida tsha vhuthogwa naa kha Ndisedzo ya tshumelo kha masipala wa Thulamela?

.....

.....

6. Ngau pfesesa ha vho, hu nga vha hu mini tshine tsha vha khaedu ine masipala wa Thulamela wa tangana na yo kha Ndisedzo ya tshumelo?

.....

.....

7. Hu na zwifhinga na nyimelo he ha vha na u sa pfesesana vhukati ha Tshiimiswa tsha musanda na masipala wa Thulamela he vhuya ha todea na mulamuli kana zwa itea ha vhuya ha swikwa kotho ya mulayo u senga dziphambano idzo naa?

.....

.....

8. Nga u tou vhona havho vha vhona unga hu na vhukwamani ho linganaho vhukati ha masipala wa Thulamela na Tshiimiswa tsha musanda malugana na Ndisedzo ya tshumelo naa?

.....

.....

9. Vho vha vha tshi nga tama uri masipala wa Thulamela na Tshiimiswa tsha musanda zwi shumisane hani?

.....

.....

10. Arali ro vha ri tshi nga dzinginyisa zwigwada zwa u ku shumela vhukati ha masipala wa Thulamela na Tshiimiswa tsha musanda vhone vha vhona ku dzundzanyele kwa zwigwada ku tshi fanela u vha nga tshivhumbeo tshifhio?

.....

.....

## APPENDIX 7

### Swivutiso swi nga Vutisiwa e ka Ndonjo Leyi

1. Hi ku twisisa ka n'wina, xana “service delivery” eka tiko l yini?

.....

.....

2. Xana mi vona ku ri yihi mintirho leyi yi nga endliwaka hi tihosi leswaku “service delivery” yi humelela?

.....

.....

3. Xana mi vona onge va le vukosini va nghenisiwile kumbe ku nyikiwa xiphemu eka ku kunguhata kumbe ku endla mintirho ya “service delivery”?

.....

.....

4. Xana mi byi vona njhani vuxaka lebyi nga exikarhi ka tihosi ta miganga na masipala wa Thulamela?

.....

.....

5. Xana mi ehleketa onge tihosi tile ku endleni ka ntirho wa ntikelo eka “service delivery” laha Thulamela? Loko swi ri tano kumbe swi nga ri tano, xana ami ta tsakela ku vona va endla yini?

.....

.....

6. Hi ku twisisa ka n’wina, hi swihi swirhalanganya leswi swi kanganyisaka “service delivery” eka masipala wa Thulamela.

.....

.....

7. Xana yi vile kona minkarhi kumbe swiyimo laha aku ri na ku hambana ka mavonelo exikarhi ka tihosi na masipala wa Thulamela mayelana na “service delivery” lero ka swi lava nghenelela hi va-ahluri xana?

.....

.....

8. Hi ku vona ka n’wina, mi ehleketa onge ku vile kona ku ku vonisana exikarhi ka tihosi na masipala wa Thulamela mayelana na “service delivery” eka tiko?

.....

.....

9. Xana mi tsakela leswaku Tihosi na va masipala wa Thulamela va tirhisana ku yini eka mhaka ya “service delivery”

.....

.....

10. Loko swo endlaka leswaku hi mi pimela maendleo kumbe tindlela taku tirhisana exikarhi ka tihosi na masipala wa Thulamela, xana amita tsakela leswaku maendlelo/matirhelo lama ya va lama ya njhani?

.....

.....

## APPENDIX 8

### Interview yi nga endliwa na Ndhavezithe Hosi Xikundu

#### 1. Nwina hi ku twisisa ka nwina service delivery I yini?

**Hlamulo:** Hina hi ku twisisa ka hina service delivery to the people hi it sevisi leti Mfumo kumbe masipala a fanela ku it yisa ka vanu ku ri va kota ku hanya kahle. A tekeni la ka Xikundu hi na miganga yo fika 11 so hi hleketa kuri service delivery leyi I fanela ku fika ka miganga yi kwayo la ka Xikundu I tisiwa hi masipala wa Thulamela

#### 2. Xana mi vona ku ri yihi mintirho leyi yi nga endliwaka hi tihosi leswaku “service delivery” yi humelela?

**Hlamulo:** Leswi hi swi vonaka tani hi Tihosi a voni kuri masipala wa le Thulamela wa tekela vuhosi hehla loko va ri ku pulaneni swa it sevisi hi ku hina a hi tlangi party ka it structure ta vona.

Leswi ni nga tami bwela hi sweku ku na Gap shikari ka hindlu ya vuhosi na masipala. Hi ku hina la ka Xikundu ho vona swilu swi kha swi humelela hi nga zi hi hlanguana na it siviki kumbe Mukhantselara wa kona

Hina ka saiti ra hina hi na Xividzo leshi shi tsamako hi it Mondays and ka Xividzo leshi it Khantselara ati atendi hi ku ku tsama it Nduna tsena ta miganga leyi ya 11

#### 3. Xana mi vona onge va le vukosini va ngenhisiwile kumbe ku nyikiwa xiphemu eka ku kunguhata kumbe ku endla mintirho ya “service delivery”?

**Hlamulo:** A hi minyekeni xikombiso hi timkaka ta Xigontiri leshiwani mi shi vonaka la ka Xikundu. Hina hi lo teka advantage ya ku vona Xigontiri xi ka xi makiwa ka Mhinga ivi hiku ka Nadvezithe tsalani papilla mi ri yisa ka masipala mi kombela ku na nwina va mi endlela xigontiri leshi la ka Xikundu. I vi Ndhavezithe va tsala hi kona hi nga vona xi fika na la kahina.

**4. So, Xogontiri leshi xi komberiwile hi nwina or hi Mukhantselara le ka masipala wa Thulamela?**

**Hlamulo:** Hina hi bwele Ndhavezithe ku ri vona a va tsali papila va ri yisa yi vona nwinyi kwele ka masipala, se loko va indleli tanu ho bona xogontiri xi sungula ku makiwa, Mukhantselara a nga hi pfunanga hi chumu hina

Ha swi lava ku va na 100 per cent involvement mara sweswi a hi se nghena ka timaka ta ku tirisana na masipala, swa ha tika ngopfu. Ti sevisisi le it mi it vionaka it endliwa la ka Xikundu hina ho vona it endliwa hina hi nga khumbiwanga and swa hi hlamarisa hi ku vona to project ti endliwa ka tiku ra hina hi nga vinyi va tiku hi nga bweriwanga. A hi minyikeni xikombiso xa ti RDP houses le ti mi tivonaka sweswi ku fiki la Ndhavezithe va ti yimisa hi ku a swi nga landelelanga to chanele ta kahle.

Masipala wa Thulamela a wu tekeli hehla hindlu ya vuhosi ka tisevisi leti u it endlaka la ka Xikundu so ku va na it ploblem to tala.

**5. Xana mi byi vona njhani vuxaka lebyi nga exikarhi ka tihosi ta miganga na masipala wa Thulamela?**

**Hlamulo:** Vuxaka bwa hina na masipala wa Thulamela a vu kahle na switsanana. Hi maroto manwani ku hava vushaka xikari ka hina na masipala wa le Thulamela. Ku na tirizi ta sweswo ni mi bwelaka. Ndhavezithe la va nga lova a va lavi no twa chumu hi ANC na kona a ba nga hlamulani na Mukhantselara na kona Mukhantselara anga ngeni la kaya hi ku a v nga lavi ku twa chumu hi Thulamela municipality. Kahle kahle na munu loko a lava ku ta la kaya loko o va a mbarili xikipa sha ANC anga ngeni la kaya or a ri na swimbalo swa Masipala wa Thulamela a swi tika ngopfu ku valavula na Ndhavezithe. Mara sweswi he le ku lungiseni ka vushaka bwa hina na masipala wa Thulamela hi ku hi na ku twisisa ku ri hi fanela hi tirisana ku yisa tisevisi ka vanhu. Ti ripoto ta ti RDP houses, toiltes na ta Mati sweswi ha ti kuma ka Mukhantselara wunwe tsena lava vambiri va ha tshava ku ngena la kaya mara hi ku swilungiseni.

6. **Xana mi ehleketa onge tihosi tile ku endleni ka ntirho wa ntikelo eka “service delivery” laha Thulamela? Loko swi ri tano kumbe swi nga ri tano, xana ami ta tsakela ku vona va endla**

**Hlamulo:** Hindlu ya vuhosi I le ku pfluxa pfluxeni ka it komiti le it tinga ta langutana na timhaka ta tisevisis la ka Xikundu. Hi hleketa kuri tokomiti leti xikanwe na masipala va tirisana ku vutisa ku ri vanu la tikweni ra hina vha lava yini then hi ta swi rulela ka masipala hi kombela. Ka it mhaka ta tisiviki a ku ri hava siviki hi tiraka la ka Xikundu mara sweswi hi va komberili ku va loncha na SANCO ku ri hi takota ku tirisana na bona. Kuna tisiviti ta miganga ya 3 ti nga loncha so hi bwela na vanwanyana ku ri na vona vas ungula ku loncha ku ri ri ta kota ku tirisana na switirakatshara swi nga rigisitariwa.

7. **Hi ku twisisa ka n’wina, hi swihi swirhalanganya leswi swi kanganyisaka “service delivery” eka masipala wa Thulamela**

**Hlamulo:** Ti challenges le it hi nga na tona hi it vonaka I corruption lo ko ku tisiwa to sevisisi leti. La mi nga ta vona kotala to project it stopiwa it nga helanga hi ku mali I diwile. Ko tala ngopfu mi kuma ti steering komiti ta le ti ti project va twana na Mukontiraka ku hunguta ti project na ku compromiser to quality ta project ku ri va kuma mali.

8. **Xana yi vile kona minkarhi kumbe swiyimo laha aku ri na ku hambana ka mavonelo exikarhi ka tihosi na masipala wa Thulamela mayelana na “service delivery” lero ka swi lava nghenelela hi va-ahluri xana?**

**Hlamulo:** Hu hambana hi ze hi va na kona kopfu hi timhaka ta xigontiri hu ku na loko xi tisiwa hi masipala hindlu ya le vuhosini I fanela ku bweliwa ku ri bajete ya kona I mali muni na kuri ri ta teka it kilometer it ngani ku ri xihele. Loko xigontiri lexi xi sungula ku fike la Nndavezithe wa swi imisa ku fika va tsama na masipala wa Thulamela ku vutisa kuri kasi bajete ya xigontiri leshi I malimuni? Hi ze hi khompera it village timbiri leti it nga kuma xigontiri hi lava ku tiva ku ri kasi bajete ya kona ya ringana naa? Miganga la kona hi Mahonisi unwana I Magona. Ku nwanyani loko Mukontara a maka xigontiri ku shaviwa mova u nyikiwa Hosi vaku I mova wa project loko ntiru u hela Hosi I nyikiwa mova loya sweswo swa to

komba ku kuna corruption hi kulu ngopfu. Loko mo languka la ndhaku ka hindlu mi ta vona ku ri na mafasitere na it door frame Ndhavesite va lo ya va swi teka va vuya na swona hi ku a ku lava ku makeriwa hindlu nwana wa vona lo yo a nga I laviko ku tsikiwa swi siwana le swi lavaka ndiyindlu.

Ku kona la Masipala anga teka misava anga bwelanga Hosi mara hi swikotile ku endla ku shiyimo shi vuyela kahle hi ku valavurisana na masipala wa Thulamela ku ri development I ya phambini ku lwiwi. Mara ku na la hi nga za hi fikisana khothe hi mhaka ya ku akiwa ka purification plant ka misava leyi Hosi a yi ri pulane na ku endla swinwanyana, so timhaka ta kona ta ha ri le court na sweswi. Ko na ke hi ba mavoko hi ku mati ma le ku kumekeni sweswi na vanhu va tsakile so masipala wa le Thulamela u tirile kwalaho.

**9. Hi ku vona ka n’wina, mi ehleketa onge ku vile kona ku ku vonisana exikarhi ka tithosi na masipala wa Thulamela mayelana na “service delivery” eka tiko?**

**Hlamulo:** Ti timhaka tinwana it le masireni la masipala a fanela ku lungisa kona, loko va ta va lungisa swilunyana se va ku loko munhu a lahliwa ndyako wa kona u fanela ku hakela R400. Vnhu va tiku vaku kasi masira lava a hi ya tiku naa? Masipala wa le Thulamela a zanga u hi endelela masira ku fana na le ka Malamulele so why hi fanela ku hakela R400 ku lahla munhu. I ku hambana ku nwanyani ku nga va kona na sweswi vanhu a va pfumeli ku hakela mali loko va lahla munhu wa vona. Loko mo za nivina ku ta giraidara ya ka Masipala wa le Thulamela loko ku love munhu mi swi tiva ku love munhu wa shitaiasi xa le hehla ngopfu and loko vanu va swi vona vo vona ku nge masipala wa le Thulamela u le ku iseni ka tisevisi ka vanhu kasi a hi swona.

## APPENDIX 9

### Ti interview it nga endliwa xikari ka Hosi-Gonani na Hosi-Hlengani

#### 1. Hi ku twisisa ka n’wina, xana “service delivery” eka tiko I yini?

Sevisi divivary I swilu leswi tiwaka hi Mfumo ka vanu ku ri swi endla ke vanu va hanya kahle. Ku twisisa ka mina leti it sevisisi it fanela ku tisiwa hi Thulamela municipality anga ta va a rhumiwile hi Mfumo ku ri a tirela vanu.

Swivutiso

Nwina hi ku twisisa ka nwina hi mani lo nga fanela ku mi tisela tisevissisi leti mi it vulaka?

Hlamulo hi Hosi-Hlengani

Kuya ka mina Mfumo wa boheka ku tisa leti sevisisi ka hina na kona Mfumo u fanela ku rhuma lava vanga hasi ka wona ku fana na masipala wa Thulamela hi wona u fanela ku hi tisela tisevisi leti wani?

Hlamulo hi Hosi-Gonani

Mina ho ku twisisa ka mina Thulamela hi wona u fanela ku tisa tisevisi ka vanhu, swilu swo fana na Mati, RDP houses, mapatu, it toilete na swikolo. Kahle kahle masipala u fanela ku tisa swilu swi laviwaka hi vanhu va muganga wa lowo. Masipala wa le Thulamela u fanela ku vutisa hina ku vanu wa nwina va lava yini ku sungula, hina ke hi tava hlamusela leswi va tsamatiko va nga hi bwela ku va lava swona ku sungula

#### 2. Xana mi vona ku ri yihi mintirho leyi yi nga endliwaka hi tihosi leswaku “service delivery” yi humelela?

Hlamulo hi Hosi-Hlengani

Ava fanela ku loko va ngase tisa tisevisisi leti e Migangeni ya hina ku sungula hina hi tsama na vanhu va hina hi kunguhata ku leswi hi swona swi lavvekaka ku

sungula na kona ku va hina hi va nyikaka mavitu ya vanhu loko ku lava ku akiwa it hindlu or ku toriwa vanhu.

Hamulo hi Hosi- Gonani

Swinwanyani le swi ni nga swi vona la ka mina hi ku ku makiwa tindlu ta it RDP it akeriwa munhu wa 25years a nyikiwa yo na and loko a sungula ku tira wa tsika hidlu le yiya a maka ya kahle or a wisa a sungula ku maka yindlu ya kahle kwalaho masipala u va u thlange hi mali loko a vo vutisa hian ku sungula a hi ta va bwela vanhu la va lavaka ti RDP houses let wani. Hina phela hi na list ya swisiwana swa hina hi ku hina hi hina hi tivaka vanhu va muganga lowu hi kwawo.

**3. Xana mi vona onge va le vukosini va ngenisiwile kumbe ku nyikiwa xiphemu eka ku kunguhata kumbe ku endla mintirho ya “service delivery”?**

Hlamulo hi Hosi- Hlengani

Hina hi vona hindlu ya vuhosi va yisiyile handli ka timhaka ta sevisi dilivary. Hiku swilu swo tala va swi endla hi nga swi hleketanga ku va ta swi endla na ku vutisa vanga vutisanga so hi vona hina va hi siyile handli ngopfu ande swa vava hi ku tisevisi leti it endleriwa vanhu va hina la va tsamaku migangeni ya hina. Loko u bweriwa ku u ta tiseriwa mati ka muganga wa wena wo pfumela hi ku sha nkoka hi ku vanhu wa wena va pfuneka mara kahle kahle a hi fanela ku pulana swinwe na masipala wa le Thulamela mara a swi endleki sweswo.

Hlamulo hi Hosi-Gonani

Lokoo ku fika timhaka ta ku toriwa vanhu la hi tikontiraka or Mfumo hina Tihosi a hi khumbiwi hot wa ku vanhu va le ku toriweni hi Tikomiti ta Mukhantselara. Vona vo founelana Kunene I vi vanu va tolana hi xivona ku ka ku shavisiwa na it post le tiya. Loko a no nyikiwa kari ni tsama na Mukhatselara na komiti ya yena kutani ni ri Hosi na swi tiva ku iva mani va lavako ntiro hi ku hi swisiwana swa mina. Hina hi tirisa swi phephana I vi munhu a langa sha yena loko a tsandekile na yena wa swi vona ku u tsandekile ku ri hava vitsotsi.

Hlamulo hi Hosi-Hlengani

Vanhu lava hi tsama na vona ende ha va tiva ku va tumbuke njani phela na vuhosi lebwi a hi lo voteliwa rini hi kula hi swi vona ku swi fambisiwa njani so masipala wa le Thulamela loko a wu twisisa ku hina hi hina hi nga khoma miganga leyi ku va hi hlonipha hi ku hi kumba loko ku ri na swinwana va lava ko ku swi endla hi tirisana na voan kahle.

Hlamulo hi Hosi-Gonani

Hina hi tiva vanhu va hina so mina ni kombela ku masipala wa le Thulamela a wu zami ku tirisana na hina ku nyiketa it sevisi ka vanhu va hina.

**4. Xana mi byi vona njhani vuxaka lebyi nga exikarhi ka tihosi ta miganga na masipala wa Thulamela?**

Hlamulo hi Hosi – Gonani

Vushaka bwa hina na masipala wa le Thulamela a vu kahle na switsana. A hi tisisani na ku tirisana ande ho nge ha phikisana. Kahle problem yi va laha vanhu va tesembisiwa swilu ivi swi nga endliwi so I problem yi kulukumba ngofu ya leyo hi ku hina hi fanela ku vitana vanhu va hina hi hlamusela swiilu le swi hi zangi hi sungula na vona la va ka masipala wa Thulamela. Mina ka mina ku tisisi tange ra mati mara mati ama humi ende mukhatselara a nga hi bweli ku problem ile kwihi ende wa aka tiko va ta ka mina ku vutisa ku why mati manga humi? Mina ni hlamula yini kwalaho hiku ani tivi chuma na mina.

Hlamulo hi Hosi-Hlengani

Matirele ya Tikhantselara a ma kahle hi ku hi twa hi tisevisisi le it it ta endliwa e migangeni ya hina a switarateni vona va nga it ka hina va tsama na hina va bwela it mhaka va nga vuya na tona ka masipala ku na hina hi swi tiva ku la ka muganga wa mina ku ta endleka yini rhini? Ku fana na le ka mina mati a ku ri problem mara loko ku sungula ku akiwa tenge ra mati ri tswa mati a ma ha humi swona vanhu va mina va xaniseka hi timhaka ta mati ku fika na la vana va swikolo va huma ri kari wa xikolo ku ya lava mati ma kunwa Kunene.

**5. Xana mi ehleketa onge tihosi tile ku endleni ka ntirho wa ntikelo eka “service delivery” laha Thulamela? Loko swi ri tano kumbe swi nga ri tano, xana ami ta tsakela ku vona va endla yini?**

Hlamulo hi Hosi Hlengani

Hina va hindlu ya vuhosi hi ri Tihosi ho lerisiwa hi it Khantselara ku ri ku ta endelka yini a mugangeni wa wena a nyikiwi chance or he thlanga xiphemu xo kari, hai hina hi fanela ku landlela leswi va hi bwelaka swona.

Hlamulo hi Hosi-Gonani

Loko lava va Tikhantselara ta masipala wa Thuklamela va tirha swilu vang hi bwelanga loko swi bhiha ku vuyiwa ka hina ku swi lungisa mara loko vas ungula ava tangi ka mina. Va tikomiti ta Mukhantselara va it endlela swilu swa vona va ri voshe a va tekeli hindlu ya vuhisi e hehla. Ku ze ku kolekiw mali ya ku shava xiphiphana a xi ka tsoveka so ku kolekiwa R5 hi muti hi muti mina ni nga bweriwanga loko ku shaviwi xiphaiphana lexiya ivi ku sala mali la va komiti va dya mali leyiya. Va aka tiku ba te ka mina ku ni vutisa ku kasi swi fambisa njani swa timali ta hina ivi mina niku a ni tivi chuma iyani ka lava ba nga teka mali ya nwina. Ma swi vona ku swi tika njani loko masipala wa Thulamela u nga tekeli hina hehla na Tikhantselara ta vona.

Hlamulo hi Hosi-Hlengani

Mina ni tendi kwala, a ku ri ma R30 ya nga kolekiwa hi vanhu va kollekisiwa hi tona it Komiti ta Mukhantselara vaku ba lava ku shava tende ra tiku. Mahetelelo ya kona mali ya kona yi dyiwa vanhu se va tsutsumela ka mina. Ku suka sweswo ana ha pfumeli mali I kolekiwa hi tikomiti a mugangeni wa mina. Hi mina kutani ni ri Hosi ku ri ni vula ku ku laveka tende ra tiku na kona la loko ri tirisiwa swi fanela ku va na ti process ti landeleliwaka.

Halmulo hiHosi-Gonani

Mina pfuka ni nga swi bona a na ha pfumeli ku sivki na tikomiti ta Mukhantselara va kolekisa mali ka muganga wa mina. A hi lava ku shava tipiki ta ku tirisa a

masireni so leswi ni nga swi endla hi ku ku na river sand na sand ya ku aka le ka mina, munhu loko a lava ku rwala sweswo ni mu bwela ku a shava tipiki na hi kwaswu swa ku tirisa e masireni. Hi swikumile swi kona ku nga kolekiwnaga na mali. Na sweswi hi leku makeni ka holo ya ku khoma kona it meeting ta hina hi ku shavisa sand leyi na lava ma majkaku switina va hi nika.

Hlamulo hi Hosi-Hlengani

Hina na Thulamela masipala a hise fikisana it khothe(Courts) hi timhaka ta sevisi mara va Tikontiraka hi tsama hi ka hi tenga milandu ya ku lavi ku hakela vanhu kahle. Tikontiraka leti tiva it tisiwile hi Thulamela maunicipality ivi va fika la va thola vanhu va va tirisa va nga va holeli swona ivi ku sungula timhaka ta ku tenga.

A ke mugangeni wa mina ni sungurili na ku kolekisa mali hi xitanda hi xitanda ku kolekiwa R650 ku hi kota ku maka klininki la ka hina. Vanu ba mina ba faba it distance to leha va nge se fika klininiki ende la ndleleni ba repiwa na ku tekeliwa it mali na hi kwaso so hi lava ku maka kliniki ya hina. Ni na switande swo ringana 900 ende loko mo hlayela kahle ku ta kumeka mali ya kahle se hita kota ku ya ka mfumo hi va kombisa ku hi koleke mali yo kari ku va I tatisa ku aka kliliniki

**6. Hi ku twisisa ka n’wina, hi swihi swirhalanganya leswi swi kanganyisaka “service delivery” eka masipala wa Thulamela.**

Hlamulo hi Hosi -Gonani

Hi ku vona ka hina a ku fanela ku va na komiti ya Thulamela municipality I tirisana ku na tikomiti ta le vuhosini ku ri swilu swa it sevisi ta muganga hi tirisana, sweswo a swi endla kuri ku hunguteka it prolem an ku va na ku tsembana e swikari ka Thulamela municipality na hindlu ya vuhosi.

Hlamulo hi Hosi-Hlengani

Mina ni yima Hosi-Gonani a ku endlwi ku hi maka komiti ya le vuhosini I tirisana na tikomiti ta masipala wa le Thulamela ku endla ku ku tireka kahle.

## APPENDIX 10

### Interview with the Advisor and Spokesperson of *musanda* Wa Ha Mphaphuli

#### What is your understanding of service delivery to the community?

##### Response:

My understanding of service delivery is that government has the obligation to provide essentials that any community deserve to have and those essentials will cover issues like water, sanitation, roads and houses. These services are budgeted for through government fiscals that are strictly meant for that.

What role do you think *musanda* and *mahosi* should play in service delivery within the community of Thulamela?

##### Response:

- The institution of *musanda* has a critical role of governance at their community.
- Thulamela Local Municipality has a duty to consult with the institution of *musanda* so that they understand each other on who does what.
- There has to be partnership and collaboration between the two in the situation.
- The institution of *musanda* should be able to conduct a needs analysis for their people and submit such to the Thulamela Local Municipality.
- The institution of *musanda* should act as a conveyer belt between *musanda* and the Thulamela Local Municipality.
- *Musanda* are always well aware of the needs of the people so they play an important part in delivering that message to the Thulamela Local Municipality.
- The institution acts strongly in strengthening governance within the community and by instilling a sense of ownership of resources that are placed within the villages. Regarding destruction and/or vandalization of government properties

and infrastructure meant for development. I do not think it has anything to do with consultation or not. I mean if you were not consulted when a clinic is built which you are using it as and when you need it, do you burn it during service delivery protest because you were not consulted? That is not how it should be, burning of infrastructure is another form of unaccepted behaviour.

**Do you think the institution of *musanda* and *mahosi* are fully involved in the process of decentralization of services and public service delivery within the Thulamela Local Municipality?**

**Response:**

- The institution of *musanda* is side-lined at all cost and this side-lining of *musanda* has no relations with policy issues but the act is just about individual views and intentions.
- They are not involved at all. In cases where an individual *Khosi* is involved or even an individual citizen within that village is involved in tenders or any other projects, if one gets deeper you find that there are corrupt activities with that involvement. Somehow someone is benefiting financially.
- Once you see that individual person being so involved in a project, there are possibilities that quality is being compromised or that individual has somehow subcontracted in that project.

**How do you view the relationship between the institution of *musanda* and the Thulamela Local Municipality?**

**Response:**

- As for now I would not say there is relationship. There is more still need to be done. In a democratic country structures need to come together and decide on a specific strategic direction to take. Be able to argue and differ and later on agree on how to go about rendering services to the people.

- In my own view there is still more that needs to be done in order to realize meaningful relationship between the institution of *musanda wa ha Mphaphuli* and the Thulamela Local Municipality.
- At the moment the relationships between these two structures is not where it is supposed to be. If you go and study closely, they are those *Thovhele's/misanda* who have the relationship with the Thulamela Local Municipality because they benefit as individuals and not as a community and that is not a proper relationship. You find *Khosi* being involved in huge tenders with more financial gain and in most cases on expense of quality of services to be rendered.

**Do you think the institution of musanda is currently playing a critical role in public service delivery within the Thulamela municipality? If yes, how, and if no, how would you like this institution to play the public service delivery role?**

**Response:**

- It is playing a role where a situation compels them to play a role. My understanding is that public services are delivered by the local government together with the Thulamela Local Municipality. When the institution of *musanda* is playing a role they only do that when citizens requires a recommendation letter for the application for an identity document or opening of a bank account.
- From my observation regarding RDP houses, there is clear consultation and collaboration at the initiation stage, but when it comes to the implementation stage, there emerge new challenges in terms of beneficiaries because everything that *musanda* signed changes dramatically and you have new beneficiaries who were not on the list at all.
- Yes on paper *musanda* plays a critical role in public service delivery but what happens at the Thulamela Local Municipality practically is contrary to what the paper dictates regarding the provision of RDP houses and other service delivery projects.

- There is an issue with EPWP, in certain areas my experiences is that people gather at *musanda* and there re-open ballot boxes that are used to appoint people and after that process has been concluded and the project is to start, you completely find new faces all together and those who were appointed through the usage of that ballot boxes and papers remain unemployed.
- Project steering committee always changes faces. They are supposed to monitor compliance, but instead they collude with service providers for personal gains and finally compromise quality.

**In your understanding, what could be the challenges facing public service delivery in the Thulamela Local Municipality?**

**Response:**

- Corruption informs all failures of public service delivery within the Thulamela Local Municipality.
- The second challenge is the lack of skills within the Thulamela Local Municipality and among the service providers appointed.
- People who lack skills are deliberately appointed to strategic positions and expected to deliver on matters they do not understand or know. For example you will find an educator (Teacher) running a water project, I mean, that is real recipe for service delivery disaster.
- Lack of project management skills, people who never finish their projects are the ones who get more projects again while they did not finish the first ones and again that is informed by corruption. There is no follow-up on unfinished projects. Instead those that left projects unfinished they still get more projects.
- The councillor elected by people is not expected to have the project management skills and that would be unfair to them, but we expect the ward councillor to ask right questions on why the project is not finished, etc.?

- I expect skills from the employees of the Thulamela Local Municipality to advise the ward councillors on issues of project management.
- Bribes and corruption seem to be overshadowing public service delivery and those who are skilled get side-lined through bribes and corrupt activities.

**Are there times and situations where there were disagreements between the institution of *musanda* and the Thulamela Local Municipality regarding public service delivery that required the mediator to resolve those differences?**

**Response:**

- There are incidents where there were differences which ended up in court litigation on land use and land distributions.
- On the development and review of the IDP, *musanda*'s view are not captured at all while on the implementation of the IDP still the institution of *musanda* gets side-lined.
- I have observed shared undermining of the institution of *musanda* and preference of a ward councillor.
- Let me give you an example of an area which we consider to be sacred which is called Nzhela Vhalimi. The Thulamela Local Municipality decided to allocate that piece of land irrespective of the court order and even the out-of-court settlements. But we manage to stop that allocation for now.
- Again is the construction of Thavhani Mall, which in spite of the outstanding land claim commission outcomes construction started, although we still do not understand the timing of the land claim commission in releasing the land claim outcomes after we have taken each other to court.
- But I must say at Mphaphuli area the structures of SANCO work hand-in-hand with the institution of *musanda* although there is an attempt from the Thulamela Local Municipality to want to have direct working contact with the

ward councillors and SANCO structure as a way of undermining the institution of *musanda*.

**In your view, do you think there is enough consultation between the Thulamela municipality and the institution of *musanda* regarding public service delivery?**

**Response:**

- At the moment there is very little consultation if any, the Thulamela Local Municipality work through their councillors in areas where there should be working with the institution of *musanda*. I mean, here at Mbilwi and all villages under Thovhele Vho-Gole Mphaphuli the institution of *musanda* and all *mahosi* should be the only point of contact for proposed community development or any service delivery initiative. However, councillors are the ones that get more consulted for needs and aspirations of communities while *musanda* is the one who know his community better than any other person.

**How would you like the Thulamela Local Municipality and the institution of *musanda* to relate on public service delivery?**

**Response:**

- In simple terms, both structures must just work together because they are servicing the same constituency, so there is no reason to work parallel because that has the potential of confusing the community.

**If we were to propose a working structure between the Thulamela municipality and the institution of *musanda*, how should that structure be?**

**Response:**

- According to me I would prefer that the institution of *musanda* to have a committee that strictly deals with public service delivery within the Mphaphuli area and that committee should work hand-in-hand with the structures from the Thulamela Local Municipality.



## APPENDIX 11

### Mbudziso Dzo Vhudzisiwaho Vhamusanda Vho-Sumbana Vhutanzi

**1. Ndisedzo ya tshumelo u ya nga ha vhone ndi mini?**

**Phindulo**

Uya nga ha nne Ndisedzo ya tshumelo ndi musi muvhuso u tshi nekedza zwithu zwine a vhathu vha zwi thonga u fana na Madi, Dzinndu, dzibada, and zwikolo

**2. Vhone vha vhona unga Tshiimiswa tsha musanda tshi tamba tshipida de kha Ndisedzo ya tshumelo?**

**Phindulo**

Nne ndi vhona u nga masipala wa Thulamela a u funi u ri dzhenisa u ri ri tambe tshipida kana ri vhe na mukovhe kha u disedza tshumelo kha tshi tshavha kana vhathu vhashu. Zwa zwino a thi vhoni ri tshi khou dzhenelela tshothe lini.

**3. Vhone vha vhona unga Tshiimiswa tsha musanda tshi a dzheniswa naa kha Ndisedzo ya tshumelo afha masipala wa Thulamela?**

**Phindulo**

Sa zwe nda bula afho nthu a thi vhoni vha ndu ya Vhuhosi ri tshi khou dzhenelela kha zwine masipala wa khou ita malugana na Ndisedzo ya tshumelo. Rine kanzhi kanzhi ri vhona zwithu zwitshi khou itea ra vho tou pfa kha mukhantselara ngauri ene ri a tangana nae zwifhinga zwinzhi.

**4. Vha vhona vhushaka ha Tshiimiswa tsha musanda na masipala wa Thulamela ho tou ita hani?**

**Phindulo**

Vhushaka ha rine ra masipala wa Thulamela a vhu nga ndila ine ha fanela uvha ngayo lini. Hu na zwithu zwinzhi zwine zwa fanela u itiwa uri hovho vhushaka vhu vhe havhudi uri ri kone u shumisane zwavhudi. Tshumelo musi itshi disiwa

hafha kha muvhundu washu ri ne ri vhudziwa fhedzi kha Mukhantselara ngeno nne sa Khosi yo faraho shango heli ndi tshi tama u pfa mafhungo a tshi bva kha masipala wone une hu si u pfa nga mukhantselara wa wadi ane a vha mulanda wanga. Fhedzi rine hafha na Mukhantselara ri shumisane zwavhudi nga maanda.

**5. Vha vhona u nga Tshiimiswa tsha musanda tshi khou tamba tshipida tsha vhuthogwa naa kha Ndisedzo ya tshumelo kha masipala wa Thulamela?**

**Phindulo**

Nne ndi vhona Tshiimiswa tsha muvhuso tshi sa khou dzhia vhuimo hatsho ho fanelaho kha Ndisedzo ya tshumelo. Arali vha tou sedza, vhathu vhane vha vha na vhukwamani na masipala wa Thulamela ndi Vho-Thovhele fhedzi hune zwifhinga zwinzhi zwia konda u ri vha ri nee dzi ripoto dzo fhelela nga muvhundu yo fhambanaho.

Fhedzi tshi takadzho hafha kha rine ndi tshumisano na dzikhantselara dza wadi dzashu ngauri thsifhinga tshothe ri a divhandziwa uri hu na tshumelo de dzi no khou da fhanu shangoni lashu. Mitangano ya shango I farelwa henefha Khoroni ya musanda hune na nne arali ndi hone nda vha tshipida tsha mutangano arali ndo rambiwa. Tshinwe tshi no takadza ndi uri maambiwa othe malugana na Ndisedzo ya tshumelo a do vhigiwa kha nne othe.

Arali masipala wa Thulamela wa nga shumisana na rine nga ndila ine Mukhantselara a shumisane na rine zwavhudi ndi musu ri tshi do vha ri sina thaidzo nnzhi malugana na Ndisedzo. Rine sa mahosi ri divha vhathu vhashu khathihi na zwililo zwa vho zwothe ri a zwi divha ndi nga zwo masipala wa Thulamela u tshi fanela u vha na tshumisano na rine zwavhudi malugana na Ndisedzo dza tshumelo.

**6. Ngau pfesesa ha vho, hu nga vha hu mini tshine tsha vha khaedu ine masipala wa Thulamela wa tangana na yo kha Ndisedzo ya tshumelo?**

**Phindulo**

Vhuada ndi hone vhune ha tshinya zwithu zwothe zwi no eelana na Ndisedzo ya tshumelo. Hu na zwifhinga zwine wa wana zwithu zwi sa tshimbidziwi zwone malugana na dzi RDP houses, u tholiwa ha vhathu kha tshumelo ya EPWP na dzinwe tshumelo. Tshinwe tshithu ndi Dzikontairaka dzi no tholiwa u disa tshumelo dzi vha dzi sina tshenzhemo na mishumo ine dza vha dzo tholelwa yone. Arali izwi zwothe zwa nga fheliswa khaedu ya ddisedzo ya tshumelo ido vha yo fhela.

- 7. Hu na zwifhinga na nyimelo he ha vha na u sa pfesesana vhukati ha Tshiimiswa tsha musanda na masipala wa Thulamela he vhuya ha todea na mulamuli kana zwa itea ha vhuya ha swikwa khothe ya mulayo u senga dziphambano idzo naa?**

**Phindulo**

Hafha kha rine a zwi athu u itea hune ra fhambana na masipala wa Thulemela u swika ri tshi swikisana khothe lini. Ri di zwi pfa henengei musanda mahulwane ndi vhona unga ndi nga nwambo wa uri rine ri kule na dorobo.

- 8. Nga u tou vhona havho vha vhona unga hu na vhukwamani ho linganaho vhukati ha masipala wa Thulamela na Tshiimiswa tsha musanda malugana na Ndisedzo ya tshumelo naa?**

**Phindulo**

Ngau vhanahanga vhukwamani vhukati ha rine sa mahosi na masipala wa Thulamela a hongo linga tshothe lini. Na ngwe rine Mukhantselara ndi lu tamo lwanga uri musu hu na pulane dza u bvedza shango heli langa kana huna Ndisedzo dza tshumelo dzi ne dza fanela u itwa hafha kha shango line nne nda vha murangaphanda wa lo ndi vhudziwe. Ari athu u swika hune ra nga takala nga ndila inne masipala washu wa shuma nga yo ngauri ri vhona unga vha ri dzhiela fhasi vha funesa u kwamana na Mukhantselara u fhira rine mahosi hezwo zwi ri lutanya na Mukhantselara washu ngauri ri vho vha na muhumbulo wa kani ha u vho pfa unga u na maanda a u vhusa.

**9. Vho vha vha tshi nga tama uri masipala wa Thulamela na Tshiimiswa tsha musanda zwi shumisane hani?**

**Phindulo**

Masipala wa Thulamela khau divhe uri rine ri hone nahone ri na ndila ine ra shuma ngayo na vhalanda vhashu ngauri ndi rine rine vhane vha khou vhusa. Arali masipala u tshi tama u vhidza khuvhangano ya u amba nga Ndisedzo ya tshumelo u fanela u humbela rine ra vhidza ho yo mutangano ndi hone vhathu vha tshi do da nga vhunzhi ngauri vha pfa rine nga maanda.

Ndi ngazwo nne ndi tshi vhona uri ndi khwine rine sa mahosi ri tshi litshiwa ra ita mushumo washu wa u ranga phanda vhathu masipala wa Thulamela wa ita wawo mushumo wa u isa Ndisedzo dza tshumelo kha vhathu u tshi kwamana na rine. Hezwo zwa itea a hu ngavhi na usa pfesesana hune havha hone zwino.

**10. Arali ro vha ri tshi nga dzinginyisa zwigwada zwa u ku shumela vhukati ha masipala wa Thulamela na Tshiimiswa tsha musanda vhone vha vhona ku dzundzanyeke kwa zwigwada ku tshi fanela u vha nga tshivhumbeo tshifhio?**

**Phindulo**

Nne ndo vha ndi tshi nga elesthedza uri hu vhumbeke komiti ya musanda ine ya do lavhelesana na Ndisedzo ya tshumelo fhedzi ine heyo komiti ya do shumisana na komiti ya ha masipala wa Thulamela uri vhothe vho tangana vha do kona u tshimbidza mafhungo a Ndisedzo ya tshumelo hu sina u kokodzela thungo. Ndi humbula unga hu fanela u ri masipala a dzhie vhuimo ha u vha mudisi wa tshumelo ngeno rine vha Tshiimiswa tsha vuhosi ri tshi dzhia tshiimo tsha u vhusa ri si lwedzane u vhusa na masipala lini. Nga heo ndila ndi vhona ri tshi do kona u disa tshumelo kha vhathu to nanda nthihi.

## APPENDIX 12

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# cumlaude

## language practitioners

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### DECLARATION OF LANGUAGE EDITING

I, Christina Maria Etrechia Terblanche, hereby declare that I edited the  
research article titled:

**An analysis of *musanda* institution within Thulamela Local  
Municipality and the current South African public service delivery  
system**

for **Muthuhadini Alfred Madzivhandila** the purpose of submission as an  
article for publication. Changes were suggested and implementation was  
left to the discretion of the author.

Regards,

CME Terblanche

Cum Laude Language Practitioners (CC)

SATI accr nr: 1001066

PEG registered