THE RELATIONSHIP BETWEEN TRADITIONAL LEADERSHIP AND LOCAL GOVERNMENT ON LAND ALLOCATION: A CASE OF THE THULAMELA LOCAL MUNICIPALITY

By

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Declaration

I, **Tshimangadzo Justice Makhanikhe** hereby declare that this thesis I submit for the degree of Doctor of Philosophy (PhD) in African Studies, at the University of Venḓa, has not previously been submitted in fulfilment or partial fulfilment of the requirements of another degree at another university, and that all reference materials contained therein have been duly acknowledged.

Signature ……………………………………… Date ………………………………………

Dedication

I dedicate this study to my parents and my children; you will always remain a great inspiration.

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Abstract

Traditional leadership and local government are expected to provide co-leadership in same areas of jurisdiction, in South Africa, without much guidance on how that should be done. As a result, there is constant tension in the relationship and questioning between the two centers of power; tensions, such as those that largely exist around issues of land allocation and ownership. This study was aimed at exploring the relationship between traditional leadership and local government with regards to land allocation in the Thulamela local municipality. The study adopted a descriptive as well as an exploratory qualitative design. A total of 27 participants were involved in the study, namely, traditional leaders (14), municipal officials (03) who work on land issues and community members (10). Purposive and snowball sampling methods were employed to identify the (27) study participants, who were both male and female and the collected data was thematically analyzed. The findings of the study indicate that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is largely conflictual rather than complementary. The conflictual relations partly emanate from the lack of clarification regarding each group's distinctive roles regarding land allocation. The actions and or inactions of both parties could be attributed to the exercise of power and privileges of one over the other. Furthermore, the application and or disregard of the law is closely linked to interpretations and biases closely linked to the perceptions of powers and privileges. Traditional leaders seem to be the hardest hit, resulting in the blurring of their roles. I recommend establishment of clear and definitive roles for both institutions of leadership which must play a decisive role in land allocation. The study also recommends that there should be an introduction and facilitation of educational programs on land matters, to improve the relations between traditional leaders and local government.

Keywords: *Relationship, traditional leadership, local government, land allocation, interplay, conflictual, complementary, land, indigenous knowledge, land access, Thulamela municipality.*

List of acronyms

IKS:	Indigenous Knowledge Systems
ANC:	African National Congress
CONTRALESA:	Congress of Traditional Leaders of South Africa
TLGFA:	Traditional Leadership and Governance Framework Act
SAHO:	South Africa History Online
DPLG:	Department of Provincial and Local Government
UK:	United Kingdom
RDP:	Reconstruction and Development Programme
GNU:	Government of National Unity
NDPC:	National Development and Planning Commission
IDP:	Integrated Development Plan
DBSA:	Development Bank of South Africa
MECs:	Members of the Executive Councils
MDB:	Municipal Demarcation Board
FGD:	Focus Group Discussion
PTO:	Permission to Occupy

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CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.1. Background

In 2018, *The Limpopo Mirror* covered a story on in which hundreds of land seekers at Dzwerani Mvelaphaṋḓa in the Lwamondo Traditional Council area were seen as likely to lose thousands of Rands after having bought land from the council, which allegedly had already been allocated to other occupants. The case goes as follows:

> "*Problems started in 2015 when some members of the Netshivhale clan lodged a chieftainship claim with the Commission for Traditional Leadership, Disputes and Claims, which subsequently failed. Out of the blue, these people started installing headmen in areas under the jurisdiction of Thovhele Calvin Ṋelwamondo. In the same year, they started demarcating sites for residential purposes in the Mvelaphaṋḓa Ha-Khangale area, which were succeeded in stopping via an interdict. By then, more than 500 sites had already been sold to unsuspecting land seekers, who parted with R10 000 each. […] They sold more than 1 000 sites illegally this year once again. He added that the council approached the Ṱhohoyanḓou High Court, which granted an order stopping all activities in the area. […] The order was granted on 19 June 2018, pending the outcome of the hearing on 7 August 2018, but these people are not adhering to the order. Just a day after the order was granted, the illegal occupants of the land were busy building, and we now have a problem with the law. These people were told to stop all activities in the area, but they are busy disregarding the order. My fear is that they might find themselves having to demolish their expensive houses. For the new residents, it was business as usual. Some were erecting fences, while others were building their new structures. […] Nearly 1000 stand owners might lose out in the transaction. This is just one example of the many land fights among traditional leaders were, in some cases, the buyers of the land end up as losers*" (Tshikhuḓo, 2018).

In trying to make sense of the above case, it has emerged that land allocation, not only the Thulamela local municipality, but South Africa as a whole, is a significant social issue that if not properly managed may result in potential unmanageable conflict such as the one reported above. Of note is the "the way in which some traditional leaders love money and care very little if at all about their subjects is painful" as argued by one study participant (Community member Rofhiwa). Nevertheless, the role of the Municipality equally leaves much to be desired with regards to land allocation in South Africa—as in most cases they tend to bypass the traditional authorities who are custodians of cultural and traditional values within the societies they operate. However, on the other end, the case presented above shows how traditional authorities do not respect, engage, and comply with local government systems. What emerges from this is a dual, conflictual, and perhaps complementary interpretation of the relationship between traditional authority and local government on issues of service delivery to the South African people. This case also suggests that rural communities are losing confidence in their traditional leaders in terms of conflict resolution on land disputes. Traditionally, this case should have been reported to the chief who in turn would refer the matter to the "Khoro" (which is a traditional council) for dispute resolution. It becomes clear that the role of traditional leadership in conflict resolution has also been given to the courts of law. This does not mean that traditional leadership can no longer resolve land disputes as the recognition of customary law within the South African constitution provides for such. Community member, Rofhiwa also indicated that, such disputes were resolved by traditional leaders before the 1994 dispensation but after democracy there has been a drastic were shift modern courts of law are more preferred than traditional courts. One should note that before the 1994 dispensation in the country, it was very rare to hear about land dispute cases being resolved by the modern courts of law, because traditional leadership were dealing with such matters. But it became a common practice to take land disputes matters to the modern court of law since democratisation of the state. This could be because people now have more or better options for conflict resolution; another reason could be that some people in traditional communities/rural villages have lost trust to the traditional leaders. Perhaps the capacity of traditional council is also in question. It could also be that there is lack of clarity in terms of what kind of cases can be taken to the traditional courts for conflict resolution purposes as the current legislative frameworks does not provide such.

The legislation on local government, such as the White Paper on Local Government (1998) talks more about the role of local government in service delivery, such as those concerned with water, sanitation, infrastructure development and development in general. It should be noted that all these aspects necessitate the utilisation of land, and surprisingly this legislation says very little about the role of local government on land allocation, especially, in rural areas. On the other hand, the White Paper on Traditional Leadership and Governance (2003) indicates that the roles of traditional leadership institutions, includes among others, the promotion of: socio-economic development, service delivery, peace and stability amongst the community members, social cohesiveness of communities, the preservation of the moral fibre and regeneration of society, social well-being and welfare of communities, preservation of the culture and tradition of communities and nation building.

It is, therefore, necessary to investigate the relationship between local government and traditional leadership on land allocation with a view to understand how the relationship impacts on the livelihoods of communities, in rural area of the Thulamela local municipality. I am of the understanding that relationships of any kind especially amongst human beings are very complex in nature. Socialisation, religious believes, ideological orientation, level of education and level of income are some of the issues that make relationships amongst human beings to be complex. The fact that these two institutions of leadership are operating in the same space, particularly, in rural areas of South Africa necessitate that the relationship should be a cordial one, hence, this not being the case requires to be investigated. In addition, the relationship between these two centres of power whether good or bad has a direct impact on rural communities where they operate.

1.2. Statement of the problem

Traditional leadership and local government in South Africa are expected to provide co-leadership in the same areas of jurisdiction without much guidance on how that should be done, particularly, on land allocation. As a result, there are constant tensions and questions around how productive the relations between these two centres of power is. The relationship between traditional leaders and local government is

understood as formal and is governed by the Traditional Leadership and Governance Framework Amendment Act 23 of 2009. This Act does not specify the roles and function for both traditional leadership and local government regarding land allocation. As a result, often, traditional leadership and local government as centres of power in rural areas play tumultuous and unspecified roles in land allocation. It is, hence, not clear as to who should allocate land in rural areas, resulting in escalation of tensions between the two institutions of leadership.

Land is a crucial possession for everybody and even more so in rural communities for many reasons, such as poverty alleviation, establishing of identity and autonomy. This is evident when one goes through literature, such as the declaration of the United Nations (1998:3-4) which argues that those who are regarded as poor and powerless believe that one way of alleviating this is in land ownership. Dikgang and Muchapondwa (2013) reiterate that land is a key instrument with which to empower or disempower people for a wide variety of reasons. This implies that to empower the disenfranchised, land access is considered the most effective strategy. This is one of the reasons the new South African government in 1994 focussed on tackling land dispossession issues of blacks created by the apartheid regime. Unfortunately, matters concerning people, particularly, those in the rural who have been dispossessed of their land are still surfacing today. In this context, responsible actors in land allocation, such as, traditional leadership and local government, merit scrutiny,

1.3. Significance of the study

Land ownership has been a very controversial topic in SA for many reasons. Issue of land ownership and governance in communal areas continue to be heatedly debated in the country. Other reasons are that the majority of black people are not landowners while the minority of white people own large amounts of land in the country. Another reason is that whites are believed to have shared South African land and denied black South Africans in owning large tracks of land, and this status quo remains even today. There are two dominant views among many, regarding communal land ownership in South Africa. On the one hand, there are those who argue that traditional authorities are the owners of the land, and on the other hand, those who are of the view that communities are the owners of land and that traditional authorities hold the land in

custody, on behalf of their communities (Ncapayi, 2018). Legally speaking, South Africa, however, allows for both private and public ownership of land and this is the source of the contention between traditional leaders and local government.

Different opinions have been voiced, for example, Holomisa (2018) argues that communal land which is under the administration of traditional authority should not be state land, but instead it should be registered in the name of traditional authorities. He suggests that land that belongs to rural communities and traditional leadership should be registered under a single tittle deed, in the name of the traditional leaders of that area. In contrast to Holomisa's views, Ncamashe (2016) argues that the notion that the land belongs to traditional leaders is historically flawed, politically distorted, and academically unsustainable. He is of the opinion that land is not an exclusive Pty Ltd asset based on a feudal-vassalage structural arrangement but an asset of the nation, communally owned by the nation. This view is also supported by Tshamano and Mahosi (2012) who indicate that their understanding of customary law in issues of land ownership shows that land belongs to the community, but the administration of land is in the hands of traditional leaders as they are viewed as the custodians.

The current democratic South Africa has adopted both traditional and democratic values, therefore, both traditional leadership and democratically elected leaders are part of political leadership in South Africa, particularly, in the rural areas. The co-existence of both traditional and local government leaders necessitates both institutions of leadership to work together for effective governance of rural communities. On the other hand, the situation equally also creates confusion and tensions on delivery of service. The situation at the moment is that these two leadership institutions find themselves ruling in the very same areas at the same time, hence, I saw a need to investigate the interplay between these two ruling leaders. It was essential to investigate, firstly, whether these institutions' roles and relations are in conflict, or they are complementing each other, particularly, on land allocation issues; secondly, how the role/relations (conflicting or complementary) affect the lives of rural communities.

The relationship between traditional leaders and local government, particularly, ward councillors and municipal officials has received academic attention. For example,

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Bank and Mabena (2011), assert that the relationship between traditional leaders and elected government official (councillors) are fraught with challenges across the Eastern Cape and numerous examples of competition and conflict between these two institutions were recorded, especially in the way they view development in rural areas. It is imported to note that the study by Bank and Mabena was not about land allocation, but it was looking at Land, power, and development in rural South Africa After the Communal Land Rights Act was passed. In addition, the roles of traditional leadership in development projects, service delivery and in municipal council has also been a subject of research over the past few years. In his study of the role of traditional leadership in service delivery in Ethekwini Municipality, Shembe (2014:15) argues that traditional leaders are allowed to participate in council meetings, but they are denied voting powers, and this only allow them partial participation. Some studies done about traditional leadership focussed on the relevance and legitimacy of traditional leaders in the current democratic dispensation, however, the relationship between these two centres of power on land allocation remains largely under researched. It was necessary, therefore, to investigate whether these institutions are conflicting with or complementing each other, particularly on land allocation issues and how this conflicting or complementary relations affect the lives of rural communities. In addition, the fact that the current legislative framework on traditional leadership and local government lacks clear definitive roles on land allocation provides a fertile ground for a study of this nature to be conducted.

1.4. Aim of the study

The aim of the study is to investigate the relationship between traditional leadership and local government regarding land allocation.

1.5. Objectives of the study

The study is intended to realise the following objectives:
- To establish the interplay between local government and traditional authority on land allocation in the Thulamela local municipality.
- To demystify the process of land allocation in the Thulamela local municipality; and

    o   To develop guidelines to improve the relationship between traditional leadership and local government.

1.6. Research questions

In order to realise the outlined objectives, the study seeks to answer the following research questions:

- How do local government and traditional authority in the Thulamela local municipality relate on land allocation?
- What is the process of land allocation in the Thulamela local municipality?
- What guidelines can improve the relationship between traditional leadership and local government?

1.7. Definitions of key terms

The key terms for this study include traditional leaders, land, land access, and land allocation. It is important to note that these terms are defined within the context of this study.

1.7.1. Land allocation

Österberg (2016) indicates that 'land allocation' usually means giving individuals or group of people the permission to use and control land that usually belongs or owned by the state. The distribution of land to individuals or group of people is usually done with certain conditions, in most cases relating to the development of the land. In addition, land allocation "means the allocation of agricultural land parcels to individuals or organisations in the village agricultural land use zone" (Jordaan, 2000: 84). Hull *et al.,* (2016) define land allocation as ways in which people organise, manage and think about land, within tribal institutions. This latter definition, however, only focuses on the land within tribal institutions and it is limiting in that it does not talk about the land in towns and cities. For the purpose of this study, Österberg's definition is preferred.

1.7.2. Traditional leadership

According to the Traditional Leadership and Governance Framework Act 2003 (Act no, 41 of 2003) 'traditional leadership' means the customary institutions or structures,

or customary systems or procedures of governance, recognised, utilised, or practiced by traditional communities. In addition, De Villiers (1997:39) defines traditional leadership as an institution governing a particular tribe according to customary law and has developed over centuries in Africa. This institution of leadership has served the African people through difficult times such as during wars, periods of slavery, famine, freedom struggles, economic and political restructuring and during colonial and apartheid periods. The concept of 'traditional' leadership is applied in study with full recognition that its usage here may be misinterpreted to mean undermining of African governance practices especially when juxtaposed with 'western' conception of something 'traditional'.

1.7.3. Local government

'Local government' as defined by Aijaz (2007), is the public administrative body which focuses on a small geographic area, such as a city, town, county, or state. This implies that local government is that kind of government that only has control over its specific geographical region and cannot approve or enforce laws beyond its jurisdiction, therefore, its powers and control are limited to a specific area. It is the type of governments that can elect officials, collect taxes, and perform many activities similar to those of a national government, but only focusing on a small region or city and in South Africa, specifically, local government administers cities and smaller regions. Local government could also be defined as the authority that has the responsibility to provide public services and plan for the development of a locality (a defined geographical area and resident population) (Craythorne, 1997:28). It should be noted that in South Africa, the Local Government is the sphere of government closest to the people. As such, institutions, like traditional leadership that plays a developmental role should seek to understand how a local government works and how to influence it, especially, in the rural areas of the country.

1.7.4. Municipality

According to Selepe, (2009) a 'municipality' is a local sphere of government, which are established for the whole of the territory of the Republic of South Africa, in terms of section 151 subsection (1) of the Constitution, 1996. The subsection (2) of the same section goes further and explains that the municipal council is the one vested with both

executive and legislative authority of the municipality. This implies that, municipalities are autonomous entities which has ability to exercise its powers or perform its functions in terms of subsection (3 and 4). There are three categories of municipalities: metropolitan municipalities which are defined as category A and they govern the major cities; district municipalities, category C, are for wider areas outside the cities, like counties in the US and UK; district municipalities are further divided into local municipalities, category B. Many basic services are delivered by local municipalities and local ward councillors are the politicians closest to communities (The Local Government Handbook, 2019). This study adopts Selepe's (2009) definition as an operational definition.

1.7.5. The Thulamela Local Municipality

The Local Government Handbook (2019) identifies the Thulamela local municipality as "a Category B municipality and it is part of the Vhembe District Municipality in the far- north of the Limpopo Province". It is bordered in the east by the Kruger National Park, while in the South and South-East it shares a border with Makhado. It makes up 10% of the Vhembe District's geographical area and this makes it the smallest municipality of four in the District. It is, however, in terms of the population the largest in the Province. The name 'Thulamela' comes from the Karanga language and it means 'the place of giving birth'. Due to recent developments, a part of the Thulamela local municipality was merged into the newly-formed Collins Chabane Local Municipality (also known as LIM345) on 3 August 2016.

1.7.6 Complementary

'Complementary' is defined in this study as the use of two things when each adds something to the other or helps to make the other better. It denotes combining in such a way as to enhance or emphasize the qualities of each other. It also relates to something that somehow completes or enhances the qualities of something else or working well together. In this study 'complementary' is defined as a situation in which the traditional leadership and local government are working harmoniously together for better service delivery, particularly, land allocation issues in the Thulamela local municipality.

1.7.7. Conflictual relationship

The study defines 'conflictual relationship' as when a relationship is characterized by disagreement or involving conflict. It refers to a state of disagreement or disharmony between persons, groups of people or ideas. This study, therefore, defines 'conflictual relationship' as the kind of a relationship that is characterised by disharmony among persons, ideas and interests, in the interaction between traditional leadership and local government, regarding land allocation issues in the Thulamela local municipality .

1.7.8. Land

FAO (1995) provided one of the most comprehensive definition of 'land' which is that "Land is a delineable area of the earth's terrestrial surface, encompassing all attributes of the biosphere immediately above or below this surface including those of the near-surface, climate, the soil and terrain forms, the surface hydrology (including shallow lakes, rivers, marshes, and swamps), the near surface sedimentary layers and associated groundwater reserve, the plant and animal populations, the human settlement pattern and physical results of past and present human activity (terracing, water storage or drainage structures, roads, buildings, etc.)". It is arguable that the conception of land may differ from person to person depending on how and what they use land for. For Whyte (1976), land embraces many things below and above the area of the earth surface, including among others the soil, and the plants. Land can also be viewed as a factor of production which cannot be consumed but without which no production is possible

1.7.9. Land access

Cotula, Toulmin and Quan (2006) define 'land access' as "the processes by which people, individually or collectively, gain rights and opportunities to occupy and use land (primarily for productive purposes but also other economic and social purposes), whether on a temporary or permanent basis". According to FAO (2002), land tenure systems are tools that have been commonly used to facilitate access to land for generations. Land tenure can be seen as the legal or customary relationship, among individuals or groups, regarding land. This implies that land tenure system guides people on who has rights to property in land and how those rights are distributed, also what constrains, and responsibilities are associated with those rights to land. Land

tenure systems, thus, are in place to give determination on who has the right to use land, under what circumstances and for how long.

1.7.10. Indigenous Knowledge

According to Mapara (2009), "Indigenous Knowledge Systems (IKS) are a body of knowledge, or bodies of knowledge of the indigenous people of particular geographical areas that they have survived on for a very long time". The Columbian University (2009) also defined IKS as knowledge that is local and unique to a particular community or society. These are knowledge forms that despite the racial and colonial attacks that they have experienced during the era of Western imperialism and superiority, continue to exist. Altieri (1995:114), also attempted to define IKS by viewing it as forms of knowledge originated locally and from nature. Ermine (cited in Hammersmith 2007:2), argues that these forms of knowledge cannot be separated from the communities that produce them. For the purpose of this study, the IKS definition that is very detailed and will be used is that of Mapara (2009).

1.8. Structure of the study

Chapter one: this chapter provided the study's overview.
Chapter two: outlines key literature reviewed.
Chapter three: describes the research methodology.
Chapter four: discusses the study findings.
Chapter five: concludes the study. A summary of the study, its evaluation, contribution to the body of knowledge and recommendations are also provided in this chapter.

CHAPTER TWO

LITERATURE REVIEW

2.1. Introduction

The previous chapter provided the introduction and background of the study. This chapter outlines the literature on traditional leadership and local government and the relationship between these two institutions of leadership, from a general view. I focused the discussions on literature on access to land, the importance of land, history of traditional leadership/authority, the role and function of traditional authority/leadership, history of local government, the role and functions of local government, and the interplay between local government and traditional authority in general. This chapter presents a broad review of the literature in the IKS area of study and the fundamental theoretical framework.

This literature review is a crucial component of this study, as it outlines what other scholars, commentators, analysts, bloggers, journalists, and policy makers have said about land access, the importance of land and the interplay between traditional leaders and local government. The literature reviewed in this study pertains to the access to land in Africa from pre-colonial, colonial, and post-colonial periods, particularly in South Africa. The study also reviews literature on the importance of land in general, specifically in sustaining human life. Literature about the relationship between traditional leadership and local government regarding land allocation is examined in this section. The discussions explore the available scholarly engagements emerging on the topic, and lastly, the existing literature's gaps in these areas of investigation are indicated, thereby, making intellectual and scholarly contributions to the topic.

This section of the study also includes discussions and debates from some of the selected sources that have been found to be relevant to this study. This section focuses on literature pertaining to access to land, followed by discussions on the importance of land and lastly the relationship between traditional leadership and local government, however, as primary data for this study has not yet been collected at this stage, only secondary sources were reviewed. Another reason for reviewing secondary sources in this section is to identify the literature gap that this study will seek to fill.

Scholarly research interest and output in the area of IKS has increasingly been put in the spotlight recently in agricultural, legal, social, anthropological, health and environmental studies. Issues of land, local government and traditional leadership have been written about by many scholars in the past. The majority of these scholars are from the disciplines of political science, history, anthropology, and development studies. Owing to this, the review of the literature focuses on tracing the necessary and different linkages between traditional leadership and local government.

This chapter critically reviews literature related to this topic in order to understand fully what other authors have covered and the gaps that exist which this study must fill. It was only through studying a vast amount of literature on these issues, that this study could made new and unique contributions to the available literature in this area. In addition, by reviewing the literature, I also managed to unveil gaps that this study aims to reconnoitre and strengthen. This indicates that a series of studies about the relationship between traditional leadership and local government have been done, but no study that I am aware of deals with the land allocation aspect of these relations, and this is the gap that this study seeks to fill. This chapter is demarcated into three sections: the first section discusses and justifies the theoretical framework chosen for this study; the second section deals with issues of traditional leadership, specifically, the history and developments of traditional leadership as well as traditional leadership and land; the third section focuses on the historical developments of local government, and the relationship between local government and the land. Finally, the interplay between traditional leadership and local government is discussed.

2.2. Theoretical Framework

McGowan (2006:28) defines 'theory' as an ordered set of ideas, assumptions and concepts which tells us something about the world, us, or an aspect of reality. Baylis (2011:3) explaines 'theory' as a simplifying device that allows one to decide which facts matter and which do not. There is an array of theories, conceptual and analytical framework and approaches within the constituent disciplines and subjects of Indigenous Knowledge Systems. Theories also help to explain the social, political, and economic events, issues and debates. In this regard, they help in describing events

and what traditions hold as compared to what exists in the contemporary world. Theories can also be referred to as the lens through which we analyse and examine issues. A theory's aim is to construct a plausible image of the world as it used to be, as it is and as it might be in the future. Theories broaden and deepen our understanding of both traditional and contemporary issues and debates in Indigenous Knowledge Systems. This implies that events are better interpreted if a certain theoretical paradigm is applied. In essence, theories help one to think critically, logically, and coherently. Theories serve three purposes in IKS: descriptive, explanatory, and exploratory. We can, therefore, analyse and synthesize issues through the use of theories. For the purpose of this study, Afrocentricity and modernisation theories, will be explored and used to analyse the views, issues and debate concerning the interplay between traditional leadership and local government regarding land allocation.

2.2.1. Afrocentricity theory

This study uses Afrocentricity as theory because it provides the opportunity for the study of this nature to zoom into how Africans understand land, how it was allocated and how they value traditional ways of life, as opposed to other theories that only allow for the understanding of land as a commodity that must be bought, sold, and inherited as a property. Mazama (2001) defines Afrocentricity as a theory of social change, centred in resisting the problem of African people's unconscious adoption of western conceptual frameworks, worldview, and perspective. Asante (2003) also defines Afrocentricity as the placing of African people in the centre of any analysis of African phenomena. Chukwuokolo (2009) indicated that Asante who is believed to be the father of Afrocentricity sees Afrocentricity as a manner of thought and action in which the centrality of African interests, values, and perspectives predominate. Asante also indicated that Afrocentricity can be viewed as an exercise in knowledge and a historical perspective that is new. Early, et all (1994) also defined Afrocentricity as an intellectual movement, a political view, and/or a historical evolution that stresses the culture and achievements of Africans. What interest the researcher in all these definitions is that they suggest that there should be change in ways that people view the world and the proposed change should not be targeting only one aspects of

humanity, but it should be holistic change and seek to put Africans and their experiences at the centre.

Although the focus of Afrocentricity is on the African continent, its origin can be traced in the United States of America (US) (Chawane, 2016). It is important to note that its origin and when it was first articulated cannot be established with certainty. What is known with certainty is that the Afrocentricity idea gained popularity during the earlier forms of Black Nationalist thought Negritude and Pan-Africanism in the numerous forms it has taken since the 18th century, for instance the Black Power Movement of the 1960s and the Black is Beautiful Movement of the 1970s just to name but a few (Early, et all, 1994). Afrocentricity is a theory that has historical connections with the philosophical thinking of Molefi Kete Asante 's in the 1980s. The theory emerged in the African American cultural panorama as a set of premises that would account for an understanding of an African sense of totality and wholeness in a network of multiple and particular manifestations of different fields of knowledge to address the life and experience of people of African descent in America, in the African continent, and in other diasporas.

As Asante highlights the critiques and challenging them in the process of further development of the theory, Asante (1998) further indicates that an Afrocentric idea is projected a bad model. It should be noted that Afrocentric idea is viewed as a model for intercultural agency in which pluralism exists without grading and respect for cultural origins, achievements, and in which prospects are freely granted. Later, he argues in contrast to the above-mentioned view in which he states that basically, Afrocentricity is a paradigm based on the idea that African people should re-assert their sense of agency to achieve sanity (Asante, 2009). In other words, the theory argues that the main challenge facing Africans is that they have unconsciously adopted a western worldview and perspectives and their associated conceptual frameworks, therefore, the adoption of democracy as a form of government by South Africa and other African countries can be seen by advocates of Afrocentricity theory as a huge challenge. This is because some tenants of democracy are western framework of governing and foreign to Africans. In other words, Africans are governed using governing frameworks that are foreign to them and this does not put Africans at the centre of development but at the periphery. This does not in any way suggest

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democracy is a bad form of governance, it only means that it is foreign to South Africa and Africa in general. Africans had their own form of democracy, but they adopted the foreign conception of democracy and its principles and apply it as it is without even considering bettering their own forms of democracy.

Mkandawire (2011) defines development as a liberatory human aspiration to attain freedom from political, economic, ideological, epistemological, and social domination that was installed by colonialism and coloniality. It is important to note that this definition was adopted from the 1995 Bandung conference that led to the formation of the Non-Alignment Movement by the developing world during the cold war period. This definition entailed among others that Africans should continue to fight for the attainment of civil and political liberties, social peace, and human security. This can be achieved through the development of their own civil, economic, and political systems that talks to their everyday realities, rather than developing and upholding systems that are foreign to them such as western democratic principles and institutions as well as system of government (Ndlovu-Gatshenim, 2013). This statement does not in any way possible suggest that western democratic principles, institutions, and system of government are useless and ineffective in other parts of the world. The statement, however, suggests that western democracy as we know it is a tradition in the western world and not suitable for African context. This is because western democracy is not well known by Africans and the way it is practiced seem to undermine and seek dominance over African traditional leadership system that existed for decades in Africa. It becomes impossible for Africans to be free from domination by western countries as they continue to adopt and uphold western systems and institutions of governance that perpetuate such domination. Thus, Africans should govern their countries using governing frameworks, systems, and institutions that they know and understand and that are not foreign to them which are traditional leadership institutions and systems.

The South African government and many other African governments, however, maintained their system of traditional leadership even after adopting democracy as a form of government. This was influenced by the value and trust that African people still hold, the love and respect for traditional leaders who are seen as the custodian of African cultures and traditions. It is these culture and traditions that gives them the

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identity of who they are as Africans and how they differ with Asians and westerners for instance. What is painful however, is that western democracy seems to be dominating the governance systems in South Africa while the traditional leadership system is being given a back seat.

Advocates of Afrocentricity theory argue that the relationship between traditional leadership and democracy is characterised by conflicts because democratically elected leaders appear to be undermining traditional leadership. Although the institution of traditional leadership is a phenomenon of long-standing history, it is subjected to transformation to allow and accommodate issues of gender, youth, and people with disability in terms of representation and participation, and these are principles of democracy, not traditional leadership. Gender, youth, and people with disabilities have always had different roles and were accorded certain forms of respect and representation which can be seen as 'traditional' forms of democracy.

 It is important to note that there is now a call through legislative frameworks that for the above-mentioned categories of people to have recognition and representation in traditional councils. This can be seen from scholars such as Rapatsa (2015) who argued that there is a crucial need to seriously standardize conventional methods of traditional leadership to bring them in line with modern trends of democratic public administration. Rapatsa seems not to have a problem with the fact that traditional leadership exist alongside democratic leaders, but he seems to be more concerned about standardising the way traditional leaders operate and function. His work suggests that traditional leadership is still important and relevant in the current democratic systems and is still fit for purpose. These statements support the idea that traditional leadership must be transformed to fit in well within the democratic dispensation which is a clear indication that democracy is dominating and undermines traditional leadership in the country and the African continent. In other words, traditional leadership is barbaric and backward; as such it must be transformed so that it fit well within the contemporary ways of governance and leadership.

What is painful is that traditional leadership effectiveness is measured through relevance to western standards which advocates of Afrocentricity critique. It is arguable that traditional leadership existed long before democracy in Africa and it was

a leadership institution that was not imposed on Africans as opposed to democracy. It should be noted that although African kingdoms and chiefdoms had inclusive structured and representative systems of governance, traditional leadership dominated and thrived before the arrival of the colonisers. Therefore, this study argues that it should have been democracy that is transformed to fit in well with the long existing traditional leadership institutions on the African continent and in South Africa in particular. However, one of the reasons apart from the common culprit of colonialism that explains the dominance of democracy and why it undermines traditional leadership in South Africa, and in Africa as a whole, is that South Africa and other African countries find it important to be recognised as an important player in global economy and politics through the adoption and promotion of democratic principles. This can be seen through all the government efforts to democratise the system of traditional leadership through transformation so that it fits well within a democratic country. Such approach communicates the message that Africans cannot govern well using their own governance system (a traditional leadership system), thereby rendering the African traditional leadership system irrelevant and less important.

This theoretical approach is supported by rigorous methodology that calls for a constant awareness of the location and agency of African people. Advocates of Afrocentricity theory support the claim that the contributions and experiences of various African people have been downplayed or discredited as part of the legacy of colonialism and slavery's pathology of "writing Africans out of history" (Andrade, 1990: 96). Meaning that the experiences and contributions of Africans must be recorded and thus, studies of this nature that seek to study land issues in Africa should and must seek to understand it in terms of its total value as understood by Africans themselves – economic, political, spiritual, and cultural. For the African people, land is beyond a mere means of production and a commercial good that can be bought or sold and inherited; land is a totality of life, and it must be understood that way (Mazibuko, 2017).

In addition, the many experiences of Vhavenḓa people encompass their culture and traditions which must be promoted and recorded. For instance, in the Vhavenḓa people's culture, a traditional leader is often referred to as 'Mavu' which means soil. This symbolises the significant link between the chief and the land. Vhavenḓa people also refer to the chief as 'Vhane vha mavu' which means, the owner of the land. It is

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within this context that Afrocentricity theory becomes very relevant to this study. The theory argues that we should seek to understand the claims that traditional leaders have over land from their perspectives and from the perspectives of African people and in this context, the Vhavenḓa people of the Thulamela local municipality. Although there are a significant number of Bapedi and Vatsonga people in the Thulamela local municipality, the study focuses its attention on Vhavenḓa people only. This is because Vhavenḓa people are majority in the Thulamela local municipality and because I fall within this group data collection and intretation was easily achievable on the bases of language and location.

One of the key assumptions of the Afrocentrism is that all relationships are based on centres and margins and the distances from either the centre or the margin. When Africans see themselves as central in their own history, then they become agents, actors, and participants rather than as marginals on the periphery of political or economic experience of others. Using this paradigm, human beings have discovered that all phenomena are expressed in the fundamental categories of space and time. Furthermore, it is then understood that relationships develop, and knowledge increases to the extent that we can appreciate the issues of space and time. The study is using this theory to analyse the interactions that exist between these two institutions of leadership regarding land allocation issues, and the implications of this relationship on the poor segment of the population, in the rural areas of the Thulamela local municipality. These two systems of leadership find themselves operating in the same area, at the same time and space, serving the same people. This theory is critical for this study as it allows me to analyse the views of those who believe and seek to promote traditional leadership as an appropriate leadership system for Africa and Africans. Thus, Afrocentricity allows for the African phenomenon – in this case traditional leadership and land allocation – to be looked at from an African point of view. In other words, traditional leadership and land allocation in this study are researched from the point of view of the traditional leaders themselves and Vhavenḓa communities specifically.

The South African Constitution complicates the land issue (which is a thorny issue) by declaring land as a natural resource that belongs to all who live in it, but at the same time the same Constitution calls for the protection of private property rights which

include land (Constitution of the Republic of South Africa, 1996). This is happening while an overwhelming majority of the dispossessed have no private property to defend in South Africa, including the Vhavenḓa people. This simply indicates that the Constitutional clause helps protect colonial possession and South African land dispossession by European descendants. The land that the colonisers took from South Africans including Vhavenḓa people under the guise of the 'empty-space' theory that justified the colonialist taking African land on the bases that it was not occupied, is now constitutionally protected in the hands of the white minority of South Africa. The 'empty-space' theory suggests that white people who took land in South Africa, and in Africa in general, took it because the land was empty and not occupied by anyone. Meaning that, even the land that used to belong to Vhavenḓa people was taken by white colonialists on the basis that the land was not occupied by anyone when it was taken.

It is for these reasons that the inequality in terms of class, revenue and wealth between whites and blacks continues to rise, and poverty against black South Africans continues to be the order of the day. Due to this constitutional protection of land under white people, the majority of black South Africans, including the Vhavenḓa people, understand better the pangs of going to bed on empty stomachs. The majority of black South Africans continue to live in tin and cardboard shacks they call homes, in overcrowded and very small areas, while white people live on large numbers of hectares alone, and some even live abroad while owning large pieces of land in South Africa. It is largely through the use of an Afrocentricity theoretical analysis that one can be able to successfully capture these issues, mainly because Afrocentricity is the only theory that speaks to the day-to-day living conditions of the African people (Magubne, 2004). This is because Afrocentricity puts Africans at the centre of debates, discussion, and research by wanting to understand African phenomena from the perspectives of Africans themselves, meaning that their lives and experiences matter and they should be understood from the viewpoint of Africans.

Proponents of Afrocentricity are calling for African researchers and historians to write African history from the perspectives of Africans mainly because, European historians and researchers in South Africa have tirelessly and consistently tried, though so far

unsuccessfully, to paint a picture that tells a story of a country that has been unoccupied before colonialism (Marks, 2014). The theory of 'empty-space' has been used to justify their occupation of the land through armed dispossession, rule and power and privileges over the indigenous people. Marks further argues that South Africa was already occupied as early as the Stone and Iron Ages, well into the third and fourth centuries AD. Earlier, Pheko (1994) pointed out that the first Portuguese to reach the southern tip of Africa in 1488 found people with a clear civilisation already living all over the land. The first Dutch people to lay a colonial claim on the southern tip of Africa only arrived on 6 April 1652 under the leadership of the Dutchman called Jan Van Riebeeck. Therefore, it is important to look at the South African land issue from the perspective of the South Africans, especially black South Africans themselves, which makes Afrocentricity theory even more relevant for this study. This is because black South Africans used their land for various activities such as hunting, gathering, grazing and for spiritual purposes, amongst others. The fact that white colonialists found land being unoccupied and they assumed that it was free for grabs, as they did was their land of understanding about Africans regarding the use ofnland.

Like any other theory, Afrocentricity has been widely criticised, and some of the critics relate to the Afrocentricity's inability to deal adequately with cultural change. This prevents it from understanding that being African in the 21st century also means being at least partly European, because of colonization and widespread Westernization. Afrocentricity, then, is perceived as too restrictive and incapable of grasping the dialectical complexity of modern African identities (Mazama, 2001). Afrocentricity also faces criticism of an ideological nature. It is within this context that Afrocentricity has been accused of being upturned Eurocentrism. Some scholars are of the view that Afrocentricity simply strives to replace one geopolitical hegemonic centre of knowledge, which is Europe, with another hegemonic one, which is Africa (Chawane, 2016). Despite all the criticism of this theory, it remains relevant to this study because it seeks to interpret African phenomena from the African perspectives and understanding. To understand how Africans, in this case, the Thulamela local municipality residents, view the issue of land allocation, it becomes best to learn that from the Thulamela local municipality's residents themselves to avoid misrepresentation of perceptions, facts and ideas.

As a counter to the above criticisms, Asante (1990) argued that Afrocentricity is essentially non-hegemonic and allows and welcomes the existence of a diversity of cultural centres but emphasises the fact that African phenomena must be best understood from an African context, and this is exactly the position that allowed Afrocentricity to challenge Eurocentrism in the first place. To support this statement, Jackson (2010) also argues that Afrocentricity should be seen as a theory of knowledge that seeks to educate and inform Africans and everyone who reads about the cultures, histories, philosophies, and traditions that Africans have and continue to have and produce. Thus, land ownership and allocation should also be understood from the communal shared ownership of resources including land by Africans as opposed to private land ownership by individuals, families and companies just to name but few.

Again, political leadership should also be understood from the perspectives of Africans through African indigenous traditional leadership as it has been there for thousands of years serving similar purpose with the national, provincial, and local government in the current democratic set up in South Africa (Tshehla 2005). Advocates of Afrocentricity argue that land allocation in Africa and among Africans should be best understood from their perspective where traditional leaders are the custodian of land, and they allocate to their subjects based on their needs (Mashele, 2004). It is within this context that local government came as part of democracy and is viewed as western model of governance and traditional leadership is viewed as African model of governance that is outdated and not fitting well within the democratic South Africa. The issue of private ownership of land by individual is associated with western ways of allocating land that promote individualism in the expense of communal ownership of resources (Claassens, A. 1995). Some have also contended that Afrocentricity undermines the very fabric of the African society. By emphasizing the Africans' prerogative to be human, and as Africans, Afrocentricity is said to threaten the unity of American and African societies. However, Asante (1990) remarked that the unspoken fear is not so much about a shattered national unity (which, given racism, could have never truly existed) but about the threat that Afrocentricity poses to Europe's self-serving monopoly over reason and knowledge production and management. This means that Afrocentriciy theory gives the world another perspective (African) of looking at reason

and knowledge development and this challenges the dominant perspective on reason and knowledge prodecion and development.

2.2.1.1 Afrocentricity and leadership

Afrocentrists understand the concept of leadership within the context of Ubuntu. This is because Afrocentricity is viewed as an intellectual movement, a political view, and/or a historical evolution that stresses the culture and achievements of Africans (Early, et all 1994). Ubuntu is a shared African philosophy and paradigm that define life and relationships among Africans. Letseka (2011) defined Ubuntu as a form of human interaction which allows for critical thinking, non-domination and the optimal development of human relationships. Hailey (2008) indicated that the term 'Ubuntu' is commonly found in the Nguni languages of southern Africa, and words with a similar meaning are found throughout sub-Saharan Africa. For instance: Vhuthu (Tshivenḓa), botho (Sesotho or Setswana), bomoto (Bobangi in Congo), bumuntu (kiSukuma and Kihayi in Tanzania), umuntu (Uganda), gimuntu (kiKongo and giKwese in Angola), umundu (Kikuyu in Kenya), umunthu (Malawi) and vumuntu (shiTsonga and shiTswa in Mozambique).

Mbigi (1997) argued that "Ubuntu is a concrete manifestation of the interconnectedness of human beings; it is the embodiment of African culture and lifestyle". It is within this context that everyone`s humanity is ideally expressed in relationship with others, Ubuntu is to be aware of one`s own being but also of one`s duties towards one`s neighbour. Meaning that a leader within the African context must be aware of not just his own being but also the duties that he/she has to the people he/she leads.

Venter (2004:152) pointed out that Ubuntu is a philosophy of African people is centred on positive ethical/moral way of going/being in relation with others. It is believed to be deeply rooted value system in the African society. In this philosophical thinking and ways of doing things, the self is linked to, and forms part of the community and these values should be taught in society. The African value system is most likely to inculcate a culture of accountability and transparency. Leaders are defined as part of the people

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they lead and outside that context they are not leaders. This can be seen through one ov Vhavenḓa saying which states that "Khosi ndi khosi nga vhalanda". Meaning that without people to lead there are no leaders. The Ubuntu philosophy allows leaders to see themselves within the context of the society they lead. Thus, they lead with compassion, love and respect to the people they lead. Meaning that they lead in a way that they would like to be led. are leaders because. Again, leaders are bound to be transparent and accountable because of the philosophy of Ubuntu inherent within them. They understand that they lead people, and they account to them and this makes them to lead in a transparent manner.

Lutz (2009:314) contends that the communal character of African culture does not mean, however, "that the good of the leader as an individual is subordinated to that of the people, he/she lead. In a true African community, the leader does not pursue the common good instead of his or her own good, but rather pursues his or her own good by pursuing the good of the community he/she lead. The ethics of a true African community does not ask leaders to sacrifice their own interests with a view to promote the interests of the community they lead, but instead leaders are asked to recognise that they can attain their own interests only by promoting the interests of the community they lead as they are part of that community themselves.

One of the proponents of Afrocentricity Mulemfo (2000) believed that leaders in Africa are facilitators as well as servants to the community and not that community members are the servants of the leaders. It is within this context that leader expected to promote the common good, and to safeguard justice and peace within the communities they lead. In Africa, leadership is about consensus democracy and people mobilisation (Mbigi 2000). African leadership is the one that consult and engage community members in all issues that affects them and mobilise community towards the promotion of common good. Although concepts like democracy which talks about consensus, accountability, transparency, and consultation came not so long ago though colonialization, Africans has been practicing it without even knowing that what they were doing was called democracy.

Per Van Rensburg (2013), leaders in Africa because of the philosophy of Ubuntu inherent to them emphasise the community instead of the individual unlike the leaders

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in the West where the individualistic approach predominates. Africa emphasises integration as a distinguishing attribute, while the West emphasises differentiation. An explanation and description of this is to be found in the philosophical teachings of René Descartes (1596–1650; a French philosopher and mathematician), who postulates that I think, "therefore I am" which could explain the individualistic nature of Western leadership, while the African concept of Ubuntu which embraces the community orientation among African leaders promotes communalism.

Ubuntu is centred on the belief that "I am because we are" meaning that I can only be a person through others (Mbiti 1989). This belief that underpins Ubuntu captures the cultural view of Afrocentric leadership (Malunga 2006). Ubuntu is characterised by a philosophy that the needs of group members and the relationships between group members are more imperative than the needs of the individual members of the team. It is believed that this leads to African leaders creating and maintaining relationships with the people they lead that characterised by deeper quality and trust. This is because both leaders and the community they lead, share in meaningful expression of their collective potential towards something that is important (Mangaliso 2001, Nkomo 2011). In practical terms, Ubuntu is about relationships with the emphasis on participative decision-making (Nkomo 2011).

2.2.1.2 Afrocentricity and nation states

Jackson and Rosberg (1982) defined a state as a geographical expression. For them this geographical expression must have an effective government, which is independent, the right to establish relations with other states, a permanent population, and a defined territory. The interesting part of this definition is the territory which in the context of this study is the land. A state must have a land in which the population will reside on and use for the sustainability of their lives. On the other hand, kundra (2019) defined a nation as a tightly knit large group of people who are psychologically united with one another through some homogeneity of their culture. In other words, a nation is a culturally homogeneous group of people who share a common language, institutions, religion, and historical. Important to note is that this definition talks about shared common language and culture and in African nations this is not the case. According to Hösle (2019) the 'nation state' is a species of the genus 'state', namely

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that state in which state population consists in a nation. This implies that when a nation of people has an independent State of their own it is often called a nation-state. It is within this context that in Europe nations and states where and still exist based on language, religious denomination, and cultural identity. This can be seen through nation state such as UK of the British., France of the French. Germany of the German. Italy, Holland, Denmark, Finland, Russia, Spain, others (Adhikari and Upadhya, 2017).

Before colonialism in the African continent, Africa was organised into empires, kingdoms, and chiefdoms. This can be seen through the great West African empires, such as Ghana in the 8th Century, Mali in the 14th Century, and Songai and Bornu in the 16th Century. These entities were organized politically based on trade with the Arab world. This translate that politics and trade is not new to the African continent, even before colonialism Africans were involved in politics and they were traders in their own rights. To facilitate trade with ease towns for these empires were constructed on the banks of rivers and dominated vast expanses of locality. Just like European countries, African empires were organised on the bases of shared characteristics such as religious and political ties, personalized power, lack of a written language and by decentralized organization. Meaning that Africans who were under Mali empire for instance shared certain aspects of their lives. It is within this context that one can argue that nation states existed in Africa even way before the arrival of colonisers.

The empires were organised in a highly centralised manner and central authority controlled all material goods. The central authority of these African empires survived through goods and revenues from taxes on harvests and cattle, levies on metals, customs duties, and booty from warfare that they received from the people they lead. Some of the empires such as Wolof of Senegal and the Hausa cities of Nigeria gained economic strength from the tribute received from the ordinary people of such empires. On the other hand, the Berlin conference of 1884 which officialised the scramble for Africa changed the organisation of empires in Africa and form states which are visible even on the current day. The colonial masters created borders in African colonies without considering ethnic groups or any shared characteristics of the people at that time. The borders were created mainly to avoid border conflict amongst the European powers themselves. The European masters did not want to find themselves fighting

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each other in the African soil, hence the Berlin conference. The formation of states in Africa by the colonialists was very parallel to how their own state in Europe were formed or established.

After so many years of colonial rule, African states started to experience identity crises challenge in their efforts towards nation building. This was mainly because African states were created without due consideration of ethnic groups, clans and languages they spoke. It became a serious challenge to create new nations from people formerly colonially defined as belonging to the same state, and the concerned states mutually agreeing on possible practical modalities to redress existing ethnic distortions and fragmentations without necessarily redrawing Africa's political boundaries anew. It is important to note that colonial state engineering gave birth to one nation extending beyond the borders of a single state. This simply means that colonialism caused many African states to have more than one nation. It is for this reason that many African states are still struggling with issues of nation building, identity problem, and are still experiencing ethnic tensions and conflicts. Taking South Africa as a case in point, there are many ethnic groups and languages that extend beyond the South Africa border. Even within the borders there are 11 recognised official national languages, and this does not mean these are the only languages in the country. This alone create a serious challenge in terms of building a strong, united and prosperous state. In these 11 official national languages, only few are used in government official documents and communication as well as used as medium of instructions at schools. Meaning that these languages are not treated or promoted the same despite their equal status as national languages in terms of the law. These issues has a serious bearing in nation building as some do not feel that they are equally recognised by the state and therefore their participation to nation building efforts are minimal.

"Nationalism came before the nations (Bellucc, 2010). The nations do not form States and nationalisms, but rather the reverse" (Hobsbawm, 2002). Following the wave of independence in the 1960s, debate took place between the pro-capitalist and pro-socialist schools, but such discussion always focused on how to maintain tradition within modernity. What from the historical past should be preserved? Whether to adopt the language of the colonizer as the national language, or give preference to a local language? Should the borders drawn at the turn of the 20th Century, after the

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Conference of Berlin, be maintained or redrawn? What system of government should be adopted, monarchy or republic?

From the above arguments one can understand those who argue for borders of African states to be revisited. Others are also advocating for one Africa (United States of Africa) with one currency and one common official language. There has been a series of debates through African renaissance movement about African solutions to African problems. All these debates and arguments are necessitated by way African states in their current form were created. Advocates of Afrocentricity are of the view that Africans must be allowed space and be given time to solve their own problems as they are the ones who understand their problems well. They further argue that foreign solutions to African problems only exacerbates problems in Africa because they are not fit for African environment in all contexts. This talks to one of the main arguments of Afrocentricity that African must be at the centre of their own development. Translating that for Africa to develop Africans needs to study their problems and provide solutions that are relevant to the African context as they understand this context better than any foreign state, people, and institutions.

2.2.1.3 Afrocentricity and the land

Land can be defined as any part of the earth's surface not covered by a body of water; the part of the earth's surface occupied by continents and islands Amodu. 2021). Land was sighted from the crow's nest. an area of ground regarding its nature or composition: arable land. Quan, Tan, and Toulmin. (2019) indicated that land lies at the heart of social, political, and economic life in most of Africa, where agriculture, natural resources and other land-based activities are fundamental to livelihoods, food security, incomes, and employment. Important to note is that Africans view land as something that have major historical and spiritual meaning for Africa's people.

For Africans land is life because there cannot be life without the earth, but most importantly land is viewed as life because every aspect of human life is dependent on land to survive. Amodu (2021) argued that land is neither a commodity nor an individual possession. This means that according to Africans understanding of land, land cannot be bought, sold or inherited. Advocates of Afrocentricity such as (Quan,

Tan, and Toulmin. 2019) indicated that land does not belong to humans but is a gift from Nature to existence. This was supported by Jacka,(2001) mentioned that Africans see land as an inalienable gift embedded in social relations and ritual values, Land is understood by Africans as embracing the ecological, cultural, cosmological, social and the (religion tools) with spiritual function as dual entity within existence and nature. Africans in all ethnic groupings share common philosophical understanding of land and its nature. In addition, Africans also see land as a means of identity. Africans believes that the land at which the person comes from becomes the source of his identity and the personality of the person in question, and without the land, a person remains nonentity.

Supporters of Afrocentricity believe that Africans view land as crucial and a palpable part of existence, and a linkage between the dual nature of the universe, and hence Land is also seen as an essential reflection of the African perception of the human person and its relationship with vital forces that are responsible for harmonizing the nature of the universe and the relationship that thus, existence between essence and nature. The understanding of Africans regarding land is that land plays an important role in hosting people, Animals, Spirits, and the Vital forces. The land is believed to have the ability to connect animals, plants, and vital forces together. This means that people, animals, plants, and spirits share the land, and they are connected to each other as they depend on each other for survival. Jacka (2001) highlighted well the relationship between people, animals, plants, and spirits in the case of the Paiam clan, Jack indicated that the relationship between the clan, the ancestors, and the land was that of gift exchange for survival. This is how the relationship works and the gift exchange works in this case, the clan's ancestors could bequeath fertility on the land and the living if the living reciprocated properly through gifts of pork to the ancestors. It is important to note that the gifts were not given directly to the ancestors, but to the land itself which the ancestors inhabit via the sacred clan pool. Amodu (2021) also contributed to the conversation by indicating that land in this context can be seen as a bond, creates a pleasant-sounding in the interaction among everything that existed in the universe and by that doing, land is said to them strengthen the force of Continuity in existence.

2.2.2. Modernisation theory

Modernization theory originated from the ideas of the German sociologist, Max Weber (1864-1920), which provided the basis for the modernization paradigm developed by Harvard University sociologist, Talcott Parsons (1902-1979). The theory looks at the internal factors of a country while assuming that with assistance, 'traditional' countries can be brought to development in the same manner that more developed countries have been. Modernisation theory is largely based on the view that to develop means to become 'modern' by adopting Western cultural values and social institutions. This theory was deliberately chosen to be one of the theories guiding this study because of the contrasting view that the proponants of this theory has on land. According to Jacka (2001) Western developers see land as an alienable commodity whose defining feature is its usefulness. Jacka also indicated that majority of Africans for instance, Papua New Guinea the Ipili people see land as an inalienable gift embedded in social relations and ritual values which is contrary to the western view of land. For this clan the believe is that the ancestors could give productiveness on the land and the living if the living reciprocated properly through gifts of pork to the ancestors. It is important to note that the gifts were not given directly to the ancestors, but to the land itself which the ancestors inhabit via the sacred clan pool. Meaning that Ipili people feed their ancestor through the land and the ancestors of Ipili people also feed them through the land by making it productive for them to sustain their livelihood.

This theory is relevant for this study because the study investigade the relationship between traditional leaders and local government regarding land allocation. The colonisers came to Africa and colonised African and introduced their administarive and governance structures and system and South Africa was not immune to this phenomenon. The current local government structure come because of these changes that were brought about by the colonsers. Their mission was to civilise Africans so that they can change their babric, backward and primitive lives and adopt western ways of life. This theory assists the study to demonstrate how local government as it is today came about in South Africa and the rest of the African continent. It also assists this study to demonstrate all the efforts by the current democratic South African governement to transform the traditional systmen of leadership to conform with democratic principles. In other words, is modernity against tradition and how these two

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relate to each other in the current era, particularly in South Africa and specifically in Thulamela local municipality. Therefore, the study needs both traditional and morden theories to analyse the relations between both institutions to arrive at meaningful conclusions and relevant conclusions.

As modernisation is broadly understood as progress, in line with Western cultural values and intuitions, several scholars argue that modernisation is a form of coloniality, meaning that modernity and coloniality are two sides of the same coin. One of the influential decolonial thinkers, Maldonado-Torres (2007), defined coloniality as a global power structure, which refers to long-standing patterns of power that emerged because of colonialism. Maldonado-Torres (2007) also argued that coloniality 'is maintained alive in books, in the criteria for academic performance, in cultural patterns, in common sense, in the self-image of peoples, in aspirations of self, and so many other aspects of our modern experience. In a way, as modern subjects we breathe coloniality all the time and every day' (Maldonado-Torres 2007). It is evident that the post-apartheid government in South Africa saw democracy as important and desirable than traditional leaders. Therefore, the constitution of the country reigns supreme, and traditional leadership is only accommodated through the customary law as a component within the constitution. Again, the protection of the rights to private property including the land makes land to be seen as a natural product that can be sold or bought and not as a national asset that needs to be collectively owned by the state.

Eurocentrism that saw Africa and other parts of the world colonised and dominated is part of the hidden script, in the sense that it is articulated as part of civilizing mission, emancipation and development. In reality, Eurocentrism is the foundation of politics of alterity that produced what the Nigerian decolonial scholar, Chinweizu (1975), articulated as 'the West and the rest of us'. At its centre is what Dubois (1903) and lLokingath1(1994), termed the 'colour line'. The leading existential Africana philosopher, Gordon, argued that: 'Born from the divide of black and white, it [colour line] serves as a blueprint of the ongoing division of humankind' (Gordon 2000:63). It is also a concern about how Africa was problematically and forcibly integrated into the evolving Euro-North American-centric modernity and its capitalist system over the last 500 years. At a methodological level, a genealogical approach enables a systematic

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analysis of continuities and discontinuities simultaneously taking full account of temporalities of ideas, systems, institutions, and orders across time. This is useful in understanding how coloniality unfolded as a central element of modernity, imperialism, colonialism, and capitalism.

In its simplest form, modernization theory is used to explain the process of modernization within societies. In this context modernization refers to a model of a progressive transition from a 'pre-modern' or 'traditional' to a 'modern' society. Advocates of this theory suggest that underdeveloped societies subscribe to value systems and institutions that hinder the development process. For them underdeveloped societies are 'traditional societies' dominated by institutions such as families, tribes and clans, within which roles are ascribed, meaning that people are born into them rather than achieved; production in these kinds of societies is agricultural (Matunhu, 2011). For Matunhu, modernisation simply mean following the foot-steps of Europe and the western world. Modernization theory was a dominant paradigm in the social sciences in the 1950s and 1960s, then went into a deep eclipse. This is because these were, the times where theories such as dependency, neo-marxist, liberalism and realism were gaining momentum globally. It made a comeback after 1990 but remains a controversial model (Wolfgang, 2003).

Modernists put emphases on overcoming and replacing traditional attitudes and social institutions with their Western equivalents. For example, achievement replaces ascription, and the nuclear family replaces the extended family or ethnic group, as people become more geographically mobile in their search for work in the factories set up by Western companies. The introduction of democracy seeks to replace the long-standing traditional leadership style in the developing and underdeveloped sates. The introduction of democratic principle of leadership in South Africa, for instance, is believed to be for the purpose of transforming traditional societies and communities in a bid to create a modern state that is internationally recognised and that can fit well within the contemporary international system.

In addition, Modernization theory attempts to identify the social variables that contribute to social progress and development of societies and seeks to explain the

process of social evolution. Modernization theory stresses not only the process of change but also the responses to that change. It also looks at internal dynamics while referring to social and cultural structures and the adaptation of new technologies. This understanding of development is problemtic because it siply means that Africans must abandon their social and cultural structures and adopt new structures and technologies if they want to develop, thereby perpetuating coloniality. I agree with Ndlovu-Gatsheni (2015) who argues that Africa was problematically and forcibly integrated into the evolving Euro-North American-centric modernity and its capitalist system over the last 500 years. Thus, Africans were forced through this integration to understand development in the western lenses and not in their own lenses. This has impacted negatively on the development of Africa as they emulated the west in everything and abandoned their ways of life since it was labelled to be backward and barbaric. Hence, the civilisation mission. Modernization theory maintains that traditional societies will develop as they adopt more modern practices. Scholars such as Maldonado-Torres (2011), and Ndlovu-Gatsheni (2013d; 2014c), argue that it is this mind set of the supporters of modernisation theory that perpetuate coloniality. For them decoloniality is a 'family' of diverse positions that see coloniality as the fundamental problem in the modern age.

However, it is crucial to acknowledge that colonialism had already imposed colonial mindsets on the psyche of African people, which meant that they continued to reproduce coloniality as their future even after independence (Ngugi wa Thiong'o 1986; Chinweizu 1987). This reproduction of coloniality amounted to what Fanon (1968) terms, "repetition without change", that was itself a product of drawbacks of consciousness. This can be witnessed when African states gained political independence, they adopted democracy as form of government in their new states and looked down upon their indigenous form of government, which is traditional leadership. They embarked on the process of developing new constitutions as supreme laws of their new states. In South Africa to be specific, the constitution provides for the protection of the rights to private property, which includes land. All these being western ways of life that was instilled in Africans through coloniality of power. Fanon (1968) puts it well when he indicates that, colonialism was not simply a process of conquest, seizure, occupation, settlement, domination, and exploitation, but also entailed emptying "the native's brain of all form and content" on top of

committing epistemicides such as distorting, disfiguring and eventually destroying the history of the colonised. Such that their way of life was changed completely to resemble that of a western person. It is within this context therefore that the study argues that It was inevitable for Africans to see and adopt democracy, the rule of law as practiced and observed in the western world as the best model for governing their newly independent states.

On the other hand, leading decolonial thinkers, theorists, and activists from the Global South ,such as Cheikh Anta Diop, Aime Cesaire, Albert Memmi, Frantz Fanon, Ngugi wa Thiong'o, Anibal Quijano, Samir Amin, Kwame Nkrumah, Enrique Dussel, Walter D Mignolo, Ramon Grosfoguel, Steve Bantu Biko, Lewis R Gordon, Nelson Maldonado-Torres, and many others, associate modernisation theory with racism, colonialism, neo-colonialism, and coloniality. They view modernisation theory as major challenge averting the emergence of a genuinely postcolonial world. For them, racism, the slave trade, imperialism, colonialism, apartheid, and neo-colonialism do not only constitute global coloniality as a modern power structure but are also manifestations of the 'dark side/ underside' of modernity (Mignolo 1995; Mignolo 2000, Mignolo 2011).

Proponents of modernization theory claim that the main benefit of modernising is that modern states are wealthier and more powerful and that their citizens are freer to enjoy a higher standard of living, therefore, there is a need for traditional societies to modernise. Again, this theory forces Africans to value and desire power and wealth but only in the form of money and ignore the fact that money does not necessarily lead to free enjoyment of live and improved life standard. It should be noted that Africans have their own understanding of wealth, living standards, power, and development, which are different from western conceptions. power is understood by Africans as the ability to practice your culture and traditional as well as to determine your own destiny without undue foreign influences. In other words, to be free of coloniality. On the other hand, power is understood from a western conception as the ability to force others to comply; by strong-arming, if necessary, (Chabal, 2009). Therefore, modernisation theory should be seen as a theory that seeks to promote westernisation and reinforces coloniality in the developing world particularly Africa.

Those who are against the thinking of Modernisation theorists assert that it implies that traditional values and institutions have little, or no value compared with their Western equivalents. There is evidence, however, from Japan and the 'Asian Tigers' that the traditional concepts (for example, religion and extended family) can exist successfully alongside the modern. For the benefit of all the readers Asian Tigers refers to countries such as Hong Kong, Japan, Korea, Singapore and Taiwan which are considered to be the major Asian economic behind the economic growth in Asia in the late 1900s. South Africa also has a combination of modernity and traditional notions when it comes to the leadership style as it is democratic and still uses traditional leadership systems in some of the provinces, thus, there is coexistence of traditional leadership and modern leadership in the form of democracy.

Traditional leadership is hereditary (Matunhu, 2011). On the other hand, in democracy, leaders are elected by the people. The study used this theory to analyse the land allocation processes in the Thulamela local municipality in a bid to understand who between the traditional leadership and local government is allocating land or which institution of leadership has the responsibility to allocate land and how this is viewed by rural communities in this area. Despite all the criticism above, modernisation theory is relevant for this study, as it allows me to analyse the views of those who advocate for modernity when it comes to leadership and land allocation within the country and in Thulamela to be specific. This theory is also used to understand the nature of the relationship between these two leadership institutions as this fact is likely to be influenced by arguments that are presented by this theory. The theory also assisted in analysing the views on how this relationship affects local communities when it comes to land allocation as they are likely to be influence by their understanding and beliefs concerning traditional and democratically elected local leadership.

2.3 Land and Capitalism in South Africa

This section starts by looking at definitions of both land and capitalism before these two issues are discussed in terms of their relationship to each other. The section also zooms in on the implications this relationship has and continue to have on land allocation in South Africa and by extension in the Thulamela local municipality where the study is located. Barlowe (1986) defines land as a whole, comprises of the soil,

water, air and other natural resources tied to the earth surface. For Barlowe, land provides human beings with the space to live in, the primary products that support human beings with their material needs and the opportunities and satisfactions dear to their ways of life. This definition is mostly associated with Afrocentricity because it views land in its totality exactly how land is understood by Africans. On the other hand, land defined by Begg, Fischer and Dornbusch (2003), as an immovable factor of production inherent from nature, land is also seen by these two authors as a fixed asset in supply and its quantity is largely unaffected by economic decisions. It is clear that the latter definition is more aligned to the capitalistic and modernity in that it sees land as product that can be sold or bought and privately owned by individuals who can afford to do so.

It is arguable that capitalism as a system has been practiced for a long time in human history, but it became prominent during the post feudalism system which was the emergence of industrial revolution in England and then spread to other parts of Europe that was witnessed from 1750 to 1850. It is important to note that during the feudalist system land was vested in the hands of the Lords. As defined by the American Heritage Dictionary (2010), capitalism is an economic system in which the means of production and distribution are privately or corporately owned, and development is proportionate to the accumulation and reinvestment of profit gained in a free market. In addition, Mc Connell and Bruce (2005), are of the view that a capitalist is someone who practices and supports capitalism. This is a person who is privileged to not only own, but also control a lot of wealth, and uses it to produce more wealth. Capitalism is also referred to as the free enterprise economy or market system because of the private ownership of resources (usually land and capital) and the use of market and prices to coordinate and direct economic activities (Jhinghan, 2008). Lipsey and Chrystal (2006), add that a capitalist system more evident between 1750 and 1850 in England. This was the time were England was busy with industrialisation which was necessitated by the collapse of the feudalist system. It was in this feudal system where land in England was vested in the hands of the Lords, but this practice also spreads to other parts of Europe during that time.

In the capitalist system, individuals and firms own most of the resources, including land, not the government (Mc Connell and Bruce, 2005). Begg Fischer and Dornbusch (2003), further state that this extensive private ownership that gives capitalism its name. This right to private property, coupled with the freedom to negotiate binding legal contracts, enables individuals and businessmen to obtain, use and dispose of land as they deem fit. David and Jean (2000), further add that the right of property owner to designate who will receive their property when they die and sustain their institution of private property. Capitalists therefore sees land as property that can be owned, transferred, inherited, sold or speculated (Balchin and Chen, 2000).

According to Delhi and Chrystal (2006), the final characteristics of the market system as evidenced in modern economics, is active but limited government involvement. The government is only given powers and responsibility to provide the much-needed legal framework for and the services needed for the capitalist system to operate effectively. It is these legal frameworks that set the legal status of business enterprises, ensure the right to private ownership and allow the making and enforcements of contract. In South Africa it is legal frameworks such as the constitution which is the supreme of the law which provides for the protection of private property rights. This means that the government of the country promotes capitalism through legal framework such as those because large scale farms owned my minority whites since the colonial and apartheid times are regarded as private property and are protected by these governmental legal frameworks.

Udo (1990), identifies two main types of land use in a capitalist society as commercial agricultural land use and private industrial land use. The commercial agricultural land use is in the form of large farm ownership while the private industrial land uses are in the form of industrial, residential and commercial structures owned by individuals and private organizations. It is these kinds of thinking that influence land use regulations which privilege large scale commercial agricultural and private industrial land use over small scale farmers subsistence use of land, and this results in inappropriate land allocations (Deininger, 1998). Van Den Brink (2002) argues that in the capitalistic thinking the notion of size of the farm is linked to a minimum income target. This minimum target was set, in Southern Africa with the aim of ensuring that white farmers

will have large farms and earn an income that is 'socially' acceptable with reference to the white settler societies. Here, the size of the farm was measured on the desired income; the bigger the desired income the bigger the farm must be. As a result, this approach normalised the large-scale farms in all colonised African countries, including South Africa (Moyo, 2000).

2.4 Socialists views on land

Socialism is known to be an economic and political system of governance which is based on public ownership (also known as collective or common ownership) of the means of production. Those means include the machinery, tools, and factories used to produce goods that aim to directly satisfy human needs. Socialists are against private ownership of means of production, including land. They believe that private ownership of land attaches a monetary value to land, which can be used to trade or as collateral. This means that private ownership is seen by socialists as an important ingredient of capitalization within the economy. Socialist economists are critical of private ownership of land as socialism was introduced solely to deal away with private property in the means of production for social ownership or public property. It should be noted that socialists generally favour social ownership of land either to eliminate the class distinctions between owners and workers and as a component of the development of a post-capitalist economic system (Connell, 2012). In countries that use socialism as an economic system, land is owned and controlled by the government. Advocates of socialism believes that a system that provides for shared ownership of resources such as land and central planning results in a more equitable allocation of land to the entire population (Kenton and Boyle, 2021). They further argue that fair and equal allocation of land is important in ensuring food security and fighting poverty.

2.4 Glen Grey Act no 25 of 1894

The Glen Grey Act is an Act of the parliament of the Cape Colony introduced by the government of prime minister Cecil John Rhodes on 12 July 1894. Glen Grey is a former name for the area around Lady Frere, east of Queenstown, in the Eastern Cape

province of South Africa. It is important to note that the act was termed the Glen Grey because, it was targeted at the Glen Grey district in terms of its implementation, even though it was later implemented in other parts of the Cape colony and eventually spread to other parts of the country and the Southern African region, including Southern Rhodesia (now known as Zimbabwe).

According to Davenport and Saunders (2000), the Glen Grey Act was introduced by Rhodes as a policy for the disenfranchising the blacks in the Glen Grey area, and later in other districts in the cape colony. The act was a multi-faceted one, meaning that it had special multiple objectives to be achieved. One of which was to set a pattern of African land holding throughout the Cape African reserves (Davenport 1987). The Glen Grey Act provided for a system of attenuated individual landownership. In seven surveyed districts in the southern Transkei, a form of title-deed was issued for arable allotments averaging four morgens in extent. Important to note is that the Act laid down the rule of one-man-one-plot in the reserves (Wolpe 1972:72). In the event of the death of the original title-holder, the land would pass to his male heir, while the rest of his sons would have to find other ways of making a living. Before long, a mass of landless people was thrown up in the reserves.

Rhodes was also aiming to convert the form of tenure to perpetual quitrent, limiting the size to four morgens. The quitrent system buttressed the introduction of individual tenure to African households and in theory facilitated the administration of African land, as it placed individuals in labelled spaces with controlled access (Wotshela, 2014). The Act divided black land into property plots held in quitrent tenure in the Glen Grey district. This was to reconcile the tribal system and the civilisation demands of a white community in such a way that facilitated the detribalisation of blacks and at the same time find the economic use for state land (Scholtz, 1981).

The Act was also designed to deal with the overpopulation situation in the Glen Grey area. It was also for the purpose of drawing out labour for the colony, motivated by the coal mine that Rhodes bought for De Beers company in 1894. To deal with the overpopulation issue, the act was to impose labour tax on non-title holders to deal with what was termed 'squatting'. the Act imposed a labour tax of 10 shillings on any African male who had not worked outside his district for at least three months in the year. This creation of a labour tax was targeted at forcing isiXhosa men into employment on

commercial farms or in industry. In addition, the intention of the Act was that Black people of the Glen Grey district must be controlled through the application of the law. With this attack on these fronts, the designers of the Glen Grey Act expected that poverty and starvation would drive Africans from the reserves to go and hunt for jobs on the white farms and the mines.

The Act was aimed at establishing a system of local administration under which the African population would be forced to concentrate on local matters rather than on national politics and parliament. With the establishment of the local council system under the Act the burden of providing funds for the development of the infrastructure and certain important services like education and veterinary services in the Native reserves was shifted to the inhabitants of the reserves. This laid the foundation for policies that for decades excluded the Africans from the Treasury. It further "excluded property ownership altogether as a voting qualification for blacks who held under Glen Grey title" (Davenport 1987:108). The act ushered in the district council with a sole reason of limiting the powers of traditional leadership such as the chief and the headman in the area. It is clear that Rhodes introduced this Act because white people see themselves as superior to black people and always looking at ways to make that point to be understood by black people. Reducing the powers of traditional leaders is a clear demonstration of white superiority and domination. Because this study is centred on land allocation, it will only concentrate on extracting, interpreting and analysing land issues as per the prescripts of the Act, and ignore other issues such as the taxation issues.

Schedule A, of the Glen Grey Act contained the form of title deeds to be used under the Act. Among the most important conditions were the following: the land could be forfeited for rebellion, for conviction for the crime of theft for which a prison term of not less than twelve months was imposed, and failure to occupy the land beneficially. This was designed to keep black people in the Glen Grey area in check and to make sure that they behave according to the wishes of the white man so that the white man can continue to enjoy the resources without fear of being challenged and disturbed. The district council had first to be consulted in such cases, and a period of three months' notice had to be given of the governor's intention to seize the allotment for

nonbeneficial occupation. The period of three months was given in order for the council or the governor to appear fair and reasonable while they were actually not. For instance, if the person who owns the land committed a crime of which the sentence is 12 months and above, and the person was given a three months' notice which would finish before they even serve half the term, it does not make any sense at all.

2.5 Land ownership and allocation in South Africa

The land question is South Africa is a very complex and poignant one and has been since the earliest days of colonialism. The 1913 Native Land Act worsened the situation when it provided that white people can own 93% of South African land while the majority of blacks were left with only 7% of the total land in the country. The conditions of the majority of blacks became extremely worse during the dark days of apartheid when the apartheid government decided to pass more legislation that sought to decide where black people should live which saw black people being banished them from fertile areas to the least fertile areas of the country. The land audit report (2017) indicates that 114 223 276 ha, or 94% of 121 924 881 ha land in the country is registered in the Deeds Office. The outstanding 7 701 605 ha, or 6% is unregistered trust state land in the Eastern Cape, and Limpopo at 5 545 156 ha.

The same Land Audit report revealed that individuals, companies, and trusts own 89 523 044 ha, or 90% of the 114 223 276-ha land. Individuals own 37 800 986 ha, or 39% of this total land; followed by trusts at 29 291 857 ha or 31%; companies at 23 199 904 or 25%; CBOs at 3 549 489 ha or 4%; and co-ownership at 883 589 ha, or 1%. The same individuals own most of these companies, trusts, and CBOs. These numbers speak volumes in terms of who owns the South African land, and this study is more interested in the breakdown of these numbers in terms of race. This will allow me to provide more accurate and relevant analysis of land ownership in the country as per the 2017 Land Audit report.

The 2017 Land Audit report further revealed that Whites own 26 663 144 ha, or 72% of the total 37 031 283 ha farms and agricultural holdings by individual landowners; followed by Coloured at 5 371 383 ha, or 15%, Indians at 2 031 790 ha, or 5%, Africans at 1 314 873 ha, or 4%, other at 1 271 562 ha, or 3%, and co-owners at 425 537 ha, or 1%. This implies that in 2017 when the report was released, only 4% of the total

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farms and agricultural land was in the hands of the majority black population of South Africa, and whites are still occupying 72% of all farms and agricultural land 24 years after the country was democratised. It is very interesting to observe this trend especially when the constitution of the country specifically states that South Africa belongs to all those who live in it, united in diversity.

What makes the picture of land ownership to be more interesting in South Africa is the section 25 of the South African Constitution which demands for land reform: redistribution, tenure reform and restitution and that 24 years after democracy the country is still painted with a picture like that. Section 25(5) Provides for equitable access to land. This should be the driver of redistribution of both rural and urban land including farms and agricultural land for those whose families were dispossessed prior to 1913. Although some scholars argue that the South African democracy is still young, the thesis argues that in 24 years and with a constitution like this, the country should have made significant progress towards addressing these imbalances and inequalities with regard to land ownership.

In addition, section 25(6) of the South African Constitution provides for tenure security. The thesis argues that the Constitution in South Africa is the supreme law of the country and must be used to fight for and enforce legal protection for those whose tenure is insecure because of past discrimination and any current laws and practices that seeks to undermine tenure security. With provisions such as this in the constitution the country should have made significant progress in making sure that all South Africans especially blacks have land tenure security and achieve redistributive component to tenure reform.

Lastly, section 25(7) of the South African constitution gives provision for restitution especially for those black people lost their land through racially discriminatory laws and practices such as forced removals after 1913, who can show how they lost land. It is discouraging to observe that only 4% of black people own farms and agricultural land in South Africa, with all these constitutional provisions which are meant to provide equality and fair allocation and distribution of resources including land.

It is important to acknowledge the efforts by the government in making sure that black South Africans are able to access land. The current President of the country, Cyril Ramaposa, recently announced that members of the public will be able to apply to

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lease 700 000 hectares of underutilized or vacant state land in seven of the provinces. As commendable as these efforts may be, they are not in any way addressing the inequalities between blacks and whites in terms of land ownership in the country. The fact that whites own 72% of South African farms and agricultural land will unquestionably not change through this initiative. The thesis argues that the land that the president is talking about is the land that the apartheid government allocated or registered under the state and private ownership of land by whites remains unchallenged. The willing-seller-willing-buyer approach has proven to be ineffective, and it is not informed by provision of the constitution. This is why the president is buttering black people up by giving them 700 000 hectares to rent, which may amount to less than 200 farms country wide, since some of the farms are huge and only a few black people will access such opportunities. Important to note is that if some of the farms what are privately owned by whites are not taken and be privately owned by black people, South African land will continue to be owned by the minority whites and the majority blacks will remain landless.

2.6 Ingonyama Trust land disputes

The Ingonyama Trust was established on the basis of the KwaZulu-Natal Ingonyama Trust Act (Act No 3KZ of 1994), which was enacted by the KwaZulu Legislative Assembly and came into effect on 24 April 1994. The Trust became the outcome of deliberations and agreement between the National Party and the Inkatha Freedom Party towards the end of apartheid just before the transition in 1994. The main aim of the Trust was to manage land owned by the then government of KwaZulu (which is now a provincial government) and is believed to be managing an estimate of 2.8 million hectares of land in KwaZulu-Natal, which represents about 29.67% of the province's land. The mandate of the Trust was to hold land for "the benefit, material welfare and social well-being of the members of the tribes and communities" living on the land. The land vests in the Ingonyama (or king) King Zwelithini, as the sole trustee, to be administered on behalf of members of communities as defined in the Act.

After democracy in 1994, which was established on the basis of the 1993 interim constitution, there followed debates about the Trust in terms of its relevance in the current democratic setting and why it was the only one of its nature in the country. This

surprisingly did not result in its dissolvement but led to the amendment of the Act which came into force in 1997. This Amendment Act had to meet all the constitutional requirements both in terms of the Interim Constitution and the final Constitution of 1996. On the other hand, the amendment did not bring many changes but created what became known as the KwaZulu-Natal Ingonyama Trust Board to administer the affairs of the Trust the Trust land in accordance with the Act. This amendment only relinquished the Kind's day-to-day administrative responsibilities of the Trust and the Trust land, but the king remained the only trustee of the Trust. In other words, the amendment only gave the King a superior status of overseeing the affairs of the Trust while the Ingonyama Trust Board (ITB) dealt with day-to-day administration of the Trust. The Ingonyama Trust is discussed in this study because there have been criticisms, complains and conflicts emanating from it by members of the communities it serves, the legal fraternity and some government officials. Below are some of the most important provisions of the Act that are relevant to this study:

☐   Section 2(2) – "The Trust shall, in a manner not inconsistent with the provisions of this Act, be administered for the benefit, material welfare and social well-being of the members of the tribes and communities as contemplated in the KwaZulu Amakhosi and Iziphakanyiswa Act."

☐   Section 2(3) – "The Ingonyama shall be the trustee of the Trust which shall be administered subject to the provisions of this Act by the Ingonyama and the board."

☐   Section 2(4) – "The Ingonyama may, subject to the provisions of this Act and any other law, deal with the land referred to in section 3(1) in accordance with Zulu indigenous law or any other applicable law." (Lawyers advise that "may" probably means "must" in this context)

☐   Section 2(5) – "The Ingonyama shall not encumber, pledge, lease, alienate or otherwise dispose of any of the said land or any interest or real right in the land, unless he has obtained the prior written consent of the traditional authority or community authority concerned."

☐   Section 2(7) – Notwithstanding the provisions of this Act, any national land reform programme established and implemented in terms of any law shall apply to the land referred to in section 3(1): Provided that the implementation of any such

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programme on the land referred to in section 3(1) shall be undertaken after consultation with the Ingonyama."

☐   Section 2(8) – "In the execution of his or her functions in terms of this section the Ingonyama shall not infringe upon any existing rights or interests."

This section presents some cases and criticism against the Ingonyama Trust and its board by different stakeholders and all the cases are analysed on the basis of the key provisions of the act furnished above.

2.6.1 Rural women take the Ingonyama Trust to court

Chris Makhaye (2020) of Mail&Gardian reported that a group of people, who are mostly women, took the Ingonyama Trust to court, accusing it of deceiving them into signing leases on their ancestral land, and that they were seeking a high court order to declare their lease agreements with the Ingonyama Trust invalid. The case was set to be heard by a full bench of the KwaZulu-Natal Division of the high court in Pietermaritzburg, from 9 December 2020. Some of the important outcome of this case were that; Both the Ingonyama Trust and the Ingonyama Trust Board acted unlawfully and in violation of the Constitution by concluding residential lease agreements with persons living on the land held in trust by the Ingonyama. All the residential lease agreements concluded by the Trust and the Board, in respect of residential land or arable land or commonage on Trust-held land, are declared to be unlawful and invalid (Legal Resources Centre, 2021). Respondents in this case are not just the Ingonyama Trust and its board, but also the office of the Minister of Rural Development and Land Reform, the office of the KwaZulu-Natal member of the executive for Cooperative Governance and Traditional Affairs and the Provincial House of Traditional Leadership.

The case is about the ITB demanding that people must have and sign leases for the land they already occupy. The rationale was that once they singed the lease, they could use it to prove ownership of land when they borrow money to build their businesses. Surprisingly, a year after signing these documents, people were informed that they owed thousands to the Ingonyama Trust. When people started to protest

against this and the leases to the land that had been theirs all along, the Ingonyama Trust administrators threatened to take land away from those protesting.

Apart from this case there are a lots of grievances women in the jurisdiction of ITA have with regard to how the ITB is discriminating them on the bases that they are women, in terms of land access and allocation. A case in point is that of the 64 year old, Nkosi Linah, a pensioner who had been living on the three hectares of land in the Maphaya Village in Jozini. It is important to note that the land she and her sister lived on was acquired years ago through the traditional council, the traditional leader and izinduna ('headmen'). What is interesting about her story is that as soon as the Ingonyama Trust started to demand that every home in Maphaya sign and be in possession of a lease to the land they occupy, she complied and went to the place those leases where being signed, only to find that she was being rejected because she was a woman. It is also interesting to observe that she was requested to get a male relative to sign on her behalf. When she protested against this discrimination, her case was thrown out. It was only when she returned with a man, her partner Zakhele Khanyile, that she was allowed to co-sign. It did not matter to the trust that her partner did not know how the land was acquired and played no part in that process, but suddenly he became the co-owner of the land that he has no historical ties to, on the basis that he was a man.

There are number of things to be observed from these two interrelated cases, first is that it appears that the King and the ITB see themselves as the owners of the land and their subjects as simply occupiers of the land with no land ownership rights. This is because the King and the ITB found it necessary and important to decide that occupiers must sign land leases for the land that they occupy and pay rent for their occupation to the Trust. The decision was not taken by the ITB through consultation with the occupiers as they are merely seen as occupiers and not the owners of the land. It seems that the King and the ITB disagree with those who argue that the land is for the people and the King and the ITB are custodians of that land and not necessarily the owners.

The second thing to observe is the clutch of civilisation between modernity and tradition. Traditionally women have not been allowed to own land, and land was only allocated to men on the basis that they are seen as heads of and providers for their

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families. On the other hand, modernity that came through the constitution does not allow for anyone to be discriminated against on the basis of gender. So women must have the same access to land as men as they are both equal in terms of the constitution of the country. This means that the traditional ways of life will always be undermined if it is contrary to the provisions of the constitution because the constitution is the supreme law of the nation, therefore, there shall be no law and practices that are contrary to the constitution.

Although, these two cases against the ITA and the ITB are not between the traditional leadership and local government or government in general, there are some valuable lessons to learn from them. In Tshivenḓa there is a saying, "Khosi ndi khosi nga vhalanda", meaning that a traditional leader at any level is a traditional leader because of his/her (there are also female traditional leaders) subjects. But the more philosophical meaning of the statement is that a traditional leader must at all times seek to protect and promote the rights and interests of his/her subjects. Once there are some conflicts between a traditional leader and his/her subjects, it means the traditional leaders are failing to advance and protect the rights of his/her subjects and this may result in subjects starting to undermine the traditional leader in question, and there will be chaos in such communities. Another lesson is that provided traditional leadership and democratically elected leaders co-exist without learning roles for both of them not only with regard to land allocation but generally, conflicts between both of them will be always experienced.

2.6.2 The High-Level Panel report on the Ingonyama Trust Act

Since South Africa became a constitutional democracy in 1994, she began a process of drafting new laws at all levels of government. The purposes of all these laws has been to fulfil the mandate presented by the South African Constitution. The process saw the creation of new institutions, repealed some old exclusionary arrangements, and changed the lived experience of many South Africans. It should be noted however, that despite all these efforts, more still needs to be done to change the course of society towards inclusive development especially on land rights, ownership and allocation.

Once laws are enacted in the country, there is a need to revisit those laws and assess if they are assisting to achieve the necessary and envisaged change to the society at large. It was for these reasons that the Speaker's Forum called upon the High-Level Panel (HLP) to assess this legislative output. This entailed the assessment of the content and implementation of legislation passed since 1994 in relation to its effectiveness and possible unintended consequences. The HLP was properly established in December 2015 by the Speakers' Forum which is a representative body of the South African legislative sector. It was the Fourth Democratic Parliament through its Legacy Report, that identified the assessment of the impact of legislation as a key priority to be undertaken by the Fifth Democratic Parliament.

Mr Kgalema Motlanthe, former President of the Republic of South Africa, was given the responsibility to chair the HLP. The Panel is mandated to review legislation, assess implementation, identify gaps, and propose action steps with a view to identifying laws that require strengthening, amending or change (Custom Contested in Opinion, 2017). In other words, this intervention entails the identification of existing legislation that enables the transformational agenda and pursuit of the developmental state, as well as laws that impede this goal. The Panel's work has been divided into three main thematic areas: (i) poverty, unemployment, and the equitable distribution of wealth, (ii) land reform: restitution, redistribution, and security of tenure; and (iii) social cohesion and nation-building. However, this study pays particular attention to the work that the panel did on land reform: restitution, redistribution, and security of tenure, with a special bias to the Ingonyama Trust, Ingonyama Trust Act.

With regard to land reform, the HLP was required to work and provide a report on Land tenure reform: in communal areas, on privately owned farms (the Extension of Security of Tenure Act of 1997), in areas with a recent history of labour tenancy (the Land Reform [Labour Tenants] Act of 1996), in the former 'coloured' rural areas (the Transformation of Certain Rural Areas Act of 1998), and in urban and peri-urban areas (the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1998, and other relevant legislation). In relation to communal tenure, the review included the Ingonyama Trust Act of 1994, the Interim Protection of Informal Land Rights Act of 1996, and the Communal Land Rights Act of 2004.

The HLP declared the 1994 Ingonyama Trust Act (ITA) unconstitutional and recommended that it either be repealed or amended. According to Radebe (2019), The Land Reform Advisory Panel has also recommended that the Ingonyama Trust Act be reviewed or possibly repealed. Although these two panels conducted their research and worked in different time periods and were headed by different leaders, they arrived at the same deductions. But what is perturbing is that the government who established these two panels and gave them mandate to assess the ITA has not so far acted on the recommendations from either of the panels. The report of the HLP also provides for the government to consider the redress to the rural communities and township residents in the KwaZulu Natal (KZN) province who have been negatively affected by the ITA and its workings since it was enacted on the eve of South Africa's hard-won democracy in 1994. Furthermore, after extensive public consultations the HLP concluded that the ITA was unconstitutional because it denies people living in areas under traditional leaders several constitutional rights which consequently distinguishes them from those living in the rest of the country who enjoy full benefits of post-apartheid citizenship.

Although Sithole and Ngonyama (2018), consider the report and its declaration and submissions about the ITA and its workings, progressive, it attracted a lot of negative response from certain sections of society. For instance, the Zulu King himself, Goodwill Zwelithini kaBhekuzulu, who was a sole trustee to the Trust, threatened to mount both legal and even violent resistance towards the submissions and recommendations of the HLP. In addition, the King also voiced his anger, frustration and dismay towards the report of the HLP about the ITA by threatening to organise an armed response from his subjects in the protection of the land under the Ingonyama Trust. This was when he was delivering his opening speech of the KwaZulu-Natal Provincial Legislature in Pietermaritzburg on 27 February 2018. He further called on the Zulus who were supporters of the Ingonyama Trust to contribute a minimum of R5 towards a fund to defend the ITA. This was in a bid to mobilise financial resources to fight the government should it decide to implement the recommendations and submission of the HLP especially that which talks about the dissolvement of the ITA.

When he was delivering his provincial address speech, the KZN Premier, Willies Mchunu, felt it necessary to respond to the remarks of the King towards the HLP report, in which he gave traditional leaders assurance that the provincial government supports

them and their views on this matter, and he offered to convene a land summit to debate the submissions of the HLP on the ITA. However, it was not clear if the premier was doing it to maintain peace and harmony in the provincial Legislature and in the province in general as well as in the country as a whole, or whether he genuinely believed that ITA must not be touched despite what the report said. It could also be that the premier who is from the African National Congress was fearful that the implementation of the recommendations by the HLP might have serious political ramifications for the governing party. In support of the premier, the president of the country, Cyril Ramaphosa, skipped a community meeting he was scheduled to attend in Chatsworth, south of Durban a few days after the threat, and went to see the King at one of his palaces in northern KwaZulu-Natal. Literarily on his knees, Ramaphosa assured King Zwelithini that the Ingonyama Trust land would not be targeted by government's land reform programme (Mail&Guardian, 2018). This also demonstrates the support that traditional leadership is enjoying from the ANC led government. It should be noted that the mandate of the HLP was not to assess the effectiveness of the ITA alone, but a number of post-apartheid laws to determine their effectiveness in transformation, and in advancing 'radical change' and 'social cohesion'.

Again, the then leader of the Inkatha Freedom Party (IFP), Mangosuthu Gatsha Buthelezi, also responded to the report during the debates on the 2018 State of the Nation Address, and he argued that for him, ITA was meant to make certain that land in traditional areas could continue to be administered according to indigenous and customary law. What is important to note is that there was a group of Hostel-dwellers who also reacted to the HLP report. The hostel-dwellers were a group of Zulu people who resided in hostels in Johannesburg who were totally against the desolvement of the ITA. The group was gathered at the Mai-Mai Hostel in Johannesburg on 24 February 2018 and guaranteed to do everything in their powers to stop the government from dissolving the ITA. Again, it is not clear what triggered such a response from this group, one could just assume that they were either strong supporters of the Trust and the King or they might have benefitted from it strongly.

For Lebitse (2019), it is not fair that the panel boldly recommended that the government should immediately assume responsibility and custodianship of the trust land and administer it on behalf of its citizens and yet it failed to outline the same about land belonging to white farmers. For her, government must assume responsibility and

custodianship of all land in the country including that which is owned by white farmers and farmers can rent the land from the government. She appears to be advocating for land expropriation without compensation and that the Ingonyama trust must not be targeted because it is controlled by black South Africans (meaning the King, chiefs, ITB and its administrators) while white people continue to enjoy private ownership of the South African land.

It is with great sadness and unfortunate that while I was writing about King Goodwill Zwelithini kaBhekuzulu, as a sole trustee of the Ingonyama trust, I learned about the King's passing on Friday the 12 of March 2021. The King died at the age of 72, may his soul rest in peace. His majesty's death brings uncertainties for the ITA and ITB in terms of who will be the trustee and administrators of the Trust would be the next King of the Zulu people. It is possible that the government might see this as an opportunity to repeal the ITA and take full ownership and administration of the land under the Ingonyama trust.

2.7 Land disputes within the Bakgatla communities

The study zooms into some of the land disputes amongst the Bakgatla people and communities. The Bakgatla-ba-Kgafela are a Setswana-speaking traditional community under the leadership of Kgosi Nyalala Pilane. They are known to have occupired one of the largest communal areas in Northwest Province of South Africa. They are belived to have 32 villages that are spread over a vast area of more than 35 farms in the Pilanesberg region, about 60 km north of the town of Rustenburg, and fall under the Moses Kotane Local Municipality (MKLM). With approximately 300 000 residents, the Bakgatlaba-Kgafela area is also known to have vast mineral resources (Mnwana, S. 2014). This study only focuses on land disputes amongst the Bakgatla in South Africa and only disputes that had to involve the court of law. This was because the study focus is not Bakgatla but Vhavenḓa in the Thulamela local municipality and I only relied on the secondary sources of information that can be traced. For instance, the study looks at the court case, Bakgatla ba Kgafela Tribal CPA v Bakgatla ba Kgafela Tribal Authority and Others. The study also looks at the land dispute between Bakgatla Ba Sefikile and the Bakgatla Ba Kgafela that involved Eskom. The discussion will start with the case between Bakgatla ba Kgafela Tribal CPA v Bakgatla ba Kgafela

Tribal Authority and Others and end with the dispute between Bakgatla Ba Sefikile and the Bakgatla Ba Kgafela that involved Eskom. This is in a bid to demonstrate that land disputes and court cases over land are not immune to Ingonyama Trust and are experienced in other former homelands communities. The study also demonstrates that there are many land disputes between communities and their traditional leaders and between traditional leaders and the government in South Africa and these are just few cases amongst many.

2.7.1. Bakgatla ba Kgafela Tribal CPA v Bakgatla ba Kgafela Tribal Authority and Others

Like any other community in South Africa, the Bakgatla ba Kgafela community took advantage of the land restitution program and policy framework of the post-Apartheid government and submitted a land claim for various pieces of land they felt they were dispossessed of during the colonial and Apartheid South Africa. The Bakgatla ba Kgafela were successful in their land claim over various pieces of land in the North-West province in South Africa (Pienaar, 2017). This success necessitated that this community must create a legal entity that will receive ownership of the land on behalf of the community. It was in 2005, when the the Bakgatla ba Kgafela community agreed (through a voting system) to create a Communal Property Association (CPA) to receive and hold the land. After agreeing through votes on the establishment of the CPA, they embarked on the process of electing a committee that will be responsible for the running of the CPA. They also drafted and adopted a constitution that will be used to administer the affairs of the CPA and the land. As soon as they were done with all committee and constitution matters, they made an application to have the CPA registered. unfortunately, the traditional council and traditional leader, Chief Nyalala Pilane, did not support the creation of the CPA as they favoured the creation of the Trust instead. This was the beginning of land skirmishes between the Bakgatla ba Kgafela community and their traditional council led by their chief Nyalala Pilane (Centre for Law and Society, 2015).

The CPA gives powers to the community to administrate, control and own the land in question and the Trust gives the trustee who in this case will be the Chief himself to take control and ownership of the land. It becomes clear that these two groups where

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fighting for the powers to legally administer, control and own the same land (Centre for Law and Society, 2015). The Chief wanted a similar situation with that which is happening in KwaZulu Natal with the Ingonyama Trust and the Ingonyama Trust Board. This could have been because Chief Nyalala admired the powers and the privileges that were being enjoyed by King Goodwill Zwelethini, who was the sole trustee of the Ingonyama Trust. It could also be that the Chief feared that if the communities are in control of the land, they might undermine his powers and render him useless. One can imagine a situation where the Kind himself wanted to use a piece of land within his jurisdiction and he had to ask for the access and allocation from the CPA. This was unimaginable to the Chief, and this could be the reasons for him recommending that the Trust be established to take ownership of the land instead of the CPA.

The land skirmishes between these two groups continued until the then Minister of the Department of Agriculture and land Affairs, Lulu Xingwane, made an intervention to try to resolve this matter amicably. The minister proposed that while the discussions on this matter continue, section 5(4) of the CPA Act can be used to register a provisional CPA for 12 months instead of provoking section 8 of the same Act which allows for the establishment of the permanent CPA. After two parties agreed to the suggestion by the minister, the Department embarked in the process of registering the provisional CPA. This was, however, parallel with the internal memos that indicated that the Department recommended that the CPA be permanently registered and not provisionally registered. It is interesting to observe these contradictions, because it may mean that the then Minister of the Department of Agriculture and land Affairs, might have given the department a different report with regard to what actually transpired in the meeting. The land claimed by the community was transferred to the provisional CPA. after the land transfer, it is alleged that the Department ceased communication with the CPA and the community, particularly with regard to assisting the community to get the CPA to be permanently registered up until the 12 months for the provisional CPA to expire (Clark, 2015).

The case was about whether the Communal Property Association Act 28 of 1996 (the CPA Act) allows the Bakgatla ba Kgafela CPA (a provisional CPA) to continue to exist and hold land. The case was believed to have been provoked by the construction of the shopping centre in the land that the CPA believed to have ownership of, and they

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tried to prevent it from happening, and were told by the traditional council that section 5(4) of the CPA Act provides that a provisional CPA can only exist for 12 months and that after 12 months, if the CPA has not been turned into a permanent CPA, it no longer exists. After hearing such arguments by the traditional council, the CPA went to Court to get confirmation on its legal status. This resulted in a lengthy Court battle;l it went to the Land Claims Court and the Supreme Court of Appeal, the Constitutional Court heard the case on 28 May 2015. The ConCourt made a unanimous decision on the case and it was written by ConCourt Justice Chris Jafta. The ConCourt decided to overturn a previous court ruling, effectively handing the land over to the community. The ConCourt decision was arrived at after the unpacking of decisions and the rationale behind such decisions by previous courts that had a privilege of hearing and deciding on the case. Dr Aninka Claassens, who was an acting director of the Centre for Law and Society, commented that: "The judgment comes down firmly on the side of people having the right to choose the form of land-holding they prefer, instead of government dictating 'tribal ownership' as the only option in former Bantustan areas" (ConstitutionaL Court of South Africa (Case CCT 231/14), 2014). This judgement meant that people own the land and not the traditional leadership and they had been given the opportunity to control and administer it themselves. The judgement also sends a clear message that current policy, which proposes to transfer title deeds of land in the former homelands to traditional councils cannot fly constitutionally. This is a classic case of the clutch of civilisation between traditional leadership and democratic principles and governance with regard to land ownership, control, access and allocation. The judgment shows that the Minister and Director General failed to uphold the law by elevating the interests of traditional leaders over their duty to support the choice of the community and to fulfil the provisions of the CPA Act.

2.7.2. Land conflicts between Bakgatla Ba Sefikile and the Bakgatla Ba Kgafela

The Bakgatla people Ba Sefikile are also found in the North-West province of South Africa as well as in Botswana (Matemba, 2003). The conflict between these two traditional communities started in October 2011 when the Bakgatla Ba Sefikile, who reside in Northam, about 90km from Rustenburg sold the land to Eskom. Eskom bought Cyferkuil for R1.2-million that was promised to be paid to the Bakgatla Ba

Sefikile. The deal was signed between two parties involved and Eskom acquired servitude rights to build power stations.

Eskom confirmed the deal but failed to release the payment to the Kgatla Ba Sefikile. This prompted the Bakgatla Ba Sefikile to make follow ups with Eskom about the payment they both agreed upon. To their surprise they were told by Eskom that Chief Nyalala Pilane of the Bakgatla Ba Kgafela lodged a dispute over ownership of the land they bought, and Eskom said it had to backtrack following the dispute over ownership of the land from Chief Nyalala Pilane.

Eskom further explained to the Bakgatla Ba Sefikile that they received information that the land they bought was registered to the government and also that there was a proclamation that favours Chief Pilane. However, Eskom did not explain how the proclamation favoured the Chief. Eskom also said that for the money to be released to Bakgatla Ba Sefikile, the same Chief who was disputing the ownership of the land must give a directive in writing indicating that the money can be paid to the said community. Again, Eskom did not indicate which legislative framework they were using to arrive at such conclusions.

The dispute is about the fact that the Chief controls all the land, including that that the Bakgatla Ba Sefikile were claiming to be theirs, and he argued that they are under his rule. In other words, the land was under his ownership, administration and control, so the Bakgatla Ba Sefikile could not sign the deal and sell the land that belongs to him as a Chief. Thus, Chief Nyalala Pilane, like many chiefs and kings in the country sees Himself as a legitimate mediator and gatekeeper through whom mining capital and development projects can gain 'easy access' to communal land. However, due to excessive love of money by other traditional leaders, this model has not yet led to tangible benefits for community members. This model has enhanced the power of the chiefs and kings which some of them abuse and caused a lack of transparency, unaccountability, heightened inequality, deepened poverty and local tensions. Some traditional leaders are seen to be in the business of enriching themselves through allocating the communal land they control to the highest bidder. What is more concerning is that they do not share the profit they get from selling the land with the communities they rule (people who actually own the land).

2.8. Comparative analysis of the Ingonyama trust and the Bakgatla cases

I started with a descriptive presentation of two cases in order to provide details to readers on those cases. This section focuses on the way land is treated in these different settings. When one looks at the Ingonyama trust which was enacted before democracy in South Africa by the then apartheid government, the establishment of this act leaves much to be desired. After seeing that they were going out of the office in few days the National party led government passed an Act which took the control of land from the then government of KwaZulu Natal and gave it to the King. Now, one is channelled to think that if indeed this was such a great move why the National party waited until they were pushed outside the office to pass the Act. Maybe it meant that they lack confidence and trust to the black led government that was coming in the office to effectively administer the land under the government. It is also possible that the national party might have been looking at the interest of its members in terms of land, and as this was negotiated with the Inkatha Freedom Party, perhaps the two parties reached a gentlemens' agreement which is not known to the public and left the national party members to benefit from the move. If this is the case it means land was used as a bargaining chip that allowed the National party members who were largely white, to continue with their white privileges. These are just thoughts and analysis by me and not what happened and continues to happen in real life. The fact that the trust was mandated to hold land for "the benefit, material welfare and social well-being of the members of the tribes and communities" living on the land brings another confusion to me (Ingonyama Trust Board. 2019). This is because the government has the responsibility to do just the same, so the transfer of land from government to the Trust really does not make great sense to me.

On the other hand, it could mean that the National party had a great trust and confidence in the traditional leadership system in terms of looking after the interest of ordinary people. This could be the reason that land vests in the Ingonyama (or king) King Zwelithini, as the sole trustee, to be administered on behalf of members of communities as defined in the Act. The power that comes with the control of means of production in this case land was shifted from the government to the traditional leadership and this made the late King Zwelithini to be one of the most influential kings in the country. This also meant that elected members of the province of Kwazulu Natal

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lacked powers to control the land under the Ingonyama Trust and the King had all such powers. Section 3(1) supports the claims that I am making as it proves that all land reform programs to be implemented on the land that fall within the jurisdiction of Ingonyama Trust shall be undertaken after consultation with the Ingonyama. Meaning that the government cannot in within the prescripts of the law implement ant land reform program before they are given a green light by the administrators of the Ingonyama Trust.

On a more interesting angle, the Trust is seen to be using the land as a commodity that can be sold, bought, and rented in a bid to accumulate wealth for the trustee and for the trust. This became evident in 2020 when a group took the Trust to court accusing the trust board of forcing them to sign lease agreements on the land they occupy. In these leases they signed they are expected to pay rental fees on the land they have occupied since forever. The Trust was also accused of using the land as a tool to discriminate against women as women were not allowed to sign these leases and only men could sign with them or on their behalf. It could be seen from these cases that the Trust was no longer using land according to its mandate given by the Act. The mandate was clear in that it specifically said that the land under the Trust must be for the benefit, material welfare and social well-being of the members of the tribes and communities. If members of these communities and tribes are now required to pay for leases that they were forced to sign surely the land is not used for their benefit just to say the least.

I do not have a problem with the land being held on Trust and the trust is controlled by the Kind, but the land must not be used to discriminate some members of the community and land must be a tool for self-improvement and empowerment within such communities. Land controld by the trust must be freely accessible to the members of the tribes and communities within that Trust and profits made from the land that is sold or rented to business communities must be shared to the members of tribes and the communities as the land belongs to them and not to the King. The King is just the trustee and the administrator of the land and definatly not the owner, as it is commonly assumed. There is nowhere in the Act that talks of the King being the owner of the land under the Trust, therefore, the assumption of the King being the owner of the land is misplaced and false.

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The Bakgatla cases of land dispute also demonstrate the use of land as a power determinant to dominate others. This could be seen when community members were advocating for the establishment of the CPA and the Chief, on the other hand, was against the establishment of the CPA in favour of the Trust. This was because the CPA gives powers to the community to administrate, control and own the land in question and the Trust gives the trustee who in this case will be the Chief himself to take control and ownership of the land. It becomes clear that these two groups where fighting for the powers to legally administer, control and own the same land. The chief wanted similar situation with that which is happening in KwaZulu Natal with the Ingonyama Trust and the Ingonyama Trust Board. It is these skirmishes between the traditional leaders and their communities that are also witnessed in the Ingonyama Trust areas.

It is interesting to observe that in both of these cases the government leaders are seen to be siding with the traditional leaders and not the community. One could be very disturbed to observe this as the government and the traditional leadership must both be seen promoting the interest of the communities and all South Africans. Seemingly, in both cases community members even went to the extent of approaching the courts of law to fight for their land rights while the traditional leadership and the government are the ones suppressing them collaboratively. What is interesting is the belief that traditional leaders are respected and loved by their subjects, and they listen to them, so when it is time for elections political leaders both in government and outside government go to traditional leaders to plea for support. This is why, in these two cases government leaders such are found to be supporting traditional leadership on land issues. for me the interesting part is when the traditional leaders and the government pull to the same direction of suppressing the right to land of the community members and they again expect the same community members to listen to their suppressors and even vote for them.

2.9. Historical background of traditional leadership

There is no consensus with regard to the origin of the institution of traditional leadership, however, there are some interesting debates around the origin of

traditional leadership, where some argue that it originated from God and it is ordained by God Himself, while others arguing that it came from a social contract perspective. Those who argue for the Bible as the origin of the traditional leadership quote from the Bible verses that indicate that traditional leadership, in the form of kingship is from God.

Some of the verses that they quote include:

Daniel 2:21 *"He changes times and seasons; he removes kings and sets up kings; he gives wisdom to the wise and knowledge to those who have understanding"*.

Proverbs 8:15-15 *"By me kings reign and rulers issue decrees that are just; by me princes govern, and nobles—all who rule on earth"*.

Proverbs 16:12, *"It is an abomination for kings to commit wicked acts, for a throne is established on righteousness"*.

Proverbs 20:28, says *"Loyalty and truth preserve the king, and he upholds his throne by righteousness"*.

Psalm 21:7 says*, "For the king trusts in the Lord, and through the loving kindness of the Most High he will not be shaken"*.

In the book of Exodus (1:8) the Bible talks about a king of Egypt and advocates of this view further argued that traditional leaders (Kings) are believed to be agents of God. It is God himself who gave them the authority they exercise as traditional leaders or Kings. All these Bible scriptures emphasise that whoever is in power in a nation, it is by no accident. Even issued decrees are under God's rule. It is by God that princes govern, nobles rule, kings reign, and issues are decreed. Our job is to simply obey these God-chosen leaders.

Contrary to the Biblical view, Khapoya (2012), states that colonial education, which included the religious angle through Christianity that brought the Bible to the African, very often alienated young people from their own culture and undermined traditional

authority and traditional religion. He further argues that one of the most respected African leaders by the name of Jomo Kenyatta once said that "When Europeans came to Africa, they had the Bible and the African had the land. They gave the Bible to the African and told him to hold it in his hand, close his eyes, and pray. When the African opened his eyes, he had the Bible and the European had his land" (Khapoya, 2012). By this, Jomo Kenyatta was saying hat the missionaries In the Congo, undertook the campaign to transform the Congolese using the term 'civilize'. This was to say not only the Congolese but all Africans who were colonised must be transformed from being Africans into an imitation black European. It is easy to see why the role of Christian missionaries in Africa has been assailed by many writers and social scientists as having abetted and aided colonial oppression and exploitation. It is on these bases that the Bible does not fit well to explain the origin of the traditional leadership in the African continent. Again, when the Bible was brought to Africa by the colonialists' traditional leadership was already in existence. However, one cannot really know exactly when he bibble was written as it is the only book which does not have an author or editor/s, but it has chapters that are believed to have been written by certain individuals. This means that the Bible was used by the colonialists as an instrument to promote their civilization mission and colonial interests.

On the other hand, those who argue for the social-contract angles, such as Ebenstein and Ebenstein (2000), are of the view that man lived in a state of nature with each having unlimited natural freedoms. This implies that man had access and rights to everything, meaning that men were free to do as they please, during that time. The unfortunate part is that this kind of freedom included that of bringing harm to everyone and everything that appeared to threaten them in any way possible. Ebenstein and Ebenstein (2000), further argue that this situation provides an environment where conflicts are unavoidable to which he coined the expression a war of every man against every man. This situation unavoidably allowed life to be solitary, poor, nasty, brutish, and short as men by nature have different strengths, weaknesses and capacities and this resulted in every man becoming an enemy to every other man. It was this situation that compelled people to gather around and select individuals or group of people who will lead them. People opted to surrender their freedom in order to bring about law and order within their society. It is within this context were the

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concept of kingship emanated from; where individuals were selected or elected on the basis of their ability and capacities to lead the society.

In support of Locke (the Philosopher), Ebenstein and Ebenstein (2000), argue that men lived together as free and equal individuals, without any issues of political authority; governed only by the rules and principles of natural law. The Buddhist Digha Nikaya 111, also added that mankind was righteous at the beginnings of society, but sinfulness gradually crept into the human society. Men selected, for example, the one who was the most handsome, gracious, and powerful, as their King (Waldron, 1994). According to this perspective, God did not have any direct influence or a role to play in the origin of traditional leadership. In opposition, it can be argued that the ability to reason beyond all the animals that God gave to man, is what led to the inception of kingships and other forms of governing structures that exist today.

Traditional leadership is not exclusive to the African continent. Nearly every nation in the world has had an experience of traditional leadership, some in the form of hereditary leadership, others in the form of absolute monarchies and some in the form of constitutional monarchies. The historical background and developments of traditional leadership can be best understood within the context of pre-colonial, colonial, apartheid, and post-apartheid eras. These three historical frames are important in this research because they tell us where the traditional leadership comes from and how it developed and affected by the arrival of the colonialists. The post-colonial frame also assists in the understanding of how the post-independence governments dealt with issues of traditional leadership and predict the future of traditional leadership in Africa and South Africa specifically.

2.9.1. Pre-colonial Africa

The pre-colonial era in Africa can be understood as the period in which Africa was independent and had not yet experienced other worldviews. Mahao (2007) contends that during this period, society was governed by 'chieftaincy' whereas Mkhwanazi (2012:18), states that pre-colonial Africa was governed by 'an ancient African institution'. This implies that pre-colonial Africa was characterised by kingdoms and

chiefdoms which explain the origin and the development of traditional leadership in Africa. Khunou (2011:278), maintains that the institution of *Ubukhosi* or *Borena* or *Vhuhosi* meaning 'traditional rulership' was extremely important at this period. Traditional leaders ruled their people within the context of customary law. Hugh (2004). indicates that customary law was an established system of ancient rules, which progressed from the way people lived their lives and their natural wants and needs. Customary law matters included issues of land; the land belonged to the community, but the administration of the land was in the hands of traditional leaders as they were viewed as the custodians (Tshamano and Mahosi, 2012). Khunou (2011), argues that the institution of traditional leadership was extremely important during the pre-colonial period; this study, however, contends that the institution of traditional leadership is still relevant to this very day.

It is generally believed that during the pre-colonial period, land access to the African people within their communities was less problematic. I agree with this statement because during this period, Africans used to move from one area to the other for hunting, gathering and for gazing purposes. This implies that during this period Africans had more access to land as compared to the colonial and post-colonial period, although, the population of Africans was low during the pre-colonial era as compared to the colonial and post-colonial period, it was the colonial and apartheid administrations that gave white people more land and restricted Africans access to land. During the pre-colonial era, Africans lived their life within the context of their customs, traditions, values, norms and culture. Africa is blessed with fertile land which they used and managed well using their indigenous knowledge, which was passed down from generation to the next through the word of mouth (orally). African people at that time controlled the land and used it for the sustenance of their livelihood for centuries before the arrival of the white settlers. During this period African families were allocated land, each for their sustainable livelihood. This was before the land was commercialised and made a commodity that can be bought and sold – ideas and practices that were brought by the colonisers. During the pre-colonial period, the institution of traditional leadership as the governing structure of African people was not merely focusing on its role of being a custodian of culture and customs, it also had to govern the African people in all aspects of life, including socio-political issues, and

economic issues. Meaning that the institution of traditional leadership was equivalent to a government in modern-day society.

2.9.2. Colonial Africa

The arrival of the colonialists in Africa during the 19th century brought about the destruction and dilution of African leadership institutions, as they were seen by many Europeans as uncivilised institutions (Department of Provincial and Local Government, 2000). It is within this context that colonialism in Africa was aimed at 'civilising' Africans as their way of life was considered barbaric and backward by the colonial masters (Chafer, 2001). The other reasons for colonialism were to create markets for the western goods and services as well as making Africans a source of labour for the Europeans.

Simply put, the Europeans wanted unlimited access to African resources including land to strengthen the economy in their countries. It is for these reasons that the Europeans recognised and worked with traditional leaders who cooperated with them and introduced their own leadership institutions to replace traditional leaders who did not cooperate. This was done to allow the Europeans to control and rule Africa and South Africa was not immune to this phenomenon. In South Africa, the colonialists and the apartheid governments used traditional leadership institutions to promote their own selfish interests. Traditional leaders who did not cooperate with the colonialists and the apartheid government were replaced by those who were willing to work with the oppressive government at the time. This situation diluted the original institution of traditional leadership as people who did not have royal blood became chief through appointment by the colonisers. It is within this context that even today the institution of traditional leadership is characterised by squabbles and contestation.

During the colonial period and apartheid era in South Africa, land access to Africans and Black South Africans specifically, started to be restricted as the colonialists and the apartheid government took control of the land. This was because the colonialists viewed land as a commodity that can be traded, and as a strategic economic resource. It is for these reasons that black South Africans were placed in reserves and in 1913 white people took control of 92.7% of the total land mass in South Africa through what

was termed 'The Native Land Act of 1913'. The Native Trust and Land Act, 1936 (Act No. 18 of 1936; also referred to as the 'Bantu Trust and Land Act, 1936 and the Development Trust and Land Act, 1936) was aimed at reducing the land held for whites to 87%. This then meant that land held for black South Africans was increased from 7.3% to 13%, as per the Native Land Act of 1913.

Lapping (1986:204), maintains that the goal of The Native Trust and Land Act, 1936 was never accomplished, because it forbid any ownership and/or purchase of land by 'Natives' outside the stipulated reserves. This implies that 7.3% allocated for Natives was designated as reserves and if Africans were not allowed to purchase land outside this area, it simply means that land for Natives was not increased to 13 % in practice but only on papers. It is within this context that any drastic change regarding land access, in particular, for Africans and black South Africans, that still exist today can be traced to colonisation and apartheid governments.

The fact that some of the traditional leaders allowed themselves to be coerced by the colonisers into becoming an integral part of their colonial administration made people to go against their own traditional leaders. It made the majority of people very suspicious of the traditional leadership institution. This compromised the trust that people had in their traditional leaders and others even lost the confidence they had in traditional leaders, completely (Mkhwanazi 2012:18). As some traditional leaders were giving in to the colonial masters, some took a decision to resist the colonial rule. Traditional leaders who were resisting the colonial rule were removed from their positions and were exiled, however, the institution of traditional leadership proved to be resilient as it survived the colonial supremacy and apartheid.

2.9.3. Apartheid

Khan and Lootvoet (2001), argue that during apartheid, traditional authorities were entered into alliances with a number of political authorities, which resulted in compromising their positions, power and status as leaders of communities. The National Party, as the leader of government business then took advantage of the situation and started to manipulate traditional leaders and use them to divide and rule people. Houston and Fikeni (1996), indicate that in the process of being used as tools

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for dividing the people they should be leading; traditional leaders enjoyed a lot of privileges for assisting the National Party-led apartheid government to enforce apartheid. Ntsebenza (2004), in support of this view, adds that those traditional leaders could not be accountable to their communities because they were collaborating with the apartheid system. In a bid to consolidate their position and powers of 'Mahosi' (chief) and also in an effort in preparing them to serve as administrators of the homeland, the apartheid government introduced the Bantu Administration Act of 1951. The Act gave these 'Mahosi' full control of their people, but they were leading under the supervision of the apartheid government.

In contrast to Fikeni and Ntsebeza's arguments, Williams (2010) asserts that traditional leaders were among the founders of the African National Congress (ANC) in 1912. Chief Albert Luthuli, who was a traditional leader, was elected as a president on the ANC in 1953. This was a way in which the ANC was demonstrating its level of trust in the traditional leadership institution (Callinicos 1999:13), although, traditional leaders were widely perceived as agents of colonial and apartheid governments, their struggles towards fighting colonialism and apartheid must be noted and acknowledged. Despite the perception of collaborating with colonial and apartheid governments, traditional leaders struggled with the masses to fight the apartheid system of government. This study argues that it is their efforts and struggles with the masses to defeat the apartheid system that earned them a space in the post-apartheid South Africa. It arguable that if their role was only to collaborate with both the colonial and apartheid system, the post-apartheid government would not have hesitated to do away with traditional leadership in the country.

2.9.4. Post-apartheid

The post-apartheid era, which is also known as the 'democratic period', is regarded as one of the turning points in the history of the institution of traditional leadership in South Africa. The institution of traditional leadership in South Africa and in other African countries during this period has been characterised by controversies. It sparked heated debates about the legitimacy and relevance of the traditional leadership institution in the democratic era. To declare its relevancy, I will start by showing the legislative and policy positions of the democratic government of South Africa regarding

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the institution of traditional leadership, before entering into the debate about the legitimacy and relevance of traditional leadership institution in South Africa.

2.9.4.1. The South African constitution

Post-apartheid South Africa adopted what is referred to as a 'constitutional democracy' and became a democratic state. This means that South Africa is a democratic country that uses the constitution as the supreme law of the country. This was before the political transformation that took place in South Africa in the early 1990s, during which the constitution was subjected to the decisions of parliament, however, the political transformation changed the situation, and the Constitution is now the Supreme Law of the country. It is, therefore, becomes critical to highlight the process of recognition of the institution of traditional leadership in the South African Constitution and its significance.

Malley (1999), posits that Chapter 12 of the Republic of South Africa 1996 Constitution, identifies the institution of traditional leadership and the significant role that it plays in defending the customs of traditional societies. The Constitution of the Republic of South Africa also goes further and defines the institution of traditional leadership as an organ of state, which validates its place in the democratic dispensation with regard to governance issues. It can, therefore, be argued that the Constitutional acknowledgement of traditional leadership according to customary law is a pronouncement that traditional leadership is purely based on the application of culture and custom of South African communities, particularly traditional societies. It should be noted that it was for the first time in the South African history that the institution of traditional leadership enjoyed constitutional recognition. The South African History Online (2011) indicated that it was the Congress of Traditional Leaders (CONTRALESA) that campaigned for the constitutional recognition of traditional leadership, and it is praised for the contribution it made towards the drafting of Chapter 12 of the South African Institution.

Idiong (1994), contends that respecting African values becomes integral in promoting the dignity of African people. This will make African people regard the Constitution as one that they are willing to uphold, promote, protect and defend. It is within this context

that the Constitution becomes more than just a document, but a cohesive part that assist in binding the nation together. In addition, Williams (2010), points out that the ANC (a political party that has been leading the government in South Africa since independence in 1994), has committed itself to the improvement of the lives of the people of South Africa. The ANC is of the view that the lives of its people can be easily addressed through the support and recognition of traditional leadership in the new 1996 Constitution of the Republic of South Africa.

Traditional leadership is all about inheriting leadership through blood lines and the new democratic South Africa saw a need to uphold and strengthen traditional leadership institutions and include it as part of its administrative system. Democratically-elected leaders are expected to work hand-in-hand with the traditional leadership in six of the nine provinces, including Limpopo, Kwazulu Natal, North West, Mpumalanga, Eastern Cape and Free State in South Africa where traditional leadership is fully recognised (Helen Suzman Foundation, 2013). This means, that provinces, such as Gauteng, Northern Cape and Western Cape are governed without the presence of traditional leadership, hence, the institution is not fully recognised there, unlike in other provinces. The apartheid government deliberately made it a point that these three provinces that are white-dominated must not be governed by traditional leadership, but by the local government. This was because the majority of white people did not want to be subjects to traditional leadership in South Africa, but in their mother countries they have no problem of subjecting themselves to the traditional leaders because they are white, unlike in South Africa were traditional leaders are black (white man superiority).

2.9.4.2. Legislations

After the Constitution of the Republic of South Africa of (1996) pronounced its recognition of the institution of traditional leadership in the country, policies and legislations have been put in place to give effect to the Constitution's injunctions. The first government legislative framework that talks to traditional leadership, specifically, was the White Paper on Traditional Leadership and Governance (2003). This government policy made a call to the traditional leadership institution to embrace democratic principles, such as, equality, competent, governance, transparency and accountability. One of the objectives of the White Paper is to accelerate transformation

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of the traditional leadership's processes. This meant to reshape it in terms of structure and composition so that it complies to issues of representation of youth, women, people with disability.

Issues of participation and representation are crucial to democratic governance, and traditional leadership had to be transformed to accommodate such democratic principles. This was done to create an institution of traditional leadership that has the capacity to respond and adapt to changes, which promote freedom, human dignity and the achievement of equality and non-sexism, and above all, an institution that promotes democratic governance (White Paper on Traditional Leadership and Governance, 1998). Supporters of Afrocentricity would argue that by transforming traditional leadership to comply with democratic principles is tempering with traditional leadership as understood by Africans themselves, thereby diluting its powers, functions and structure. Thus, creating new institutions of traditional leadership that has democratic elements within them and destroying the very traditional nature of traditional leadership. the study also argues that the traditional sense of traditional leadership is being lost as the institution continues to be transformed to conform to democratic way of doing things because traditional leadership is by blood line and not democratic.

In addition, the Traditional Leadership and Governance Framework Act (TLGFA), 2003 was introduced to support the White Paper of 1998. The TLGFA is aimed at transforming the institution of traditional leadership in relation to the constitutional requirements. This is done with a view to promote the values of an open and democratic society and to advance gender equality within the institution. The Constitution and the legislative framework demonstrate that in a constitutional and democratic State the institution of traditional leadership cannot be immune to change and transformation. It is the state that must make sure that the change and transformation must not undermine the institution of traditional leadership.

Again, the institution of traditional leadership must continue to keep true to African values and its roles and function must be clearly defined in line with the democratic state through the framework of co-operative governance. The fact that the post 1994 dispensation chose to adopt both democracy and traditional leadership means that the

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government must seek balance between these two institutions of leadership and not make democracy to dominate the leadership space, especially where these two systems core-exist. Traditional leadership must be awarded enough space to govern just like democracy. What is more important is to allow traditional leadership to be understood from the perspectives and understanding of Africans themselves. Koenane (2017), indicates that the famous slogan 'Nothing about us without us' is a principle which may usefully be applied to the role of traditional leadership in South African governance. Transforming this institution using democratic principles means modernising it and not keeping it true to the way it should operate as a true African institution of traditional leadership. However, if transformation of traditional leadership has to happen, it should do so with serious consultation of traditional communities, especially those who are still under traditional leadership. There is a resinous need to redefine, sharpen and revisiting the traditional leadership in terms of its true nature and how it can be capacitated to continue with its work under the democratic dispensation.

It has, however, proven to be a mammoth task to establish a clearly defined roles of traditional leadership, despite the fact that the constitution and other legislative frameworks suggest that traditional leaders must be given clearly-defined rules to play, within the rural communities. This was because the post 1994 government wanted to reward traditional leadership in the country for supporting the ANC during election campaigns and in their struggle for dismantling the apartheid system. At the same time the government also wanted to please the international community especially the western countries by adopting democratic principles in terms of governance systems. Houston and Fikeni (1996), and Ntsebenza (2004) also argue that traditional rural authorities and headmen became collaborators and stooges for both colonial and apartheid systems and were thus unaccountable to their communities. Perhaps, the post 1994 government also wanted to punish them by not giving them meaningful role to play in the governance of the new government, as they were viewed as untrustworthy.

On the other hand, the adoption of traditional leadership as part of the governing structures in the democratic South Africa, may imply that the national government still believe that traditional leadership is an important institution to complement local

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government in accelerating service delivery (Musitha, 2012). I fully agree with Bank and Southall (1996), when they argue that while the government recognises the institution of traditional leadership, they face a serious challenge. The challenge emanating from lack of common understanding on what role traditional leaders should play in local governments and other spheres such as provincial and national. It is for these reasons that even after 26 years of democracy the country still find itself seating with serious conflict and disharmony between traditional leadership and local government officials as a result of lack of clearly define roles of traditional leadership. Traditional leadership institutions existed during the pre-colonial era, hence, the institution is a remainder of colonial and apartheid governments, which have remained intact. This is because some of the traditional leaders cooperated with the colonisers and assist them in implementing their oppressive policies. Khan and Lootvoet (2001), and Musitha (2012), argue that the institution of traditional leadership is the most complex system that continues to undermine the democratic experiment of the Republic of South Africa. This is mainly because they have their own traditional means of appointing the leader/ruler which does not conform to democratic principles. At one hand the democratic principles dictate that leaders must be democratically elected through ballots and everyone who is of voting age (which is 18 years) has the rights to choose people/organisations he/she wants them to lead. On the other hand, traditional leadership family through its own processes gives the people the person to lead them with people in general participating in such processes, thus undermining the democracy project in the country.

2.4.5. The role and function of traditional authority/leadership

This section outlines the roles of traditional leadership in South Africa. The section starts by looking at the role of traditional leadership during the pre-colonial era, then goes to discuss its role during the colonial period and apartheid. The last part of this section focuses on the role of traditional leadership during the post-colonial and democratic eras. This is done in order to analyse the trends and changes in the role of the traditional leadership during these different periods.

2.9.4.2.1. Pre-colonial era

The fact that Africa, had not, at that time, yet experienced other world views meant that Africa was governing itself, in all spheres of life. In their world traditional leadership was the only governing structure they know, love and respect. The institution of traditional leadership was responsible for the protection of culture, traditions, customs and values. During the pre-colonial era, the institution of traditional leadership was a political and administrative centre of governance for traditional rural communities in in Africa and South Africa was not immune to this phenomenon. This translate to the fact that the institution of traditional leadership was the form of government with the highest authority. The role of traditional leadership during this period should be understood within the context of all current government institutions combined. Thus, the African way of life was viewed in the African world view because there was no other way of viewing the world apart from the African way. It also meant that traditional leaders governed all aspects of African life (politically, socially, spiritually and economically). However, it should be taken into consideration that it was at this time that traditional leaders ruled their people within the context of customary law as democracy was not yet known to them (South Africa History Online SAHO, 2014). During this time land was viewed as natural resource to be enjoyed and used by all for sustainability of their lives. Land during this period belonged to the whole community, but administered by the traditional leader, who was responsible for allocating it equally to all members of the community. Thus, land during this period was communally owned and used under the guidance and leadership of traditional leaders. This is contrary to the way land is viewed now during democracy and capitalism, where land is viewed as a commodity that can be sold and bought by those who have money and those without money remain landless. Landless was not experienced during the pre-colonial era because there was no property ownership on land but there was communal ownership of land.

SAHO (2014), continues that in the pre-colonial era, the institution of traditional leadership was central in guiding the traditional life, hence, during this period, traditional leaders played a crucial role in the day-to-day administration of rural communities. In this era, traditional leadership was the only institution to provide political, societal, economic, cultural and religious leadership for local communities. Traditional leaders where the custodial of the political and administration of their

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subjects, including the provision of political leaders in various levels, conflict resolution role. Traditional leadership was responsible for arranging, leading and managing community meetings, as well as responsible to resolve or deal with all societal ills within their communities. They also developed and implement law and order with the Africa societies and take all political decisions on behalf of the community at large. In times of hunger draught, famine, floods and other disasters and celebrations, traditional leaders were responsible in organising, leading and managing all necessary ritual performances to communicate with God through their ancestors to protect them and stop the problem. Economically, traditional leaders were responsible for arranging, managing trade activities for the participation of everyone in the community, in ways that safeguard the products and the sellers. Traditional leadership were the custodians of land and administered it on behalf of the community they rule. They were the ones responsible for the allocation of the land within their communities (SAHO, 2014). The relationship between the traditional communities and traditional leader was cordial and the latter was highly respected and was viewed as extremely important. The institution of traditional leadership was responsible for the normal functioning and existence of each traditional community. The system of traditional leaders was hereditary, meaning that the son would inherit the father or uncle's leadership position. Traditional leadership was based on the principle of governance and accountability to its communities.

Customary law, which traditional leaders were governing under, although it was not necessarily written down, included issues of land; the land belonged to the community, but the administration of the land was in the hands of traditional leaders as they were viewed as the custodians (Tshamano and Mahosi, 2012). This meant that traditional leaders are the administrators of the which is communally owned. Traditional leaders had the responsibility to allocate land to their subjects based on the holistic needs of the subjects. Land allocation, which included issues of land tenure and management was the leaders' main role as pre-colonial African communities survived through the use of land. African people at that time controlled the land and used it for the sustenance of their livelihood for centuries before the arrival of the white settlers. Naudascher and Kgatlhanye (1997), agree with Tshamano and Mahosi (2012), on this matter by indicating that, in pre-colonial times, traditional leaders had a variety of functions to perform, including provision of spiritual leadership, guaranteeing safety

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and security, and safeguarding tribal sovereignty, through land allocation and distribution, as well as the administration of justice and provision of spiritual leadership.

During the pre-colonial period, the institution of traditional leadership as the governing structure of African people was not merely focusing on its role of being a custodian of culture and customs, but it also had to govern the African people in all aspects of life, including socio-political and economic issues. Meaning that the institution of traditional leadership was equivalent to a government of modern-day society, therefore, the role of traditional leaders included governance and introduction of laws and policies which were orally transferred from one generation to the other. Traditional leaders at this period were also responsible for the security of their subjects as well as building alliances for political, economic and social reasons.

Economically, traditional leaders were responsible of making sure that the economy of their kingdoms and chiefdoms were running smoothly, without criminal activities and that any kind of trade was beneficial to their subjects (SAHO, 2014). Traditional leaders' most critical economic role was to make sure that their subjects were able to sustain their lives and are not suffering from hunger. In addition to economic roles, traditional leaders also had a social role to play for their communities. It was their responsibilities to ensure that the health of their communities was well looked after. There were no formal schools like today, but there were traditional ways of knowing/education and traditional leaders made sure that these were established, functional and operating at all times. These include, among others, various initiation schools for girls and for boys which traditional leaders ensured were operating regularly and all protocols relating to them are followed properly and effectively to ensure successes of these schools.

2.9.4.2.2. Colonial and apartheid era

During the colonial period the roles of traditional leadership included judicial functions, allocation of land held in trust (the ownership of the land is hold by the traditional leader for the benefits of the people who live in it), the preservation of law and order, the provision of administrative services at local government level, administration of social welfare, such as the processing of applications for social security benefits and

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businesses, provision of premises, the promotion of education such as the erection and maintenance of schools and the administration of access to education and finance. Houston and Fikeni (1996), also identify similar roles and functions, such as to allocate land held in trust, the preservation of law and order, the provision of administrative services at local government level, the administration of social welfare including the processing of applications for social security benefits, business premises, the promotion of education including the erection of and maintenance of schools, and the administration of access to education finances.

The South African colonial government passed the Black Administration Act of 1927. The purpose was to bring about changes to the traditional leadership pre-colonial powers and roles, thereby ensuring that the institution of traditional leadership promoted the colonial government's strategies and objectives in addition to restricting their powers and roles. The South African apartheid government passed the Black Administration Act of 1951 with a view to control the institution of traditional leadership through restricting traditional courts and authorities. The Black Administration Act of 1951 also talked about the recognition and application of customary law.

 In order to make traditional leaders to feel important and powerful, the apartheid government passed the Black Authorities Act of 1951 which gave them powers to control the land at regional, tribal and territorial levels. Khan and Lootvoet (20013), explain that the Act granted traditional leaders the powers to control the land at tribal, regional and territorial levels. This laid the foundation for the apartheid government to create reserves that became either self-governed or independent homelands. The homelands concept meant that traditional leaders assumed their positions through appointment by the homelands government as opposed to assuming positions on the bases of hereditary rights. This was a deliberate effort to undermine the institution of traditional leadership.

The office of Governor-General was created with the aim of prescribing traditional leaders' duties and autonomy. The Governor-General had the powers to appoint whosoever was considered by the government to be a Chief, irrespective of whether such a person was entitled to the position by the natural and traditional laws of succession. The Governor-General was also empowered to remove and replace any

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traditional leader who was not willing to implement the colonial government's policies. This was due to the fact that the Governor-General was made the Supreme Chief of all traditional leaders in the then Union of South Africa.

Nwomonoh (1994), maintains that traditional leaders during colonial times were made subordinate rulers through being incorporated into the colonial architecture. This also translated into traditional leaders being made administrative agents of the apartheid government in the reserves was ephemeral according to the Bantu Authorities Act In 1951. This was reinforced by the passing of the Promotion of Bantu Self-Government Act in 1959 which was the reinforcement of the Bantu Authority Act, because it provided for the creation of 10 self-governing homelands or Bantustans. Certain rights that traditional leadership institution use to exercise, such as control over administration and distribution of land were taken away by the colonial apartheid government.

2.9.4.2.3. Post-apartheid

This section identifies the roles of traditional leadership institution as per the mandate of the democratic government of the Republic. It presents the legislative roles and the discussions around those roles.

Chapter 12 of the South African Constitution made provisions for the institution of traditional leadership and those provisions are outlined as follows:

a) Section 211(1): the institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution.

b) Section 211(2): a traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which include amendments to, or repeal of, that legislation or those terms.

c) Section 211(3): the courts must apply customary law when the law is applicable, subject to the constitution and any legislation that specifically deals with customary law.

d) Section 212(1): national legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities.

e) Section 212(2): to deal with matters relating to traditional leadership, the role of traditional leaders, customary law and customs of communities observing a system of customary law.

The Constitution of the Republic of South Africa provides for the recognition of the institution of traditional leadership in relation to its status and roles but within the frame of customary law. The Recognition of Customary Marriages Act of (1998) defines customary law as the customs and usages traditionally observed among the indigenous African peoples of South Africa and which forms part of the culture of those people. This implies that traditional leaders could not play any role outside the context of this definition of customary law, as this was the official position of the country at the time. In addition, the same Constitution went further to say, national legislation may (not 'will') provide for a role for traditional leadership institution at local level on matters affecting communities. This means that the government at national level could give traditional leaders roles to play at the community level even though those roles do not fall within the prescripts of customary law. In other words, the constitution provides for the development of traditional leadership institutions to continue to be relevant in the communities through these institutions being given roles and responsibilities that are in line with the changing communities.

From this understanding, the constitution of the country does not only recognise the institution of traditional leadership within the context of customary law, but also allows the government to decide on the relevance of traditional leaders in rural communities from time to time. This translates to the fact that the government may, at any time, decide that traditional leaders are no longer relevant to matters that are affecting communities at the local level and deny them a role to play in the communities.

The role of traditional leadership at local level as outlined in the White Paper on Local Government, 1998

At present, traditional leaders have responsibility for a number of functions. Their functions include:

- Acting as head of the traditional authority, and as such, exercising limited legislative powers and certain executive and administrative powers.
- Presiding over customary law courts and maintaining law and order.
- Consulting with traditional communities through *imbizo/lekgotla.*
- Assisting members of the community in their dealings with the state.
- Advising government on traditional affairs through the Houses and Council of Traditional Leaders.
- Convening meetings to consult with communities on needs and priorities and providing information.
- Protecting cultural values and providing a sense of community in their areas through a communal social frame of reference.
- Being the spokesperson, generally, of their communities.
- Being symbols of unity in the community.
- Being custodians and protectors of the community's customs and general welfare (White Paper on Local Government, 1998).

Following the constitutional recognition of traditional leadership, the national government introduced the White Paper on Local government of 1998 which is one of the national legislations that provides for the roles and functions of traditional leadership. This legislation does not say much, in terms of the role of traditional leadership in communities, apart from saying that traditional leaders are responsible for convening meetings with the communities in order to consult on the need and priorities of their subjects; traditional leaders should assist communities with their dealing with the state. In other words, providing information about the needs and the priorities of these communities to the state and speaking on behalf of the communities. Most importantly, traditional leaders are given roles of presiding over customary law courts and the maintenance of law and order in the communities to ensure unity reigns The White Paper on local government, in other wards, has simplified the Constitution and not given traditional leaders any meaningful and more powerful roles within communities. After all this is the White Paper on local government and not on traditional leadership, so it is expected for it to give traditional leaders less roles and give local government more roles to play within the same communities.

Modernization theory argues that traditional societies will develop as they adopt more modern practices. Proponents of the modernization theory claim that the main benefit of modernising is that modern states are wealthier and more powerful, and their citizens are able to enjoy a higher standard of living, therefore, there is a need for traditional societies to modernise (Kendall, 2007). On this note, South Africa is in the process of creating a modern state that is internationally recognised and that can fit well within the contemporary international system, meaning that South Africa is in the process of strengthening and promoting democratic principles of governance, in a bid to become a world-class democracy that is recognised and rated globally. Perhaps this is the reason the South African government is reluctant and hesitant in giving traditional leaders more definitive and clearer strategic roles to play in local communities.

The role of traditional leaders in the development of the local area and community, includes:

- Making recommendations on land allocation and the settling of land disputes.
- Lobbying government and other agencies for the development of their areas.
- Ensuring that the traditional community participates in decisions on development and contributes to development costs.
- Considering and making recommendations to authorities on trading licences in their areas, in accordance with law (White Paper on Local Government, 1998).

The White Paper on Traditional Leadership and Governance (2003) outlined that the government at all levels is mobilising all sectors of society to maximise the delivery of services, such as water, electricity, clinics, roads, housing, telephones, land restitution, at a local level. In the rural areas, the institution of traditional leadership can play a key role in supporting government to improve the quality of life of the people. The following are some of the roles that traditional leaders can play:

• Promotion of socio-economic development;

• Promotion of service delivery;

• Contribution to nation building;

• Promotion of peace and stability amongst the community members;

- Promotion of social cohesiveness of communities;
- Promotion and preservation of the moral fibre and regeneration of society;
- Promotion and preservation of the culture and tradition of communities; and
- Promotion of social well-being and welfare of communities.

It should be noted that the institution of traditional leadership was not given these roles to play but it came as a suggestion that these roles should be the ones that they can play. This brings some confusion because the constitution has outlined what national legislation may provide as a role for traditional leadership as an institution at local level on matters affecting local communities. What brings confusion is that, the White Paper on Traditional Leadership and Governance (2003) is a national legislation that according to the Constriction may provide the roles, yet, this legislation is not providing for the roles but suggesting the roles that traditional leaders can play. It appears that the majority of national legislations and the constitution do not provide for definitive roles to be played by the traditional leadership, but many are just suggesting what traditional leaders *can* and not what they *must* do in local communities. It is interesting to observe that the ANC-led government still needs traditional leaders for mobilisation of voters in rural communities, but the government is not willing to accord them full recognition by giving them specific and strategic roles to play in their communities.

The White Paper on Traditional Leadership and Governance of 2003 indicated that, in playing the above-mentioned roles, the institution of traditional leadership, as a custom-based institution:

(a) can influence government policy and legislation, especially, in so far as it affects the institution and traditional communities;

(b) can advise government, especially, on matters that affect custom;

(c) must be consulted at appropriate levels on policy and programmes that affect rural areas, in general, and traditional communities in particular;

(d) must complement and support the work of government at all levels; and

(e) must form co-operative relations and partnerships with government at all levels in development and service delivery.

The study acknowledges what the White Paper on Traditional Leadership and Governance of 2003 says, when indicating that by playing these roles, traditional

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leaders will be in a position to influence government policy and legislation, however, traditional leaders are not given any specific roles to play, which means that they cannot, meaningfully, influence policies and legislation in the current set-up. The study argues that indeed if these roles were not merely suggestions but definitive roles that traditional leaders are to actually play in their communities, they would be in a position to influence policies and legislations that affect the institution of traditional leadership and traditional communities.

Lodge (2014), elucidates that both the Interim Constitution of 1993 and the final one of 1996 recognized the institution of traditional leadership because the ANC acknowledged it when it came back from exile and its leaders were released from prison, and it was weak, particularly, in the rural areas. It was through the understanding that chiefs still exercised power that they proclaimed their ability to 'deliver the rural vote'. This made the ANC realize that for it to win the 1994 election and become the ruling party, traditional leadership must be recognized and given a role to mobilize voters behind the banners of the ANC. After winning the 1994 election through the assistance of the traditional leadership, it was then difficult to cut them off, but easier to reward them by giving them cautious recognition and a role to play in the democratic government.

The constitution also provides that national legislation may provide for the roles of traditional leadership. In this regard, the 1998 White Paper on Local Government also provides for the role of the traditional leadership institution and on highlighted issues, such as protection of cultural values, being symbol of unity, presiding over customary law courts, being spokespersons of traditional communities and being custodian and protector of community's customs. In addition, the White Paper indicates that the roles include the promotion of - socio-economic development, service delivery, peace and stability amongst the community members, social cohesiveness of communities, the preservation of the moral fibre and regeneration of society, social well-being and welfare of communities, the preserve the culture and tradition of communities, as well as nation building.

It is interesting to observe that the constitution and the two White Paper(s) that talk to the role of traditional leadership institution discussed above are silent about the role

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of the institution on issues pertaining to land and land allocation. It is also noteworthy that the roles discussed above are too general and talk to very broad issues of the society and that apart from their customary role, traditional leaders' other roles are similar to those of the local government. Similar views were expressed by Koenane (2017), who states that the recognition of traditional leadership by both the constitution and other policies are very real and undisputable. The main challenge, however, is that both the constitution and other policies do not specify roles of traditional leaders, but just give a general picture.

The study is exploring the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality, it is, therefore, relevant to discuss the roles of traditional leadership on land and land allocation. The Constitution of the Republic of South Africa, with regard to the roles of traditional leadership does not say much, apart from recognising the institution according to customary law and this is a serious challenge. The study, therefore, argues that although the constitution and other legislative framework appears to be advancing the cause of traditional leadership in more ways than one, infact, the situation paints a different picture all together. The study observes that the democratic legislation that seeks to regulates the institution of traditional leadership is largely favouring local government at the expense of traditional leadership.

- **Analysis of the role of traditional leaders from pre-to-post colonial period**

It can be understood that there has been a significant shift from pre-colonial, colonial and post-colonial periods, with regards to the roles of traditional leadership in South Africa. The pre-colonial period saw traditional leaders performing every role that a governing structure must perform. During the pre-colonial period traditional leadership was the only governing structure that existed, and it had to govern African people in all aspects of life, including socio-political and economic issues, showing that the institution of traditional leadership could be viewed as equivalent to the institution of the modern-day society. This study explores the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality, therefore, it is logical to trace the role of traditional leaders on land allocation from the pre-colonial era to the post-colonial period. The understanding is that during this period the land belonged to the community, but the administration of the land was in the

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hands of traditional leaders as they were viewed as the custodians (Tshamano and Mahosi, 2012). Land allocation which included making decisions on issues of land tenure and management were the main role of traditional leadership during this period. It is an undisputable fact that African communities survive through the use of land. They produced food from the land, they hunted on the land for animals that can provide them with meat. They also buried their loved ones on the land, and they were able to get medicines, fruits and food from trees that the land provided for them as they had access to land which provided them with all those important aspects of their lives. In addition, African people at the time controlled the land through traditional leadership and used it for the sustenance of their livelihood for centuries, before the arrival of the white settlers.

Contrary to the pre-colonial situation, the colonial period saw traditional leaders being stripped of some of their powers by the colonial masters. Houston and Fikeni (1996:3) note that the institution of traditional leadership was given roles and function such as to allocate land held in trust, the preservation of law and order, the provision of administrative services at local government level, the administration of social welfare services, including the processing of applications for social security benefits and business premises, the promotion of education including the erection of and maintenance of schools, as well as the administration of access to educational finances. Traditional leaders appeared to have been given more roles to play in the colonial period, although, it must be understood that they were supervised by the coloniser, thus, they were not performing these roles as freely and independently as compared to the pre-colonial period. In addition, the office of the Governor-General was created with the purpose of prescribe what traditional leaders must do and not do as partners. On the issue of land allocation role, Khan and Lootvoet (2001), explain that the powers to control the land at tribal level remained in the hands of traditional leaders.

The post-colonial period remains one of the worst periods when it comes to the roles and functions of traditional leaders and although, both the Interim Constitution of 1993 and the final Constitution of 1996 provide for the recognition of the institution of traditional leadership, least has been achieved in terms of establishing clearly defined roles of traditional leadership in South Africa. There has been a lot of legislation

introduced to deal with the role of traditional leadership, yet none of them provide for the clear definitive roles, except, for a lot of suggestive roles that they can play.

It should be pointed out that one legislation points to the other in terms of deciding on the role and other legislations gives power to both the Minister and the MEC to decide on what exactly traditional leaders must do in this country. It is interesting to observe that the country has a lot of traditional leadership who are being paid salaries by the government but without what one could be referred to as a proper job description or what specifically they must do on day-to-day bases. There seemed to be lack of political determination to fully recognise traditional leadership in the current democratic South Africa.

The fact that role of traditional leadership during the post-apartheid times was relegated to an advisory status, is untenable when compared to the pre-colonial times and even during the cruel system of apartheid where traditional leaders enjoyed a better position under homeland system, where chiefs performed both administrative and legislative duties. This is because the post-apartheid system transformed power relations between politicians and traditional leaders in favour of the politicians. This is captured well by Bennett (1998), who observes that:

> *"The new (house of traditional leaders) has only limited powers. They may propose legislation; they cannot generate statutes of their own accord. They may advise and they may insist on being consulted about bills concerning customary law, but they can do no more than delay the passing of an act".*

2.10. Debates around traditional leadership institution in South Africa

The attainment of democracy in 1994 in South Africa sparked a debate about the relevance, the legitimacy and whether the institution of traditional leadership is valuable or not. The majority of those who are against the institution of traditional leadership are of the view that the institution is not democratic in its nature and as such it does not have a place in the democratic dispensation. On the other hand, those who support it argues that the institution of traditional leadership continues to be respected and regarded as the best governing system by many in the current

democratic dispensation, particularly in rural settings. The latter group views local government as corrupt and ineffective in the management of service delivery and the improvement of conditions of lives for the poor. In his support of the traditional leadership institution, Oladipo states:

> *A caution reconsideration and adaptation of the African heritage of democratic governance could help in the revitalisation and consolidation of the democratic ferment which Africa has been experiencing in the past decade or so" (2000:1).*

Koenane (2017), advocates support for the traditional leadership institution in the democratic era, saying that the traditional leadership institution is an accountable structure working on the bases of consensus. For him, consensus constitute collective opinion and does not subscribe to the ideology of majority rule (Koenane 2007). It is for this reason that he sees it working better as a system of governance than the concept of democracy. He further asserts that in this institution, traditional leaders do not make decisions, socio-political decisions and economic ones are made through consensus. This implies that everybody's point of view is taken into consideration to the point where people are convinced that the outcome was achieved with everyone's agreement.

This study argues that institution of traditional leadership is the more tolerant and effective than modern liberal democracies all over the world. This is because liberal democracies operate on the bases of majority rule over minority and traditional leadership operate within the context of consensus. It is interesting to observe in recent years, that opposition and conflicting political positions in parliament are not tolerated and even rejected as 'unparliamentary'. In South Africa, we have witnessed opposing views being attacked by the majority party; we have witnessed opposition parties being thrown out of parliament and even suspended for voicing their objections. In addition, in Britain and Asia, for instance, people are sometimes seen throwing punches at each other in parliament, as a sign that differences are not tolerated. Freedom of speech, one of the core principles of democracy, is conspicuously absent. The institution of traditional leadership, on the other hand, through consensus, cherishes the idea of freedom of speech.

2.11. Local government

The previous section dealt with the origin, history, and the developments on traditional leadership from both legislative and practical angles. This section discusses the origin, history and developments of local government paying particular attention to the South African experience. The section commences by examining the origin democracy as a form of government. This is done because the system of local government emanates from the democratic system of governance. After providing a background on the origin of local government, I focus on the history of local government starting from colonial to post-colonial and apartheid South Africa.

2.11.1. The background on the origin of local government

The Department of Provincial and Local Government (DPLG, 2003) indicates that the worldwide change in leadership systems that necessitated the inroads into the liberal informed democratic form of governance was initiated by the demand for representative systems of government, based on world-wide franchise, the struggle for peasants and factory workers for better earnings and working environments, and a struggle for gender equality. This was because under the reigns of hereditary leadership, the situation was extremely bad, and change became inevitable, particularly in Europe, however in profiling the situation in Europe, this study is not suggesting that people were ill-treated under hereditary leadership all over the world at that time, but that the spread of the democratic system of governance affected all continents.

The above-mentioned bad conditions and suffering of the Europeans led to the revolutions in several eastern European countries. These revolutions led to the complete abolition of traditional rule and the introduction of different forms of governance. In countries such as the United Kingdom (UK), Spain, Holland, Sweden and Norway, the essential nature of traditional rule was abolished, and democratic governance systems substituted it; however, the traditional rule was not completely abolished in all of these countries as the primary elements of traditional rule remained visible.

This can be witnessed in the UK, for instance, where the system of governance has historically been informed by traditional and customary mechanisms centred on the

ideas and notions of the community and the provision of public services. Presently the UK does not have a 'codified' constitution but instead operates using a "mishmash of laws, practices, and conventions that have developed—and continue to develop—organically over time" (McTague, 2019: 1). These include the 1215 Magna Carta (Great Charter of the Liberties of England), 1689 Bill of Rights, The Parliament Acts (1911–49), The Representation of the People Acts (1918), The Scottish, Welsh and Northern Ireland devolution Acts of 1998, The Human Rights Act (1998) among others (Blackburn, 2015; McTague, 2019). This suggests that the UK is a constitutional monarchy where the Queen plays a substantial role in the domestic affairs of the country. It is, however, believed that the role of the Queen, particularly in the UK, is principally symbolic and ceremonial, and its character is not political or administrative. It means that the role of traditional leadership in the UK is clear, and it does not involve the administration and and there is no political involvement. Although traditional leadership in the UK plays a ceremonial role, the fact that it is there talks to the importance and relevant that the UK still attach to the traditional leadership.

What is interesting is that The House of Lords, which occupies the second and upper house of parliament of Britain, was founded on the philosophies of traditional rule. This becomes clear when one gets to understand that during the 15th century, Lords progressively attended the House of Lords on an almost completely hereditary basis. 'Peers', as they became known, are answerable to each other and split into five ranks - duke, marquess, earl, viscount, and baron. This hereditary nature of their attendance and participation is within the principles of traditional rule (UK Parliament, 2017). One should note that although the House of Lords was founded within the principle of traditional rule, it has, over time, transformed and is now generally seen as part of the liberal democratic parliament of the UK.

The modern idea of the local government in the UK can generally be traced from the pre-20th century era to the present. The pre-20th century saw the country being divided into counties, parishes, boroughs, and towns where local governments chose to administer themselves, especially under the 1888 Local Government Act. This led to devolution and decentralisation of power between the national and the local government. Local governments became more organised, increasingly playing a significant role in the delivery of national policies. The 1970s saw the restructuring of the local government through the Local Government Act of 1972, which aimed to

create more independent and devolved local authorities for revenue generation (Legatum Institute, 2018). This suggest that local government was given more responsibilities in terms of leading and administering local spheres of government and the traditional leadership did not and continue to not have any role to play at that level of the government. The situation is similar with that of South Africa where traditional leaders are expected to play a role on service delivery in collaboration with the local government but with no clear distinctive roles on either part. It is clear that in the UK system of government, traditional leaders have no administrative and political role to play in the local sphere of government and this avoids conflicts between traditional leaders and local government in the UK because there are clear definitive roles for both institutions of leadership. The Legatum Institute (2018), Blackburn (2015), and McTague (2019), seem to advocate for clear roles and responsibilities between traditional leadership and local government and they are not interested on the relevance or irrelevance of traditional leadership but promoting that both institutions can core-exist as it does and operate well in the UK and everywhere else in the globe provided there are clear roles and responsibilities in place.

Although the present-day local government in the UK has gone through several reforms, the driving force towards this model of governance is anchored around the distribution of responsibilities as well as provision and delivery of service between the central and local government. On the one hand, such a governance model has been seen as important, especially as it concerns the delivery of public goods and services. On the other hand, critics argue that local government "are complex organisations operating in an increasingly fragmented environment" which may eventually constrain the delivery of services (Warner, Richards, Coyle and Smith, 2020).

This background assists the reader to understand the origin of the democratic government that came with the local government systems and, although, in some circumstances, it may have been or is still being misused by some regimes, local governments originated from democracy.

2.11.2. History of local government

The aftermath of the Anglo-South African Boer War (now called the South African War) and the creation of the Union of South Africa in 1910, laid a strong foundation for the

local government system in South Africa. The Act of Union created a unitary state with a three-tier governmental structure containing central, provincial and local components. The Department of Provincial and Local Government (2008) opined that the current human settlement and municipal institutions in South Africa are inheritances of the apartheid government. For the government to transform local government effectively, it requires a deeper understanding of the history of local government in generating and perpetuating local separation and inequity, and the impact of apartheid on municipal institutions. It is also important to understand the history of resistance to apartheid at the local sphere and the struggles against apartheid local government.

The geographic, institutional, and social separation at the local spheres started before apartheid. In 1948 when apartheid was formally introduced, segregation was already a policy of the then government, however, the stricter residential and the removal of black people to own group areas which was compulsory at the time were installed by the Group Areas Act of 1966. Through spatial separation, influx control, and a policy of own management for own areas, 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 was very instrumental in restricting Africans from urban areas as permanent residence was through the pass system, and this made the municipalities in urban areas more viable in terms of generating revenue for white areas by separating townships, industrial and commercial developments (Department of Provincial and Local Government, 2007). In the 1960s, the government established the Coloured and Indian management committees and local affairs committees to provide white municipalities with advice as well as advisory bodies to white municipalities. The Bantu Affairs Administration Act provided for the appointment of Administration Boards In 1971, which removed responsibility for townships from white municipalities. At last, community councils were introduced in 1977, but with limited powers and less resources. Community councils were replaced by the Black Local Authorities of 1982 with inappropriate revenue base. This was the reason for its rejection by community mobilisation in the mid-1980s (Vyas-Doorgapersad, 2010).

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Apartheid has left its imprint on South Africa's 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 municipal institutions. Equally important is the history of resistance to apartheid at the local sphere and struggles against apartheid local government (Department of Provincial and Local Government, 2008).

Apartheid was not the 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 of 1966 which is believed to be 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 'own management for own areas', 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 permanent 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, 2007). The Coloured and Indian management committees and local affairs committees were established in 1960s as advisory bodies to white municipalities. In 1971, the Bantu Affairs Administration Act provided for the appointment of Administration Boards, which removed responsibility for townships from white municipalities. In 1977, community councils were introduced, without significant powers and with inadequate resources. The Black Local Authorities of 1982 replaced community councils with no appropriate revenue base, hence, were rejected by community mobilisation in the mid-1980s (Vyas-Doorgapersad, 2010).

The foundations for the 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 Act of Union created a unitary state with three tier governmental structures comprising of central, provincial and local components. The nature of the South African political system was inextricably linked with the country's economy and the dominant role of gold mining. The migrant labour system, introduced to guarantee a

steady stream of cheap black labour to the mines, was adapted into a broader system of social, political and economic control, which was later refined into the system of apartheid. As the economy developed, urbanization increased, and the government began to seek ways by which black people could provide labour in white towns and cities but be excluded from living there. It passed restrictive legislation designed to curb the movement of black people, including the Native Trust and Land Act of 1936 and the Native Laws Amendment Act of 1937. This legislation failed to discourage black people from migrating to urban areas, where municipalities had to provide basic services for them (DBSA, 2000).

2.11.2.1. Local Government Pre-1994 in South Africa

Before 1994, no single, uniform system of local government existed across the country; each province had its own configuration of local government institutions. Local government as an institution of governance was subservient, racist and illegitimate. The subservience of local government was manifest in local authorities existing in terms of provincial laws, and in that their powers and functions were dependent on and curtailed by those laws. The development of separate local authorities for separated racial groups, under the leading theme of 'own management for own areas', produced a clever scheme of naked exploitation on the basis of race. Without exception, the well-resourced and viable commercial centres with their strong revenue bases were reserved as white areas. The outlying and poor areas without meaningful formal economies were reserved for black people. In the homeland areas, traditional authorities were tasked with performing local government functions. Transformation of local government into a full-fledged and non-racial institution of governance was, thus, impelled by the legacy of an "urban economic logic that systematically favoured white urban areas at the cost of black urban and peri-urban areas," with "tragic and absurd" results (Teytler, 2009: 271).

Negotiations on local government, between the apartheid government and the liberation movements commenced in earnest in the beginning of the 1990s. They produced a foundation for local government transformation. Essential to the outcome was the adoption of the principle of 'one city one tax base', the slogan with which the grossly inequitable distribution of resources was opposed by the liberation movement.

Furthermore, a chapter on local government for the Interim Constitution was agreed upon, as well as a transition Act (the Local Government Transition Act of 1993) to guide the transformation towards democratic local government.

2.11.2.2. Local government post-1994

This section continues from the section above by focussing on the development of local government during the post-1994 South Africa. The section begins by discussing the constitutional positionality with regards to local government in the country. The section continues and looks at the legislations introduced to promote, develop and govern the local government, as the lowest level of the government linked to the communities and vested with the mandate of delivering services in local communities.

2.11.2.2.1. The South Africa Constitution and Local Government

At this point, I discuss the constitutional position of the South African government during the post-apartheid era. The discussion focusses on both the interim and the final constitutions of the Republic with a view to analysing the similarities and differences of these two important documents with regards to their position when it comes to local government in the country.

The democratic Republic of South Africa started with the Interim Constitution (Constitution of the Republic of South Africa 1993) which paved the way for the first democratic elections in 1994 and for the formulation of a final Constitution by the newly-elected Parliament. The current Constitution ushered in a constitutional acknowledgement of local government by recognising its autonomy and guaranteeing it revenue-generating powers, as well as a right to a share of nationally-generated revenue. Steytler (2006:187) indicated that the Interim Constitution set the scene for the amalgamation of over 1000 racially-defined and separate local government structures, divided into 842 transitional local authorities.

The final Constitution of 1996 has a progressive chapter which contained a definitive statement on local government. This Chapter 7 of the constitution led to the establishment of a local government as a matured sphere of government. Furthermore, the 1996 Constitution postulated local government as an essential

development agent by outlining the 'constitutional objects' and 'developmental duties' of local government. The constitutional objects and the developmental duties of local government were centred on democracy, sustainable service delivery, social and economic development, environmental protection, community participation, poverty alleviation and intergovernmental cooperation (Constitution of the Republic of South Africa 1993, ss 152 and 152). Chapter 7 of the South African constitution also outlines not only how the municipalities must be administered, but also the municipal council, in terms of its membership, composition, terms of the municipal council, and its privileges. The next section discusses legislative frameworks that were developed with a view to achieving the constitutional mandate of local government.

It is through Chapter 7 that The Constitution of the Republic of South Africa (1996) mandates local government to - provide democratic and accountable government for local communities, ensure the provision of services to communities in a sustainable manner, promote social and economic development, promote a safe and healthy environment, and encourage the involvement of communities and community organisations in the matters of local government. In addition, the constitution also mandates local government to also promote the Bill of Rights, this is because the Bill of Rights is centred on the nation's values about human dignity, equality and freedom, and uphold the principles enshrined in the country's Constitution.

2.11.2.2.2. Legislative framework of local government

The purpose of this section is to discuss key legislations introduced by the post-apartheid government with a view to strengthen, through regulating the affairs of the local government. The section focuses on the legislations, such as the White Paper on Local government, Development Facilitation Act No. 67 of 1995, Municipal Structures Act of 1998, Local Government: Municipal Demarcation Act of 1998, Local Government: Municipal Systems Act of 2000, and Municipal Finance Management Act of 2003. This section begins by giving the background on policy reform development processes.

Between the years 1993 and 2000, the South African government engaged in an intense policy reform and development. The process of policy reform and development

saw the involvement of a majority of citizens with regard to shaping the direction of legislation, proclamations, white papers and by-laws which were planned to take effect between 1994 and 1999. It was clear to the ANC-led government that for the Reconstruction and Development Programme (RDP) to be successfully implemented local structures must have the ability to deliver basic services to their communities. Bernstein (1998) notes that after four years of independence, it was clear that the government had overestimated the ability of the decentralised local government to deliver services to local communities. This meant that the then Government of National Unity (GNU) led by the ANC forced local government to enter into a state of continuing crisis. Kroukamp (1998), adds that, in general, most of the local institutions that were mandate by the Constitution of the country to deliver services failed dismally because of administrative systems that were chaotic in nature and technical staff who were leaving these institutions in large numbers.

- **Development Facilitation Act No. 67 of 1995**

The post-apartheid government passed the Development Facilitation Act No. 67 of 1995 (DFA). The Act was aimed at development, and also to combine the fragmented apartheid-inherited planning system that was not just incoherent but also unequal. The National Development and Planning Commission (NDPC) took a decision to institutionalise local government within the country's integrated development approach. The Commission took that decision because it was charged with the responsibility to spearhead the process of establishing a more coherent frameworks in the country; the concept of Integrated Development Plan (IDP) was born through these processes. According to the Development Bank of South Africa (DBSA) (2000) The Municipal Systems Act of 2000 builds on the Development Facilitation Act and the Local Government Transition Act to construct a new planning framework for developmental local government.

- **The White Paper on Local Government of 1998**

The White Paper on local government of 1998 was aimed at establishing the basis for a new developmental local government system, which was dedicated to bringing stakeholder, such as citizens, groups and communities on board, with a view of create sustainable human settlements which would provide for a decent quality of life and

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meet the social, economic and material needs of communities, in a comprehensive manner.

The White Paper started by providing a brief history of local government under the apartheid government, which can be credited for the origins of many of the problems that are currently experienced by local government in South Africa. The White Paper continued by outlining the vision that the country has with regard to a developmental local government, whose pillar is to work closely with local communities to find sustainable ways to meet their needs and improve the quality of their lives. This was done through laying out four characteristics of developmental local government, namely - exercising municipal powers and functions in a manner which maximises their impact on social development and economic growth; playing an integrating and coordinating role to ensure alignment between public (including all spheres of government) and private investment within a municipal area; democratising development; building social capital through providing community leadership and vision, and seeking to empower marginalised and excluded groups within the community.

Another section of the White Paper on local government of 1998, positioned local government within a system of cooperative government. It notes that, the Constitution of the country recognises local government as a sphere of government in its own right, and not a function of national or provincial government. It outlines the roles and responsibilities of national and provincial government with respect to local government. Also provided is a summary of national departmental programmes which impact on local government, and it notes that local government is increasingly being seen as a point of integration and coordination for the delivery of national programmes.

The White Paper also deals with a lot of issues pertaining to local government with some of them being - municipal administrative systems, private sector investment in municipal infrastructure, and municipal institutional systems. It touches on the relationship between traditional leaders and local government. Municipal categories such as A, B and C are also discussed in the White Paper on local government. The White Paper also discusses municipal political systems and highlights the advantages of allowing for the delegation of executive powers by a Municipal Council to either an

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Executive Committee or an Executive Mayor and proposes that both options can be accommodated (White Paper on Local Government, 1998).

I observed that the White Paper of 1998, on Local Government was a significant firs piece of legislation that outlined how the local government needs to be transformed into a development-orientated system for proper and effective service delivery. In addition, this legislation is the mother of all the legislations on local government in the country because it gave birth to several municipal Acts, some of which are discussed below.

- **Municipal Structures Act of 1998**

The ANC-led government introduced a number of legislations and policies relating to local government between 1998 and 2000. One of those legislations is the Municipal Structures Act of 1998 (Act 117 of 1998) which was aimed at providing guidance towards the rationalisation of municipal administrations. This piece of legislation gave Members of the Executive Councils (MECs) at the provincial level powers to regulate the type of municipality that will exist within each demarcated boundary. It is within this context that South Africa has three commonly-known categories of municipalities. The first one being, Category A municipalities (these are Metropolitan municipalities): they have exclusive legislative and executive authority throughout their area of jurisdiction. The second one being, Category B municipalities (these are local municipalities): they share executive and legislative authority with Category C municipalities which is the third category (district municipalities). The Provincial Local Government MEC is the one who has the powers to determine whether an executive mayor or executive council should perform the executive functions of the municipality or not (Local Government: Municipal Structures Act, 1998).

Although the Municipal Structures Act No. 117 of 1998 deals largely with the categorisation of municipalities, it also touches briefly on the relationship between the municipality and traditional leadership. The Act specifically states that:

> *"traditional authorities that traditionally observe a system of customary law in the area of a municipality, may participate through their leaders in the proceedings of a municipality ".*

This provision appears to be giving traditional leaders an influential role at the local government level, through municipal structures, however, traditional leaders' participation should be guided by the rules and orders of the municipality, therefore, traditional leaders may participate in any debate on a matter directly affecting the area of the traditional authority. This would include the right to submit motions, make proposals and ask questions. The Act does not just limit representation of traditional leaders in municipal structures to less than 10% which was later increased to 20% maximum, but it also does not give them voting rights (Mashele, 2004).

- **Local Government: Municipal Demarcation Act of 1998**

The adoption of the Local Government: Municipal Demarcation Act of 1998, came as a symbol of transformation within the local government institutions. The Act also gave an independent Municipal Demarcation Board (MDB) powers to demarcate municipal boundaries. This was done to fulfil the mandate given by Chapter 7 of the South African Constitution which seeks to create a wall-to-wall' system of municipalities that are not only inclusive but also viable (Constitution of the Republic of South Africa, 1993).

Another important legislation on local government that is worth discussing, is the Local Government: Municipal Systems Act of 2000. This Act was introduced to accelerate the process of transformation in local municipalities, in the country. The Act also reflects the true picture of a developmental local government as advocated for in the 1998 White Paper on Local Government. The Act is framed in a way that gives clear instructions to municipalities to engage and involve citizens in decision-making. The Act does this through regulatory frameworks for participative development planning.

The Municipal Finance Management Act was adopted by the ANC-led government in 2003. This Act is responsible for the establishment of a vigorous framework for local government finance which is meant to deal with issues such as financial management and accounting, revenue, expenditure and debt management, responsibilities of accounting officers and mayors, and financial supervision by national and provincial governments for the municipalities in the country. The Act was widely welcomed by all affected stakeholders as a progressive and necessary framework and financial

management tool for municipalities that will make a great deal of difference (De Visser, 2009).

2.12. The interplay between Traditional Leadership and Local Government

Williams (2010) argues that the recognition and the protection of the institution of traditional leadership in the Constitution of the Republic of South Africa, 1996, has created confusion between the institution of traditional leadership and the State over who controls the people and land. In order to resolve this, there may be a need for reaching consensus on joint policy implementation. It may be assumed that it was in the quest to resolve this purported confusion that the White Paper on Local Government, 1998, granted traditional authorities a role to play in local government, while the Municipal Structures Act, 1998, also requires them to attend and participate in the local council meetings. The same Act also demands that they should participate in IDP policy implementation.

The 2003 Traditional Leadership and Governance Framework (TLGF) Act, which is a direct result of the White Paper on Traditional Leadership and Governance, opened a window of opportunity for municipalities and traditional councils to work together in the spirit of cooperative governance (South Africa 2003a). This Act has been described as `the most significant document that deals with traditional leadership after 1994' (Tshehla 2005). The Act goes further than any others that preceded it by obligating the state to protect and promote the institution of traditional leadership. It is interesting to observe that the Act provide for a partnership between traditional leadership and local government, but the same Act does not set to explain the power dynamics between these two institutions of leadership. This means that the Act does not clearly define the roles and responsibilities of these two institutions of leadership, hence, they are always at loggerheads, especially on land ownership and allocation issues. The study therefore, was set to explore the nature of the relationship between traditional leadership and local government on land allocation in the absence of clearly-defined roles and responsibilities of these two institutions of leadership in rural communities.

According to Lutabingwa, Sabela and Mbatha (2006), the 2003 Traditional Leadership and Governance Framework Act is a strong policy statement indicating that the

developers of rural communities cannot ignore traditional leaders, however, the Act does not indicate how traditional leaders are to be engaged and what role they should play in the development of rural communities. Lutabingwa, Sabela and Mbatha continue to explain that development in areas controlled by traditional leaders would not occur without their full support and participation. This line of thinking was also supported by Phathekile Holomisa, himself a traditional leader who indicated that the experience of local government teaches its practitioners that traditional leaders are crucial to successful rural development (Holomisa 2004).

In addition, Holomisa (2004) argues that traditional leaders are cultural symbols of the people and they own the land, therefore, this puts them in a better position to promote or impede development depending on how one deals with them (Holomisa 2004). To support this sentiment, elected local government leaders (at the time) such as, Mayor Bhekisisa V. Mthethwa of the uThungulu Municipal District in KwaZulu-Natal stated that Amakhosi are the custodians of our culture, land and our history. It is, therefore, clear that they have to participate fully in the affairs of development, which pertain to their land. Mthethwa (2003) indicates that efforts to improve the relationship between elected and traditional leadership, in order to improve the delivery of public service and cooperation amongst the partners and key development players, are critical.

Nyanga Ngubane, the then KwaZulu-Natal Minister of Traditional Affairs, Safety and Security, and Local Government, himself a traditional leader, observes that:

> "*Co-operative rather than antagonistic approach towards Traditional Authorities would contribute greatly to the building of Local Government, predominantly because a very large percentage of our population lives in traditional areas and that elected local government officials operate in these areas*" (Ngubane 2003, 4-5).

Undoubtedly, these discussions call for shared governance between traditional leaders and local governments. There have been cases that indicate that efforts towards shared governance are already underway at the local level, but it should be noted that this is happening at a very slow pace. Some examples of these efforts include, the Bafokeng case, Mbonambi and eThekhwini. Just to give details of this

case, on 12 January 2003, Bafokeng took the historic step of signing the first formal agreement between a community with traditional leadership in the North-West Province and the local municipal government to cooperate on development initiatives (Molotlegi, 2003). I chose to use case law in this study because these laws are widely known as illustrations of something or a principle and in this study, they illustrate a principle of and efforts towards cooperation between communities led by traditional leaders and the local government.

Bank and Mabena (2011), conducted a study titled "*After the Communal Land Rights Act? Land, power and development in rural South Africa*"; this study provided analysis of a study that was undertaken in the Eastern Cape between 2007 and 2008. The study in the Eastern Cape was commissioned by the Department of Land Affairs as part of a national situation-assessment of livelihoods, land use and land management in communal areas. Bank and Mabena state that the relationship between traditional leaders and elected government official (councillors) are found across the Eastern Cape and numerous examples of competition and conflict between these two institutions were recorded, especially, in the way they view development in rural areas. It is within this context that local municipalities and their sub-structures saw themselves as the mandated ones, by the national and provincial government, to deliver services to communal areas. They contend that local municipalities and their upper tier district municipalities had the mandate to provide services, such as for water and sanitation, electricity, roads and other infrastructural and social facilities within their municipal boundaries.

Traditional leaders, however, argued that local municipalities are not delivering services and suggested that their role as providers of services should be revisited. They felt aggrieved that they were not properly consulted when municipality officials came into the villages. Traditional leaders demanded more powers to preside over development activities in their areas of influence. They further demanded a larger role to play in rural service delivery, maintaining that they could mobilise communities at the local level around service delivery and that there was effective participation in this process.

In this, local municipalities felt resistance from tribal authorities and mentioned that they often avoid intervening in certain traditional areas as a result of this. It is, therefore, clear that there are conflictual relations between traditional leaders and local government in this area, particularly with regard to rural development. There is clear power contestation and lack of common vision when it comes to what development is needed and how to facilitate such development. As a result, rural communities are the ones that suffer while the two 'bulls' are fighting for dominance over the development of these communities.

Mhlanga (2012), notes that traditional leaders feel that their role is purely ceremonial and limited only to public ceremonies. Shembe (2014), adds that traditional leaders cannot vote in council meetings and this prevents them from participating actively in the running of the local government affairs. In addition, traditional leaders are also of the view that the present democratic government has given too much power to the ward councillors in most of the development programmes. Traditional leaders complain about the lack of proper consultation with them by either local government officials, municipalities or ward councillors before any development is done in their areas, despite the development project being implemented in their areas of jurisdiction.

Both authors further lament that ward councillors and other politicians have no recognition for traditional leaders. Traditional leaders added that municipal officials, particularly, councillors are biased in their efforts to deliver services to the communities; they give preferences to those affiliated to the same political organisation as they are. This means that if the councillors come from the ANC, they give services to ANC members that are known to them and neglect the rest of the community members. Traditional leaders indicated that these are some of the reasons that causes them to lose interest in working with local municipalities (local government) (Mhlanga, 2012).

In examining the relationship between traditional leadership and local government, Mkhabela (2017), noticed that some of the traditional leaders, have difficulties in making peace with the clear fact that ward councillors exist and that they have been assigned responsibilities of providing service delivery on behalf of the municipalities

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as they are representatives of municipalities within communities. Perhaps it is because traditional leaders are still living in the past where they ruled their people alone without interferences. Although the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003) provides that traditional leaders should play a primary role of supporting municipalities, they remain unhappy that municipalities provide services without involving them. All these factors must be considered when one is analysing the relationship between traditional leaders and local government, especially, in South Africa.

Traditional leaders existed as leaders of communities long before the establishment of the current municipal system in South Africa. Traditional leaders are believed to be frustrated by the current system which fails to clearly outline their roles and function, despite their recognition by the country's Constitution and other legislations. It is this frustration that makes traditional leaders finding it challenging to accept and work harmoniously with municipalities.

Traditional leaders are of the view that the municipal system in South Africa was introduced, promoted, and resourced with a purpose of excluding them from participating in local governance. As such, these views and confusions, coupled with unclear policies regarding the roles and responsibilities of traditional leaders make it difficult for the relationship between traditional leadership and local government to be a healthy and harmonious one. This study therefore explores the nature of the relationship between traditional leadership and local government; not generally, as there is a clear picture that it is not harmonious, but with a special focus on land allocation and, specifically, in the Thulamela local municipality. It can be argued that unless government engages in drafting and introducing legislations that would outline the roles of both traditional leadership and local government, conflicts amongst these two institutions of leadership, will persist.

2.13. Chapter summary

The study acknowledges that there is a lot written about the history of traditional leadership in Africa and South Africa in particular. The literature on traditional leadership covered in this chapter include the origin and history of traditional

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leadership. There have been interesting debates about the origin of traditional leadership where, on the one hand there are claims that the origin of traditional leadership is God Himself, while other arguments point to social contract as the origin of traditional leadership. The history of traditional leadership was looked at in three different eras, including pre-colonial, colonial and post-apartheid. In pre-colonial period traditional leadership was the only known way of governing people as Africa and South Africa had not yet been subjected to any foreign influence. During the colonial period, the colonisers changed the traditional leadership system and shaped it in a way that suited them and their colonial interest. The post-apartheid period saw the South African government re-embracing the traditional leadership through its recognition by the country's Constitution. In addition, many legislations were established in a bid to transform and democratise the traditional leadership system that the colonial masters and the apartheid architects had changed.

The chapter also discussed the origins and the history of local government. It was interesting to observe that local government emanated from the democratic way of governing people. In South Africa, local government has been promoted and developed intensively after independence in 1994. The chapter also highlighted the nature of the relationship between traditional leadership and local government, generally. The discussion also established that the general relationship between traditional leadership and local government in South Africa appears to be characterised by mistrust, hatred and disunity. The chapter note that, the legislative framework about traditional leadership and local government in the country lacks clarity on the role of traditional leadership and is even worse on the aspect of land allocation as the legislation on both the traditional leadership and local government are not definitive as to which of these two institutions has the responsibilities of allocating land in rural areas.

The chapter therefore, acknowledges that, there is an abundance of literature available about the history and the development of local government in Africa and South Africa. Some challenges that exist between traditional leadership and local government have been highlighted particularly with regard to service delivery in African communities in South African have been documented, but very little studies talk about these challenges in the Thulamela local municipality where this study

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focused. Issues about access to land and land allocation in the Thulamela local municipality, hence, have not been given much attention by scholars and researchers and this is evident in the gap in the available literature about land access, allocation and other land-related issues in the Thulamela local municipality.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1. Introduction

The previous chapter of this study dealt with the theoretical framework that guided the interpretation and analysis of the data collected. It also dwelt on reviewing available literature related to traditional leadership, and local government in terms of their origin and developments. This chapter covers an overview of the methodology employed in the study. The chapter outlines the research methodology adopted for the study, justifications for the choice, the research paradigms, research design, study area and methods of data collection. Lastly, the chapter focusses on the population of the study, sampling techniques used, the data analysis method and ethical considerations that were applied.

3.2. Research methodology

The study adopted a qualitative research methodology. A qualitative research methodology was preferred over quantitative and mixed research methods, mainly because this study is descriptive and explorative in nature and does not require any numeric data. Cresswell (1994) defines qualitative research as a system of inquiry that seeks to build a holistic, largely narrative, description to inform the researcher's understanding of a social or cultural phenomenon. The qualitative research method allowed me to engage with participants in their natural settings, and to gather their views and understandings on the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality. Strauss and Corbin (1990) explain that qualitative methods can be used to better understand any phenomenon about which little is yet known. I chose this methodological approach because I wanted to understand the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality from the perspectives of traditional leaders, community members and municipal officials, themselves.

This approach worked well for this research because I needed to describe and explore the nature of the relationship between traditional leaders and local government on land

allocation in the Thulamela local municipality. It was through asking participants open-ended questions in unstructured interviews and in focus-group discussions that I was able to gather enough and relevant information about the guidelines to improve the nature of the relationship between these two centres of power.

3.3. Research Paradigms

The term 'paradigm' originates from the Greek word 'paradeigma' which means 'pattern'. The first person to use it in a research study was Kuhn, in the year 1962. He used the term 'paradigm' to pronounce a conceptual framework that is recognised and accepted by researchers or scientists and that provides them with an in-depth guideline to conduct esearch (Kuhn, 1970). Since the term's pronouncement in 1962, scientists and researchers have engaged in debates about the best and most appropriate paradigm to conduct research. According to Kuhn (1977), a paradigm is an integrated collection of substantive concepts, variables and problems attached with corresponding methodological approaches and tools. He also indicates that the term, refers to a research culture with a set of beliefs, values, and assumptions that a community of researchers has in common regarding the nature and conduct of research (Kuhn, 1977). A paradigm, hence, implies a pattern, structure and framework or system of scientific and academic ideas, values and assumptions (Olsen, Lodwick, and Dunlop, 1992).

In addition, Denzin and Lincoln (2000), define a paradigm as something that is humanly constructed which allows the reader to understand where I am coming from so as to construct meaning embedded in data. This makes paradigms extremely important in research because they provide beliefs and dictates, which influence what should be studied, how it should be studied, and how the results of the study should be interpreted in different disciplines. It is, therefore, clear that a paradigm expresses the researcher's philosophical positioning which is significant in guiding their every decision in the research process, including choice of methodology and methods. This section gives a description of both epistemology and ontology aspects and how they guide the interpretation and analysis of data collected for this study. For the purposes of this multidisciplinary study, I chose to use both interpretivist and constructivism paradigms.

▪ **Epistemology**

Epistemology originates from a Greek word 'episteme' which means 'knowledge'. According to Schwandt (1997), epistemology is the study of the nature of knowledge and its justification. In research, however, epistemology has to do with the description of what counts as knowledge within the world (Cooksey and McDonald, 2011). In other words, it describes how people know that which they know, and whether that which they know is true, real or not. Epistemology focusses on the bases of knowledge in terms of its nature, forms, acquisition, and how it can be disseminated and communicated to other human beings. It is also concerned with the nature of human knowledge and comprehension that the researcher or a knower, can possibly acquire in order to extend, broaden and deepen understanding in the field of research.

● **Interpretivism**

The epistemological position chosen for the study is an interpretivism paradigm. This is because I want to understand the relationship between traditional leadership and local government on land issues from viewpoints of those involved in land allocation in the Thulamela local municipality. The interpretive paradigm is also called the 'phenomenological approach'. Advocates of interpretivism paradigm argue that the world is very complex, and it cannot be reduced to a set of observable laws and what is important is understanding the real conditions behind the reality as opposed to generalisability which is of less importance (Gray, 2014). An interpretivist paradigm is centred on understanding the meaning of a social situation from the point of view of those who live it. It is within this context that I must interpret the phenomenon, understand the process of meaning construction and reveal what meanings are embedded in peoples' actions and reactions (Schwandt, 2012). According to the interpretivist approach, it is important for the researcher to appreciate differences between people.

Interpretivist studies usually focus on meaning, and most researchers use many methods of data collection and analysis in order to reflect different aspects of an issue. In addition, the interpretive view of research emphasises the individual's view of the world around them and the subjective meaning they apply to this. Crotty (1998: 67) explains it as, "look(ing) for culturally-derived and historically-situated interpretations of the social life-world". This relates closely to the aims and objectives outlined in this

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research. The aim was to gain a "sense of understanding of phenomena" (Walliman 2005:235), in this context, the relationship between traditional leadership on land allocation in the Thulamela local municipality, to interpret the reasons for people's perceptions of this relationship and the implications for the community members in general as well as guidelines to improve the relationship. The table below demonstrate clear basic differences that exist between positivism and interpretivism for better and deeper understanding to the reader.

Table 3.1: The basic differences between positivism and interpretivism

Assumptions	Positivism	Interpretivism
Nature of reality	Objective, tangible, single	Socially constructed, multiple
Goal of research	Explanation, strong prediction	Understanding, weak prediction
Focus of interest	What is general, average and representative	What is specific, unique, and deviant
Knowledge generated	Laws Absolute (time, context, and value free)	Meanings Relative (time, context, culture, value bound)
Subject/Researcher relationship	Rigid separation	Interactive, cooperative, participative
Desired information	How many people think and do a specific thing, or have a specific problem	What some people think and do, what kind of problems they are confronted with, and how they deal with them

▪ **Ontology**

Crotty (2003:10) defines ontology as "the study of being". Similarly, Guba and Lincolin (1989:83) explain that the ontological assumptions provide responses to questions such as '*What is there that can be known?*' or '*What is the nature of reality?*' Ontology focusses on the kind of world that is being investigated, and the nature of existence, with the structure of reality as such. Ontological assumptions scrutinize the

researcher's underlying belief system about the nature of being and existence. It focusses on the assumptions people make in order to believe that something makes sense or is real, or the very nature or essence of the social phenomenon we are investigating. It helps the researcher to conceptualise the form and nature of reality and what they believe can be known about that reality. Philosophical assumptions about the nature of reality are crucial to understanding how you make meaning of the data gathered. These assumptions help the researcher to position their thinking about the research problem, its significance, and how the researcher might approach an issue in order to contribute to its solution. Scott and Usher (2004), also indicate that ontology is very critical in research because it assists in providing a comprehensive understanding of the things that constitute the world, as it is known.

- **Constructivism**

Bryman (2012:33) speaks of constructivism as an ontological position which is centred on the understanding that "social phenomena and their categories are not only produced through social interaction but that they are also in constant revision". He adds that researcher's own account of social world are constructions. This means that the researcher always presents a specific version of reality. The constructionist view underpins the aims and objectives of this research because it is assumed that the relationship between the centres of power is a product of socialisation and an integral part of the society. This implies that the actions and reactions of individuals, groups and institutions affect how a relationship is perceived and these perceptions have implications for its revision.

The way people view and understand relationships depends on the way they are socialised to understand them. A relationship understood from a political, social and economic perspectives shows that there are a lot of factors that influence the relationship. I adopted a constructivist paradigm for this study as it was exploring the relationship between traditional leadership and local government with regard to land allocation. I wanted to construct meanings from the data that were collected from the participants, based on the research questions for this study. It was through understanding how traditional leaders themselves, and local government officials, view and understand their interaction with each other from their own point of views that I was able to interpret and analyse the data, and arrive at relevant and significant

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finings. The table below provide fundamental differences between qualitative and quanitative for the understanding of he reader.

Table 3.2: Fundamental differences between qualitative and quantitative research strategies

	Quantitative	Qualitative
Epistemology	Natural science model (in particular positivism)	Interpretivism
Ontology	Objectivism	Constructionism

3.4. Research design

This study employed case study, descriptive and exploratory qualitative research designs. Yin (2003), attests that a descriptive qualitative approach strives to describe, analyse and interpret a particular phenomenon. This research design adopted permitted me as a researcher to get reflective information about people's views on the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality. In this study, the emphasis was on words and not feelings; this is essential in order to understand the interaction between traditional leaders and local government, on land allocation. Themes were used to present and analyse the data captured on the nature of the relationship between these two centres of power. This design was useful in this study, because it gave room for every participant to express their perceptions.

3.4.1 Case study design

In this study, the relationship between traditional leadership and local government on land allocation was categorised as a case. Simons (2009), explains a case study as an in-depth exploration, from multiple perspectives, of the complexity and uniqueness of a particular project, policy, institution, program or system in a real life. Sturman (1997), indicates that a case study is a general term that refers to the exploration of an individual, group or phenomenon. This implies that a case study is an inclusive description of an individual case and the analysis of that case. The case study design

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allowed me to really explore the relationship between traditional leadership and local government on land allocation as the focus was narrow enough and manageable in terms of data collection and analysis. In addition, the case study design assisted me to gain deeper understanding on the complementary and conflictual nature of the relationship between traditional leadership and local government on land allocation the Thulamela local municipality.

I wanted to explore the relationship between these two institutions of leadership, not in general, but specifically, on land allocation. These two institutions of leadership interact with each other on various issues such as development, service delivery and council issues but I saw that it would be too broad, hence, he narrowed it down to land allocation interactions. Whilst the findings can be applicable to other municipalities, however, the ones of this study talk, specifically, to the situation in the Thulamela local municipality and not somewhere else. The case study approach also allowed me and even the reader to understand that even though cases might be related or similar, they are also unique in their own rights and manner. This is what Mesec (1998), regards as the classification of a case; the events, as well as a description of the discovery process of these features form the description of the case itself.

3.5. Study area

This section discusses the Vhavenḓa people in terms of who they are and where they come from. The discussion also focusses on the Vhavenḓa's' relationship with land and the location of this land they occupy. It zooms in on how the Vhavenḓas' relationship with land has been since pre-colonial times. It looks at how this changed during the colonial times, and lastly, how the 19994 democratic dispensation in South Africa affected this relationship.

The Vhavenḓa people, who consider themselves a single unit, are composed of sibs and groups of unrelated people who have, in varying circumstances and localities, come in contact with a small homogenous nucleus and become identified with it. These people are identified by a shared Tshivenḓa language and the shared cultural norms and values. The ethnological origin of Vhavenḓa is not clear. However, there are two schools of thought which have attempted to account for the origins of the

Vhavenḓa people. The first group argues that Vhavenḓa people have their origins as the area of the Great Lakes and Central Africa, and that they migrated from that side to the Soutpansberg mountains (Ralushai, 1977; Loubser, 1989).

The other school of thought presents the arguments that the Mbedzi, Lembethu and Vhangona people, who are also known to be VhoNgwaniwapo, have originally been occupying the Soutpansberg mountains and all the other sibs such as the Vhaṱavhatsinde and Makwinḓa were found here (Mabogo,1990; Van Warmelo, 1932). In support of this argument, Ralushai (1977) indicates that the Muṱavhatsinde group which is considered to be the first to arrive at the Soutpansberg mountains area, is composed of the VhaKwevho and Nḓou sibs. Although this group is considered to be the first to migrate to the Soutpansberg area, they found other ethnic groups when they arrived, and those tribes are called the Mbedzi, Lembethu and Vhangona. The second wave of migration was that of the Makwinḓa group who became masters of the whole country. This also demonstrates that there are many cultural peculiarities and va ast diversity brought about these different groups among the Vhavenḓa people (that are known to be a single unit).

Another group that forms part of Vhavenḓa people is the Lemba (Vhalemba). It is interesting to observe that this group joined the Vhavenḓa later, and in as much as they are now part of the Vhavenḓa people, they are distinct in that they have their own language that they speak. The Vhalemba people who are also known as Vhashavhi are believed to be the descendants of Semitic (Arab) traders who entered Africa around 696AD. The Vhalemba believe themselves to be Black Jews; descendants of the lost tribe of Israel. They keep to themselves, only marry within their own group and sometimes refer to themselves as Vhalungu, which means 'non-Negroid' or 'respected foreigner' (Stayt, 1968).

The Vhavenḓa people traditionally occupy an area in and around the Soutpansberg Mountains in the north-eastern section of South Africa's Limpopo Province, and specifically in the Vhembe District Municipality (VDM), close to the borders with Mozambique and Zimbabwe. The name Venḓa refers only to the area/territory and the people are called Vhavenḓa. On the eastern side is where the Kruger National Park is located towards the border of Mozambique. To the south is the Vatsonga cultural

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group who speak the Xhitsonga language. The western boundaries are formed by agricultural farmlands and cattle ranches owned by English- and Afrikaans-speaking white South Africans, as well as areas inhabited by the Northern Sotho. To the north is the Limpopo River, the international boundary with Zimbabwe, where many Venḓa people live under seven chiefs in the southern and central parts of that country.

- **The Vhavenḓa people's relationship with the land**

The Vhavenḓa people have an expression that says "Lupfhumo Lu Mavuni", which means "riches are hidden inside the land". This expression emphasises the importance of the land for food, resources for survival, and also for the purpose of getting rich. Land, for this reason, becomes an important resource which people can derive food and different resources from. It is within this context that access to land becomes crucial for survival as well as for economic prosperity as many commercial activities can be engaged on to survive, most especially in the rural areas where there is lack of employment opportunities.

The Vhavenḓa people usually refer to the King, chief and headmen as 'Mavu' or 'vhane vha mavu' which means the owner of the land. This is a simple acknowledgement that traditional leaders are the ones to control and administer land in their communities or villages. This means that the Vhavenḓa people depend on trationl leadership for land allocation since time immemorial. Iruonagbe (2010), also indicates that every community of people has its cultural, spiritual and economic life engrained in soil it occupies and there is no exception to the Vhavenḓa people. Thus, for Vhavenḓa people, land has always been a major production resource, and lack of access and control over this crucial resource through equitable land allocation contributes to poverty. The Vhavenḓa people rely heavily on agriculture and natural resources for sustainability and economic development. Important to note is the fact that reliance on land as a principal source of livelihood and as a basis for economic development in the Vhavenḓa people is likely to persevere in the foreseeable future. However, for Vhavenḓa people, land is not only viewed in economic terms; it has been a source of food, shelter, health, and is important for their spiritual life. The reliance on land by Vhavenḓa people on land not a gender issue. Meaning that both men and woman rely on land for all the above-mentioned activities. Infact women are the ones who were

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known to be the producers (who work the land). This is because majority of men had gone to varuois places to work to provide for the family. In that context woman are providers through land cultivation and plaouwing and men are providers because they used to go and work for money to provide in that context. So, both women and men used and continue to use the land in all the aopsects of their lives. This is supported by the African Union (AU), African Development Bank (ADB), and Economic Commission for Africa's (ECA) (2010) report on *Land Policy in Africa: Southern Africa Regional Assessment*, which argued that land lies at the heart of the economic, social and political life of most African countries.

The Vhavenḓa people has used land to grow food for their sustainability and they now also produce for markets both locally and internationally for their economic prosperity and these include both men and women. The Vhavenḓa people use their land to cultivate crops such as maize, sorghum, grains and vegetables just to name but a few, for food just to sustain their livelihood. It is undisputable that food is one of the most basic human needs. Food, its sources, generation and security have always been the most primary concern of all human communities across the globe. This study observes that Vhavenḓa communities like any other human communities, first ensure food security before they can turn to any other activity in life. This has been the case since time immemorial and has remained that way in contemporary technological societies (Van Vliet and Nasi, 2008). It is within this context that the concern with food and the protection of its sources pervades all human thought and activity (Van Vliet and Nasi, 2008). It is on the land that various types of trees grow on their own, and other trees are grown by people for the purpose of providing them with different kinds of fruits. Fruits are one of the main sources of food for the Vhavenḓa people, and without access to land, poverty will persist in these people's lives (Van Vliet and Nasi, 2008).

The Vhavenḓa people are also known for their hunting habits for securing food. While hunting is usually viewed as a subsistence activity, and while the Vhavenḓa people and other communities such as the San communities basically hunt for their immediate day-to-day food needs, it is critical to bear in mind that in these communities, hunting also serves other purposes. In Vhavenḓa communities and other commnubities hunting is done by men and in very limited or rare occasions women also participate in

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hunting activities. Hunting exposes people who engage in it to harsh environments, and it is these harsh environments that allow these people to acquire and develop survival skills. In other words, hunting can be viewed as an exercise or a process of informal learning for the Vhavenḓa people and other indigenous hunting communities. The Vhavenḓa people use hunting as a learning tool whereby critical survival skills are still passed from one generation to another. Hunting is also a means whereby parents help to prepare their children for the challenges and responsibilities of adult life. In addition, hunting activities are used as a way in which leadership within those communities could be identified. Thus, future community leaders are identified per the skills, courage, strength, wisdom, perceptivity in the service of others and the wider community, are demonstrated during hunting activities. It is for some of these reasons that majority of leaders in Vhavenḓa communities are men as comapored to women including traditional leaders. It is also important to note that women can also be leaders in Vhavenḓa communities including traditional leadership.

It is important to note that without the land, hunting would not be possible. Thus, access to land through land allocation for hunting purposes is very crucial for the Vhavenḓa people and other African indigenous communities. For the Vhavenḓa people, hunting is a social community-building and leadership capacity-building exercise. The Vhavenḓa people have always believed that leisure, recreation, the building of a team spirit, group dynamic and skills acquisition, are essential components for building a healthy well-rounded community life. It is clear that lack of access to land for the Vhavenḓa people threatens and curtails this process, and unfortunately this interferes with very essential processes of socialising Vhavenḓa youths into responsible and seasoned adults. It is therefore, within these contexts that land cannot only be viewed within the frame of agricultural production and activities. it remains important that the Vhavenḓa people who believe in hunting for various reasons continue to engage in this rewarding exercise; land should be available through land allocation processes.

Another area where one can see a clear relationship between the Vhavenḓa people and land, is shelter. Shelter is basically something that everyone needs. Everyone needs a place they can refer to as home, whether temporarily or on a permanent basis. A place where we are in control, a place where we have our roots, a place where we

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can completely be ourselves away from the many pretences of our hectic daily life. No one rests unless they are at home. Land is a crucial resource as it provides us with the ground where we build our houses. It also provides us with different materials that we use to build these houses we call home. This study argues that shelters cannot be built without the land, both as a space in which the house or shelter needs to be built and as a source of materials and tools that need to be used to build these shelters (South African History online, 2011).

For the Vhavenḓa people and the entire African world-view, life is a continuum that links people, including the yet to be born, the living and the departed. It is an unbroken cycle. There is and has always been a sense of community, fellowship, communication and even mutual counsel that embraces all these levels of our existence. The places at which the Vhavenḓa people through centuries have buried their departed loved ones are therefore of great historical as well as cultural significance to their life journeys. They are an important link with the life beyond and at the same time serve as important signposts for the journey that still lies ahead of the living. Signs, symbols and shrines have always had a very important religious value. They have always been regarded as a holy ground of some kind. They cannot and should not be either spoiled or violated. This is among others one of the major reasons why the sites where people have buried generations of their forebears are actually revered as nothing less than sacred. Removing these people or just denying them access to such important landmarks in their world-view is a terrible misunderstanding and undermining of their cultural roots as well as a denial of a fundamental spiritual and religious right (Leuta and Green, 2012).

For Vhavenḓa people to be able to build shelters, to hunt and to produce food fo sustainability requires a good health. Concern for and with good health is probably the second-most fundamental human preoccupation after food security. The Vhavenḓa people have always used trees that grow on the land, and animals that live on the land for medicinal purposes. Thus, the Vhavenḓa people's relationship with land becomes more prominent due to how they use land for to improve their health and as a result how they have designed ways to protect the land and the entire environment for the continuous supply of medicine. It is therefore, clear that the Vhavenḓa people have always been closely related to the land they occupy, and dislocating them from the

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primary source of their health and well-being is, therefore, in every sense a serious concern (Hambira, 1999).

More so, there has always been a very close link between the Vhavenḓa people's spirituality and their status or relationship to the land. In terms of modernisation, the Bible itself provides a serious link between people and land, and the Bible is regarded as a spiritual book. This could be read in the book of Genesis, which is the first book in the Bible, that tells people about human creation. The book basically tells people that they are created from the land in the form of the soil. In terms of the Bible, the land is not just a source of materials used to create a human life, but the basis, without which human creation could not have been possible in the first place.

In addition, the book of Exodus, that tells a story about people, of a community in transit, a community searching for a land that was promised to them spiritually through prophecy. They went to a journey to search for that land which will belong to them, a piece of land they could call home (Amanze, 2006). It is within this context that this journey to the promised land was not out of their intellectual genius or innovation. It was a process in which God was intricate, a process in which the role and presence of God is paramount. Thus, the journey in which these people are involved is not just physical but also spiritual. What is important to understand is that these people wanted a piece of land in their own name, a piece of land to which their identity as a people is linked or a piece of land from which their identity can be traced (Adamu and Yahaya, 2016). Although the Bible is arguably a philosophical book in the sense that direct interpretation of the Bible could be misleading, the story really demonstrates the spiritual significance of the land to people and the Vhavenḓa people cannot be isolated form this understanding and link. This link between spirituality and the land seems to apply not only to ancient Israel. Rather, it seems to be a common denominator in the life and faith of all traditional religious communities including African traditional religion.

South Africa is widely known as the rainbow nation due to her diversity in people's race and religions as well as cultures and the Vhavenḓa people are part of this rainbow nation. Even though, Vhavenḓa people regard themselves as one unit, the reality is that they are made of different groups, but in terms of religion there are two main dominant religions they practice, and they are Christianity and traditional African

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religion/African traditional religion. What is interesting about South Africa in terms of religion is that the constitution provides for the protection of freedom of religion. In other words, everyone is constitutionally allowed to freely practice whatever faith they choose to, or even deciding not to practice any of the religions.

Although the majority of the Vhavenḓa people have adopted Christianity as their religion, there is still a strong belief in traditional African religion. It is believed that traditional African religions have been around since the beginning of humanity and this challenges the assertion that Africans did not know God prior to the intrusion of Arabs and the colonisers (Njoh and Akiwumi, 2012). The Vhavenḓa traditional African religion relies much on ancestral spirits and a supreme deity known as Raluvhimba/Nwali that is equivalent to the Shona deity, Mwari. Traditional African religion practiced by the Vhavenḓa people is centred on the idea of communalism where the community is the most important part of someone's life. They believe that individuals only exist within the community and separation from it is sometimes worse than death. Again, Vhavenḓa people who believe in ancestors also do believe that the supreme God in the name of Nwali do exist, but they believe that instead of Jesus Christ who is a mediator between man and God in Christianity, ancestors are their mediators to God. They believe that their ancestors are supernatural spiritual beings that God uses to communicate and protect them against any harm. The practice of African traditional religion amongst Vhavenḓa people differs in terms of places, times and the nature in which they are performed depending on various Vhavenḓa groups one belongs to. The rituals that they perform to their God through their ancestors usually involves the killing of animals and a mixture of herbs, of which all depend on land for survival. Again, these rituals are usually performed on their ancestral land and on the graves of their departed family members. Therefore, land plays a serious role in the spiritual lives of the Vhavenḓa people (SAHO, 2019).

The pre-colonial set up of the Vhavenḓa people provided them with unlimited access to land as they vast amount of land for grazing, hunting and spaces for food production. Access to wild fruits and animals as well as plants for medicinal purposes was less problematic during the pre-colonial period. During this period, Africans used to move from one area to the other for hunting, gathering and for gazing purposes. The lives of Vhavenḓa people during this period was influenced by their customs, traditions,

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values, norms and culture which they practiced without fear of being judged and with pride. The Vhavenḓa people controlled the land and used it for the sustenance of their livelihood for centuries before the arrival of the white settlers.

However, the arrival of the colonialists during the 14th and 15th centuries changed all these and brought about the restrictions on the access to land for Vhavenḓa people in general, including traditional leadership (Department of Provincial and Local Government, 2000). The Europeans took control of the land through land ownership laws which gave them unlimited access to Vhavenḓa people's land and other natural resources. In South Africa, the colonisers introduced regulatory frameworks that assisted them to take control of the majority of land in the country. Such legal and regulatory frameworks include among others the Native Land Act of 1913, which gave white people control over 92.7% of the total land mass of the country and the Vhavenḓa people were also affected by these frameworks. This means that only 7.3% of the total land mass in South Africa was in the hands of the black population which the Vhavenḓa fall under. Other acts that were passed include The Native Trust and Land Act, 1936 (Act No. 18 of 1936; also referred to as the Bantu Trust and Land Act, 1936 and the Development Trust and Land Act, 1936), was aimed at reducing the land held for whites to 87%. This then meant that land held for black South Africans was increased from 7.3% to 13%. The post-1994 dispensation did not change much as it inherited these problems and the situation for the Vhavenḓa did not improve as they are still residing in the same places under the control of traditional leadership who control the land. This implies that during this period Africans had more access to land as compared to the colonial and post-colonial period, although, the population of Africans was low during the pre-colonial era as compared to the colonial and post-colonial period, it was the colonial and apartheid administrations that gave white people more land and restricted Africans access to land. This is the situation that even the democratic government led by the African National Congress is failing to adequately resolve after 26 years of democracy. The Vhavenḓa people continue to experience lack of access to land, leading to more poverty and hunger in the rural Venḓa communities.

The study was carried out in the Thulamela local municipality of the Vhembe District Municipality of the Limpopo Province in South Africa. The Thulamela local municipality was established in the year 2000 in terms of the provision of the Local Government Municipality Structures Act, 117 of 1998 Section 12. The administrative offices of the municipality are in Ṱhohoyanḓou. The Thulamela local municipality falls under category B of municipalities under the Municipal Structure Act, 1998 (Act 117 of 1998). According to the Thulamela municipality's IDP Review (2012/2013), this municipality covers a density of 103.3 Km2 (268 square miles). The Thulamela local municipality falls under The Vhembe District Municipality in the Limpopo Province, South Africa. The greater part of this municipality is rural, meaning that the municipality governs where there is traditional leadership, and the people have to cooperate with these leaders for better service delivery in these areas. Based on the currently available data from Stas SA, the Thulamela local municipality has a total number of 497237 residents, of this number 493780 are black Africans, 2479 are Indians/Asians, coloureds are 749 and whites are 229. To break this population further, 168496 of the total population are children between the ages of 0-14, youth of 15-34 are 192769, whereas adults of 35-64 are 102497, and elderly of ages between 65 and above are 33475 in total (Stats SA; Community Survey, 2016). It should be noted that the situation could be slightly different now in 2020 and the next Stats SA. A Community Survey could tell a different story, but the story could not be significantly different to this the population has been gradually decreasing nor increasing since 2016. Even the Covid-19 pandemic has not affected much of this area in terms of death which could have brought a severe decline on the population.

It is, however, interesting to observe that according to Census (2011), the population of Thulamela was 618 462, and in 2016 it was 497 237. This was as a result of the demarcation changes made by the Municipal Demarcation Board in 2016. It is these demarcation changes that saw the disestablishment of the Mutale local municipality, and the establishment of the Collins Chabane local municipality, also known as LIM345. The population of Thulamela has decreased by 121 225, mainly because there is a significant part of Thulamela that is now falling under the new Collins Chabane municipality, even though Thulamela also gained 3 wards from the former Mutale municipality, it did not bring about a significant increase in terms of the population of Thulamela.

This municipality has a total of 41 wards, which are mostly rural, and the study was conducted in wards 10, 35, 26 and 41. There have been many cases that involved disputes over land between the local government authorities and traditional authorities in these wards. It is for these reasons that this study sought to investigate whether the interactions between traditional leadership and local government officials, particularly, in land allocation issues are complementary or conflictual.

Because this study is also about traditional leadership and not just about the Thulamela local municipality it becomes crucial to indicate that in terms of traditional leadership, Thulamela is located in Venḓa meaning that the King of Vhavenḓa who is currently notwithstanding the contestations that exist Tony Mphephu is supreme. It should be noted that while the study was still in progress his majesty King of Vhavenḓa Tony Mphephu was stripped off his powers by the court of law. There are eight (8) chiefs who rule different parts of the Thulamela local municipality which are Chief Tshivhase, Chief Gole Mpaphuli, Chief Rammbuda, chief Ṋelwomondo, chief Makuya, chief Khakhu, chief Tshikundamalema and Chief Ṋethengwe. All these chiefs are under the Vhavenḓa King, and they administer several villages. These villages are administered by headsman who intern repots to their chiefs. Ha-Tshivhasa and Ha-Mphaphuli are separated by Mutshunduḓi River whose praise is "Phandamashango Mutshunduḓi. Wo fhanda Gole na Tshivhase", meaning "Mutshunduḓi River demarcates the land of Gole (Mphaphuli) from that of Tshivhase". It is not clear as to the amount of land they each control, but they rule over several numbers of villages, meaning that they each control a significant amount of land. Unlike in KwaZulu-Natal, where there is the Inghonyama Trust and the Thulamela local municipality that manage the local municipality, but all chiefs control and manage the land under them through their headmen. It is also important to highlight that land in the Thulamela local municipality could be seen as clan based. This is because all the chiefs metioned above, who control land in different areas are clans, and their land remains theirs for life, and is passed on from generation to generation. The current chief shivhase only controls the land that has been controlled by the Tshivhase clan for ages, and the same is the case with chief Mphaphuli and others.

One of the respondents in Thulamela indicted those changes in the municipal demarcation in the Vhembe district municipality by the municipal demarcation board

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effected in 2016, that saw the collapse of the Mutale municipality and the establishment of a new municipality called the Collins Chabane local municipality, also known as LIM345. For instance, chief Ṋethengwe was counted in the Mutale local municipality, but now he is counted in the Thulamela local municipality due to these changes in municipal demarcations. However, these changes do not affect the territories or villages, chief Ṋethengwe control and rule, he will still rule those villages even if the dermacations takes them to Musina local municipality. In Thulamela local municipality there are also women who are traditional leaders in their own rights. For instance, there is a place called Tshaulu (Tsha ha Bowana tsha khosi ya mufukadzi) which is led by the traditional leader who is a woman. Apart of that in all traditional council in Thulamela local municipality there are women who are members of those councils. Again, in traditional houses in Thulamela municipality there a sister to the headman, chief or king called Makhadzi. All these women traditional leaders have equal responsibity with men traditional leaders to lead their communities.

The Limpopo Province is situated on the northern part of South Africa, and it borders Zimbabwe and Botswana. The Vhembe District's economy is based on agriculture, which implies that land is a crucial resource in this area. The 2011 census estimated the population of the Vhembe District Municipality at 1 294 722, of whom 618 462 reside in the Thulamela local municipality (Census, 2011). This District is formed by four local municipalities: Thulamela, Makhado, Musina and Malamulele (also known as Collins Chabane Local Municipality/LIM345).

The Thulamela local municipality is inhabited by Black Africans, Indians or Asians, whites, coloured and others, majority of whom are Black Africans. The whole area of the Thulamela local municipality is under the Tshivhase, Mphaphuli, Ṋethengwe, Ṋelwomondo, Makuya, Khakhu, Tshikundamalema and Rammbuḓa traditional authorities/leadership, as well as local government officials. The number of chiefs that have jurisdiction in the Thulamela local municipality is influenced by the review of municipal dermacation as implemented by the municipal dermacation board from time to time. The primary languages areTshivenḓa and Xitsonga, although English literacy is relatively high, and there are other inhabitants from other districts, provinces, and neighbouring countries such as Zimbabwe and Mozambique who flock in frequently. Thulamela is characterized by extensive road networks, however, many of these roads

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are of poor quality; there is poor service delivery when it comes to land allocation and health ssues.

The Thulamela local municipality is also known for its recent rise in number of land-related disputes and squabbles between traditional leadership and local government. The Municipality is one of the areas in South Africa, which is still culturally intact, meaning that the cultural fabric which binds beliefs, taboos and norms together is still intact, thus, IK has survived to some extent in this area. This further implies that many people in this area still welcome traditional leadership and still think and believe that they are relevant in the current era. The Thulamela local municipality is also characterized by westernized people who believe that traditional leadership has no place in the current democratic Republic of South Africa. This area is also well known for its respect of ancestral spirits, and its deep-seated beliefs in indigenous-knowledge-related practices. It is these beliefs that assist the people to sustain their livelihood despite their poverty levels. Below is a map that indicates the area in which the Thulamela local municipality is located. As stated earlier, some parts of the Thulamela local municipality were merged into the Collins Chabane local municipality on 3 August 2016, therefore, the information provided here about the Thulamela local municipality does not include the mergered areas.

Figure 3.1. Map of Vhembe District Municipality

This map can be accessed from:
http://www.localgovernment.co.za/locals/view/135/Thulamela-Local-Municipality#map

3.6. Population

Welman, Kruger and Mitchell (2005) define 'population' as the total collection of all units of analysis about which the researcher wishes to do research. Babbie (1995) also defined population as the aggregation of elements from which the participants are actually sampled. The population for the study was officials from the Thulamela local municipality who work with traditional leaders and communities on issues pertaining to land allocation as well as all traditional leaders under the Thulamela local municipality who operate under customary law of South Africa.

3.7. Sampling

Sampling in this study was done because it is often impossible, impractical, or even extremely expensive to collect data from all the potential units of analysis encompassed in the research problem (Nachmias and Nachmias, 1987).

Creswell (2007) highlights the necessity of selecting participants on the basis that they can purposefully inform an understanding of the research problem and the central phenomenon of a study. The study adopted two non-probability sampling methods, namely: purposive and snowball sampling. Purposive sampling is a technique also referred to as 'judgmental sampling' (Rubin and Babbie, 2005). This is because this type of sampling is based on the judgment of the researcher, in that a sample is composed of elements that contain the most characteristics, representative or typical attributes of the population that serve the purpose of the study (Grinnel and Unrau, 2008). Both traditional leaders and municipal officials were sampled using purposive sampling method. This is because in the main, I wanted to understand the relationship between traditional leaders and local government on land allocation from the perspectives of traditional leaders and local government officials, themselves.

Due to the large number of traditional leaders in the Thulamela local municipality area, I sampled traditional leaders who work closely with the municipality and who have

been close to the municipality for the period of not less than five years. This implies that those traditional leaders who are not working closely with the municipality and those who have been working closely with the municipality but for a period of less than five years were not sampled to participate in this study. I chose to use these exclusion criteria, firstly, because there are a large number of traditional leaders in the Thulamela local municipality. The other reason was that I believed that those traditional leaders who work closely with the municipality, and those who have been doing it for more than five years are likely to possess information that could be rich and relevant to the phenomenon under investigation in this study.

With regards to municipal officials, I sampled only those who work on land allocation issues and have been working at this issue for a period not less than three years. This means that municipal officials who are not working on land allocation issues were excluded in terms of participation in this study. In addition, municipal officials who work on land allocation issues but have not been doing that work for more than three years were also excluded from participating in this study. This exclusion criteria was used because I believed that municipal officials who work on land allocation are more relevant in this study than those who are not, as they may not have any information to provide. Also, municipal officials who had worked on land allocation for a period of more than three years would have more experience on the issue and are likely to possess rich information relating to the relationship between traditional leadership and local government on land allocation.

The study also employed snowball sampling, mainly because it is not easy to know and find all traditional leaders, ward councillors, and those who work on land issues at the Thulamela local municipality. According to O'Leary (2009), snowball sampling involves building a sample through referrals. This implies that once an initial respondent is identified, they are asked to identify others who meet the study criteria, each of those individuals will then be asked for further recommendations. The category that was sampled using snowball sampling was community members in this study. Community members who were sampled for the purpose of participating in this study were those who have knowledge about land issues in South Africa from different walks of life. Those who knew the history and current debates on land issues and local government issues were selected to participate in this study.

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I had already identified at least two community, members in the initial stages of the research, who have the knowledge and understanding about land and local government issues. These two individuals were asked to recommend others for the purpose of participation in the study. Community members who had no knowledge and understanding about land and local government issues were excluded in this study. Participants' biographies were used to determine whether they were likely to possess knowledge and understanding on land and local government issues. The total population from these areas of interest is huge, therefore, the study sampled twenty-seven people who participated in this study. I had planned to interview thirty people, but after interviewing twenty-seven, he realised that I was not getting any new information and decided to stop at twenty-seven participants.

Sharan and Tisdell (2016), indicate that the sampling size depends on the questions being asked, the resources available and what is needed, therefore, I estimated that 27 participants for this study were adequate, and more than 27 participants might lead to challenges regarding data saturation and redundancy. Lincolin and Guba (1985), recommend that sampling should be done until the point of saturation or redundancy is reached which is exactly what I did in this study. This was also supported by Brink (2000) who indicateds that in qualitative studies, what determines the sampling size is data saturation and this is why I decided to stop at participant number 27, after realising that no new information was coming out.

There are different opinions on the actual number of participants for a qualitative study, but Creswell (2007), argues that the number of participants can range from 1-325. In addition, Polkinghorne (1989), is of the view that between 5 to 25 individuals, are enough in qualitative study. In this study, more value was put on the quality of the data collected as opposed to the quantity of participants. This study targeted traditional leaders, community members, and officials who work with land in the Thulamela local municipality. Then table below shows the criteria used on the sampling processines for this study.

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Table 3.3: Sampling criteria

Sample	Sample size	Participants	Focus group	Interviews	Criteria
Traditional leaders	50	14	7	7	Traditional leaders whether headman, chief or who work closely with municipal council and municipal officials (more than
Thulamela officials working on land issues	10	3	0	3	Officials who work on land allocation at Thulamela Local municipality. Only those who worked on land allocation issues for not less than 3 years were sampled to participate in the study
Community members	50	10	7	3	Community members who have possess knowledge and understanding about land issues and local government

3.8. Recruitment

I must declare that at the time of data collection I was the Thulamela's subdistrict coordinator (secretary) of Alpheus Malivha District of the South African Communist Party (SACP). As a junior politician, it was not difficult to identify and approach some of the traditional leaders because some of them had attended some political meetings with the researcher. It was this kind of political relation that gave me an opportunity to also access some of the officials who work on land issues at the Thulamela local municipality. This is because I always visit the municipality either for service delivery issues or for political reasons as I reside within the jurisdiction of this local municipality. In addition, as an Indigenous Knowledge System (IKS) lecturer, I also takes part in some of the community engagement activities within the Directorate of Community Engagement at the University of Venḓa, I always engage with different traditional leaders from various places in the Vhembe District, including the Thulamela local municipality on different issues and programs. This provided an opportunity to get some of the participants and the rest were obtained through referrals with the use of the snowball sampling technique.

3.9. Pilot Study

According to De Vos (2001), a pilot study is a preliminary investigation that utilises same questions and similar subjects as in the final research. Gillham (2000) indicates that one of the challenges of interviewing is knowing how questions are efficiently asked or presented. I used the research question as the basis for developing appropriate interview questions. The understanding of how to ask the right questions was achieved and sharpened through the pilot interview. Gillham (2000) points out that for a pilot interview, the researcher should make use of people who are representative of the group being researched but not from that group. For the purposes of this research, two traditional leaders, one municipal official who works on land issues and one community member who has vast knowledge on land matters but who is from another municipality other than the Thulamela local municipality were identified and interviewed in the pilot test. The pilot interview was an excellent opportunity for me to practice the skills of interviewing, particularly prompting and probing with a purpose of refining the interview questions. The pilot interview resulted in further development of the interview framework.

The results of the pilot study were shared and discussed with the promoter and the entire process was reflected upon. Preliminary findings from this pilot study suggested that the relationship between traditional leadership with regard to land allocation is both conflictual and complementary. I also found that during the pilot interview much focus was put on the interview questions that talked to access to land as opposed to the relationship between traditional leadership and local government, specifically, on land allocation issues. This was rectified with guidance from colleagues and the promoters on relevant interview questions in order to answer research questions for the study. The pilot study was very useful because it assisted me in focussing on the right and relevant interview questions for data collection purposes.

3.10. Data collection

This study used two data collection methods to collect data for 6 months (from February to July 2019). The first method was interviews and this was in the form of unstructured one-on-one interviews. The second method was focused-group discussions. Seven traditional leaders whose pseudo-names are: Khosi Vho

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Gandamipfha, Khosi Vho Gabara, Khosi Vho Lusunzi, Khosi Vho Mashudu, Khosi Vho Mmbulungeni, Khosi Vho Mukumba and Khosi Vho Madala, participated in the first focused-group discussions. Another focused-group discussion was conducted with seven community members with pseudo-names: Aluwani, Fhumulani, Vho Muravha, Vho Elisa, Lufuno, Rofhiwa and Nditsheni. Another seven traditional leaders were interviewed, and their pseudo-names were: Khosi Vho Mbaḓo, Khosi Vho Muri, Khosi Vho Ndiafhi, Khosi Vho Rasivhetshela, Khosi Vho Rembuluwani, Khosi Vho Rudzani and Khosi Vho Tshavhungwe. The second group of people who were interviewed were three community members and their pseudo-names were: Vho Alidzuli, Tshilidzi and Vho Tshinakaho. Lastly, three municipal officials who work with land allocation issues were engaged in an interview and they were: Vho Danda, Vho Makatu and Vho Rosina. Responses from the one-on-one interviews assisted me to adjust questions that were used in focused-group discussions. Triangulation of data collection methods assisted me in collecting data that was rich and in-depth; this assisted me to arrive at a number of findings that were relevant and important for the research community. The following section discusses these instruments and reasons for using them.

Community members who were interviewed were selected using a snowball sampling technique, and they were believed to have a vast mount of knowledge on land issues including land allocation within the areas of the Thulamela local municipality. Traditional leaders who were interviewed are those who have been in a leadership position for more than 5 years and have a vast amount of experience of working with local government on land issues in the Thulamela local municipality. Traditional leaders who participated in the focused-group discussion were diverse in terms of educational level, age and experience in traditional leadership. This was done with the purpose of gathering in-depth information about the study topic.

- **Interviews**

This study adopted unstructured interviews for data collection, mainly because I wanted to have unrestricted conversations with participants in order to collect in-depth information for research purposes. Streubert and Carpenter (1999), define 'unstructured interview' as a type of interview that engages the interviewer and participant in conversation about a particular topic through the researcher asking open-ended questions and the participant providing response for such questions. In

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this study I wanted to know more about the nature of the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality. It was, therefore, necessary for me to use a broad open-ended question which allowed participants to have a conversation about how they view such relationship. This was also done so that I can pursue all interesting angles emanating from the responses of the participants, thereby, gaining more information on the topic without following any particular structure of asking questions.

I used the first few minutes of the interviews to establish a rapport with the participants. This was because it is commonly known that the first contact between the interviewer and the participant determines the kind of relationship that will be established between the two. There are several factors that are considered in terms of determining the kind of relationship, such as the manner in which the interviewer speaks to the participant, the body language, and the clothes that the interviewer is wearing. This implies that the manner of speaking, the clothes and the body language used must be appropriate for the specific culture and must display the highest level of respect for the participant. This is also supported by Malacrida (2007:1334), who states that "the relationship between the interviewer and the participant begins at first contact, with the participant's first impression of the interviewer based on a variety of factors such as the greeting, manner of speaking, clothing, and body language". It was for these reasons that before starting with data collection using interviews, I was coached by various experienced researchers within the University of Venḓa on how to conduct good interviews for data collection purposes. I also undertook pilot interviews, and all these were done with the sole purpose of improving the researcher's interview techniques.

Traditional leaders were interviewed in the royal households. Conducting research in a royal household is different from conducting research in any setting, be it rural or urban. This is because there are protocols to be observed in the royal household which are different from those that may be observed in different settings. One of the protocols to be observed in royal household is that a researcher does not go straight to the headman or a chief but must go to someone first who will then lead the researcher to the headman or a chief, as it is a sign of courtesy to follow that protocol and not to appear disrespectful. Following this protocol warranted me to budget more time to spend when interviewing traditional leaders. This made data collection with the

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traditional leaders take a longer time than the one taken with other categories of participants, such as community members and municipal officials. It also necessitated me to learn more about all the protocols involved when visiting traditional leadership/royal households. Although, a lot of time was spent on these necessities, the bright side is that I am now familiar with the many protocols to be observed when visiting royal households. It is important to note that because I took time to familiarise myself with these protocols, his interactions with the traditional leaders were successful.

In addition, there are certain standards of behaviours that are intrinsic to the royal households and these also relate to the culture of the people under that specific royal household. For example, I was told when making an appointment to interview one of the several headsmen, that he should not come wearing short trousers, but long ones as it would be disrespectful to appear before a traditional leader and interview them wearing such attire, and that the traditional leader will not talk to him if he come wearing such. Another protocol I was made aware of was, "*muthu ha yi phanḓa ha ndau a songo fara tshikuni*", this is a Vhavenḓa saying that means that you cannot go to the headman, chief and a king without carrying anything. It implies that one must have "*Nduvho*" when going to see the traditional leader, and this could be in the form of money or anything one may have to offer to the traditional leader; researchers are not exempted from these protocols. Since seven traditional leaders were interviewed for this study, it meant that I had to allocate a budget specifically to ensure that he observe this protocol. Western research methodologies are known for discouraging researchers from offering gifts to participants or to be seen as buying information for research purposes, however, this protocol is common to Vhavenḓa people where the research took place and is viewed as a cultural practice and it should be taken as such.

In addition, when you get to where the traditional leader is seated or when the traditional leader gets to where you are seated you are expected to "*U luvha*" which is praise the traditional leader uttering words and sayings that are familiar to the specific culture and language of that traditional leader. Failure to observe these protocols may result in the traditional leader being not willing to have a conversation with you as the interpretation will be saying that you are disrespectful to the traditional leader. On the

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other hand, some traditional leaders may understand that you do not know the protocols and decide to teach you, but it very rare that happens.

It was of the uttermost importance to observe all these protocols because all the interviews with the traditional leaders were conducted in the royal households. I had to demonstrate the highest level of respect when talking to the traditional leaders. This was demonstrated in the way I was dressed, the way I talked and even the body language had to communicate total respect.

One of the challenges experienced in the study was securing appointments and finding suitable environment for the interviews. Some of the traditional leader appeared to be very busy and some of the appointments were cancelled on more than one occasion, hence, the data collection was done over three months, including both focused-group discussions and interviews. As I struggled to secure appointments with traditional leaders due to their busy schedule, I had to constantly revise my data collection schedules and plans. What was also frustrating was that some of the appointments were cancelled in the last hour and it affected other interview schedules, therefore, I had no choice but to operate a more flexible schedule.

In some instances, it was difficult to find a suitable environment for the interviews as most of the interviews with the traditional leaders were conducted in the royal households. Sometimes the environment was not conducive as there were many people and I had to find a corner or go to another venue which had time implications. I survived by negotiating time and place for the interviews and this made the data collection very slow and they took double the time that was budgeted for them.

Another challenge was in recording the interviews. All interviews were recorded using a digital voice recorder and my Samsung smartphone. The reason for using both instruments emanated from the pilot interviews that I conducted prior to actual data collection for the study. It was during one of the pilot interviews where I realised that the sound recorder was very low in terms of its volume and I struggled to hear what I had recorded from that interview. On some occasions I could not hear anything from the digital voice recorder and the backup recording device assisted me a lot. I used a

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digital voice recording as the backup recording device, because I did not want to rely solely on field notes as a lot of data could be lost in the process of writing the notes.

- **Unstructured one-on-one interviews**

According to De Vos, Strydom, Fouche and Delport (2011), an unstructured one-on-one interview, also sometimes referred to as an in-depth interview, merely extend and formalise conversations. I chose this kind of data collection tool for this study mainly because I wanted to obtain in-depth information about the relationship between traditional leadership and local government with regard to land allocation in the Thulamela local municipality. These interviews involved the nature of interaction between local government and traditional leadership and how this interaction affects the lives of the people they both seek to serve, particularly, on land allocation issues. The unstructured one-on-one interview is also referred to as a 'conversation with purpose'. The purpose was not to get answers to questions, nor to test hypotheses and not to 'evaluate' in the usual sense of the term, however, at the root of the unstructured interviewing is an interest in understanding the experiences of other people and the meaning they make of that experience. This kind of data collection tool is focused, discursive and it allowed me and participants to explore the relational issues between the Thulamela local municipality and traditional leadership, particularly, on land allocation (Collins, 1998).

In this context, I wanted to capture the participants' perspectives on the process of land allocation and the nature of interaction between local government and traditional leadership and how this interaction affects the lives of the people they both seek to serve, particularly on land- related issues, and not that of myself (Marshall and Rossman, 1995). I used this data-collection tool to gather information from traditional leaders, ward councillors and those who work with land registration and allocation in both institutions.

- **Focused-group Discussion**

Focused-Group discussion (FGD) is a method of data collection which originated in the work of the Bureau of Applied Social Research at Columbia University, in the 1940s. This method is frequently used to collect in-depth qualitative data in various descriptive studies, such as case studies, phenomenological and naturalistic studies).

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The main goal of FGDs is to provide an opportunity for the participants to talk to one another about a specific area of study; the facilitator is there to guide the discussion (Silverman, 2013). An FGD is a group interview of approximately seven to eleven people who share similar characteristics or common interests. A facilitator guides the group based on a predetermined set of topics. The facilitator creates an environment that encourages participants to share their perceptions and points of view. Just like in each interview, I facilitated the FGD I seared by introducing myself to the participants and indicated to them the reason for conducting such a focused discussion.

This method was used in this study because I wanted to get an in-depth understanding of the interactions between traditional leadership and local government regarding land allocation and about how these interactions affect the livelihood of poor communities in the Thulamela local municipality. In the first FGD only traditional leaders participated, in the second FGD only community members participated, meaning that two FGDs were conducted. In Tshivenḓa we say "*Vhuhosi a vhu weli mulambo*". The English translation for this is that a traditional leader cannot be called a traditional leader outside their jurisdiction. This implies that once a traditional leader crosses the borders of where he/she rules he/she is not regarded as a traditional leader because he/she cannot perform his/her official duties in areas that are ruled by other traditional leaders.

It would have been extremely difficult, if not impossible, to conduct a FGDs with traditional leaders as participants within the Vhavenḓa cultural practices. It was only possible through the organisation called *Dzomo la Mupo*, which often invites traditional leaders to gather in one place and discuss bio-diversity and its protection issues. I pleaded with leaders of this organisation to ask traditional leaders who attends such meetings for an opportunity to discuss relational issues between traditional leaders and local government on land allocation issues. His request was granted, and he was told the date and time for the next meeting; he was told that he would only be able to have FGDs with traditional leaders after the main activity which was a *Dzomo ḽa Mupo* meeting for biodiversity protection in local communities. When he arrived, the meeting was still in progress as he made it a point that he arrives early. When he got to the place for the discussions, he discovered that there were 10 traditional leaders.

My first act was to get the royal house "*nda luvha*" and introduced myself and my research assistant. I told them the purpose of the meeting, the topic of my study and what I want to achieve at the end. After making sure that they understood why I was there and what was expected of them, I then ask them if there were traditional leaders who were leading communities outside the jurisdiction of the Thulamela local municipality and I found that there were three; I then requested leaders of *Dzomo ḽa Mupo* to assist me in explaining why these three could not form part of the discussion and fortunately those three understood and left, hence, only 7 traditional leaders participated in that FGD.

Participants who were targeted for this data collection method were traditional leaders. The focus group became very apptopriate because it allowed for the collection of a lot of relevant information for the study in a very short space of time. I, therefore, gained an in-depth understanding about the views of the different traditional leaders regarding the interaction of local government and traditional leadership on land allocation issues.

In terms of recording the data, I again used a voice recorder for which I first requested permission to use, from the participants to which all the participants agreed. This was because of the necessity and the advantages of recording interviews for research purposes that I was taking as the participants were busy discussing. I had one research assistant who was busy recording the discussions using a video recorder while discussions took place. All these was done to capture everything the respondents had to say with regard to the relationship between traditional leadership and local government on land allocation issues. It was these field notes and voice recordings that were analysed to arrive at the findings and conclusion.

The challenge which was encountered was with the second FGD involving only community members, as it was almost impossible to arrange this. This was because to get one date and time that suited everyone in the group was a very difficult task and it took a whole month just to arrange a place and time that everyone in the group agreed upon. The fact that there were two FGDs meant that another month had to be spent doing the same thing for the other group.

In addition, conducting an FGD of 7 people was not an easy thing to do. This was because some participants wanted to dominate the others; others wanted to suppress and reject other's views. These difficulties were experienced in both FGDs. As the facilitator together with my research assistant we had to be creative, strict, and sometimes rigid so that everyone got a chance to air their views in these discussions. Through negotiations and flexibility, I managed to pull it through, and all the challenges were sorted, and two focus groups discussions were successfully conducted for data collection purposes.

3.11. Data analysis

In this study, data was analysed using thematic data analysis approach. Data collected from all interviews and focus group discussion was arranged, planned and speculated on, in order to develop meaning from them. I identified themes that emerged from the data and used the themes for analysing purposes. According to Namey *et al.,* (2008), thematic data analysis goes beyond counting explicit words or phrases and focuses on identifying and describing both implicit and explicit ideas. Ryan and Barnard (2011), offer that one of the most essential tasks in qualitative research is theme identification. Thematic analysis was used in this study because of its capability of detecting and identifying factors or variables that influence any issue generated by the participants. This was done because for any qualitative research to be up to standard, there is a need to draw interpretation in a manner that is consistent with the collected data (Alhojailan, 2012). Creswell (2013), talks about 6 steps that a researcher takes to provide a descriptive process of deriving themes from collected data and these steps that are as follows:

Step 1: Familiarising themself with data

At this stage I was familiarizing myself with the data collected through listening to the voice recordings of the interviews and FGDs. During the process, the researcher also engaged with the data by transcribing some of the voice recording, but other recordings were given to a transcriber for assistance, however, the data that the researcher did not transcribe personally, were read through thoroughly in a bid to familiarize myself with all the data that was collected for the purpose of this study. All

the data that was collected for this study was transcribed as this was a broad and an explorative study.

Step 2: Data coding in order to describe the content

During this stage, I coded the data based on what I deemed as relevant and interesting issues emanating from the data collected. I used the codes, *conflicting* and *cooperating*, because I was looking at the relationship between traditional leadership and local government on land allocation with a specific reference to the Thulamela local municipality. My interest was in understanding this relationship in its broadest form as to whether elements of cooperation as well as elements of conflicts between these two centres of power, exists.

Step 3: Identification of themes from codes across the data

At this stage, I looked at all the codes that were generated from the data and developed broader themes from them. This is where I got interesting and relevant themes about the nature of the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality. Data that after interpretation and analysis suggested that the relationship was characterised by conflict were group together and sub-themes emerged from that data to explain factors that are leading to conflict within this relationship. Again, data that suggested that there are elements of cooperation were also grouped together and thematised were even sub-themes emerged to support how the relationship had elements of cooperation.

Step 4: Reviewing of all the themes

This is the stage where I started to review my themes and sub-themes to make sure that I captured the right themes and sub-themes. Another reason for doing that was to see if there are still more themes and sub-themes that might emerge from the data. I also wanted to check for any contradictions and overlapping of themes so that the problem can be addressed before the data is presented in the form of report. In the process of reviewing the themes I found out that there was one theme that was too broad and had to split it into two themes, but in the process also making sure that my themes are not too many. In addition, I kept reviewing the themes until I was satisfied that all the data I had collected had been transcribe, coded and that themes that emerged from the data were coherent and distinctive.

Step 5: Define and name themes

During this stage I made descriptions of all the themes and sub-themes that had emanated from the data collected for the purpose of this study. I then named all the themes using descriptive and engaging names. The naming was descriptive and engaging because the theme was not only described but I also indicated what was interesting about that theme and sub-theme. In the process of describing themes, I identified the story that the theme was telling in relation to other themes, as well as the overall research question.

Step 6: Producing a report

Finally, this is the stage in which I was writing my research report during which I made sure that there is enough information about my research project and the process of conducting this research. This included the process of data collection and analysis. Themes were used to write the research report and quotations from the participants were used in a bid to demonstrate how I arrived at the findings of the study.

3.12. Measures to ensure trustworthiness

According to Lincoln and Guba (1995), trustworthiness of a research study entails measure that must be employed in a bid to ensure that the findings of the study are worthwhile. In addition, Polit and Beck (2010), indicate that trustworthiness denotes the level of confidence qualitative researchers have in their data analysed. Measures that I took to ensure that the study is trustworthy include credibility, dependability, confirmability and authenticity.

Credibility

In order to ensure credibility in this study's findings I deliberately prolonged engagement in the field. I made sure that data collection was not rushed, but that the process took sufficient amount of time. This was done to make sure that the information that I recorded or heard is exactly what the participants were saying. Shenton (2003), states that credibility is mainly concerned with the confidence that the researcher has in the 'truth' of study findings. Guba and Lincoln (2002), agree that ensuring credibility is one of the most important factors in establishing trustworthiness. In addition, in this study, I used member checking to establish credibility of the study

findings. I revisited my participants to provide feedback to them based on the information they gave during data collection. I did this in order to confirm if I wrote what they had told him correctly. All the participants confirmed that indeed what was written was a true representation on their views. I also gave a detailed description of the area in which the study was conducted which is the Thulamela local municipality. The reason for doing this was to convey the actual area, situation and context surrounding the issue being investigated in order to promote the credibility of this study, and this detailed description was furnished in the study area section of this chapter.

Dependability

Dependability is about establishing that the study could be repeated by other researchers and that the findings would be consistent. In other words, it is about the extent to which other researchers can replicate the study and arrive at similar findings and conclusions (Tobin and Begley, 2004). I am confident that if a person wanted to replicate the study, they would arrive at the same conclusions and findings. This is mainly because I have provided enough information in this research report on the entire research process as data collection and analysis are detailed and clearly explained. In addition, I made sure that sufficient reasons for all the choices made in this study, including the theoretical and methodological choices. My promoters served as checks as they reviewed and examined the entire research process in order to make sure the findings are consistent and can be replicated.

Confirmability

According to Tobin and Begley (2004), confirmability is the degree of neutrality in the research study's findings. Meaning that confirmability has to do with establishing that a researcher's findings are derived by from the data and not from any potential bias or personal motivations of the researcher. In this study some steps were taken to ensure that the study findings resulted from the experiences and ideas of participants, rather than the characteristics and preferences of the researcher. I used two data collection methods and three categories of participants as a way of making sure that data came in different forms and from different people as the study was explorative in nature. Guba and Lincoln (1989), suggest that for confirmability to be established other measures of ensuring trustworthiness of the study such as credibility, and dependability must be achieved. To establish confirmability, I made sure that an

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exploratory approach was used to prevent any biases that could have skewed the interpretation of what the research participants said, to fit my narrative. I also made sure that this research report provided an audit trail of all steps taken to collect and analyse data in order to provide a rationale for the decisions made.

3.13. Ethical considerations

Research ethics deals with how researchers treat those who participate in their studies and how they handle the data after collecting (Vanderstoep and Johnston, 2009). All individuals who participate in this research were treated with fairness and respect. Furthermore, the research results will be made available and be freely accessed at the University of Venḓa library when the study was completed. I made it a point that he acted responsibly to all sponsors of this study by adhering to all the requirements, as per the agreement. All the sources of information that were used in this study were duly acknowledged to avoid plagiarism.

This section discusses ethical aspects, such as informed consent, avoidance of harm, anonymity/ privacy/ confidentiality, cooperation with contributors and sponsors as well as debriefing.

3.13.1. Informed Consent

I made sure that all the participants in the study signed an informed consent form, which indicates that I respect the rights of the participants to know that they are part of that study. This implies that I communicated all the details of the study including potential risks and any potential cost of withdrawal to the participants (Vanderstoep and Johnston, 2009). For the participants to be involved freely in a research study, they should be made aware of all the appropriate information about the study. Participants were encouraged to participate on voluntary bases, meaning that they were not forced or paid to participate in the study. In addition, participants were made aware of their rights and freedom to either decline or withdraw from participating in the study at any time they so wish. Babbie (2007), argues that informed consent could be regarded as a norm in the field of research; participants base their voluntary participation in the study on the full understanding of the possible risks associated with the research project.

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Informed consent was observed in this study for the purpose of seeking an agreement with the participants on whether to take part in the study or not. I explained to the participants that the participation required of then was in the form of interviews and FGDs. I only explained the interview process including the time required for such interviews to those who were to be interviewed. The consent form can be accesses as it has been attached as Appendix B in this document. On the other hand, I explained the procedure of FGDs to those that were to participate in such discussions. I also explained that the nature of this study does not involve any risks known to me and at any time that participants feel like they are faced with any kind of risk they are allowed to withdraw from participating in this study. In addition, I explained to the participants that there are no benefits of any kind, apart from gaining knowledge from other participants especially for those who were to participate in FGDs.

3.13.2. Avoidance of Harm

Babbie (2007), argues that the fundamental ethical norm of social research is that the research must bring minimal or no harm to participants and the environment, and although physical injuries cannot be faced out in social inquiries, it is widely accepted that harm to respondents in social researches could be mainly emotional. Cresswell (2003), indicates that the researcher has an ethical obligation to protect participants within all possible reasonable limits, from all form of physical and emotional discomfort that may emerge from the research project. It is within this context that I took measures to ensure that all participants are protected from both physical and emotional harm possible during the duration of the study. I, where possible avoided personal, confidential and confrontational questions that could expose participants to any kind of discomfort. Furthermore, the researcher conducted both the interviews and FGDs, with the participants in an environment that promoted safety for both the researcher and the participants. I was very fortunate in this regard because most of the interviews took place in tribal offices, municipal offices and community halls. The tribal councils are very secured and well-respected places were possibilities of being mugged or harmed in any possible way are close to zero/none. Municipal offices are very secured as there were security guards around the premises every time, interviews with municipal officials who work with land issues were conducted. The community halls where both FGDs were conducted were very safe and conducive for such discussions

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to take place and no harm of any kind was experienced by myself and the participants in the entire data collection processes.

3.13.3. Anonymity/ Privacy/ Confidentiality

Privacy, in its most basic meaning, is to keep to oneself that which is normally not intended for others to observe or analyse. Every individual has a right to privacy, and it remain his/her right to choose how, when, where, to whom and to what extent his/her attitudes, beliefs and behaviours will be revealed. The principle of privacy could be easily violated, and this can happen in many ways than one. It is therefore, necessary for researchers to be constantly reminded of the importance of safe-guarding the privacy and identity of respondents, and to also act with the required sensitivity with regard to the privacy of participants (Yegidis and Weinbach, 1996). In view of this requirement, I avoided mentioning the names of the participants and used a pseudo-names system to be able to associate the views with the relevant participant. For example, for everyone who participated in this study, I used pseudo-names, instead of revealing the names of the participants. Participants were not told of their pseudonyms, to maintain anonymity, privacy and confidentiality, especially.

In addition, I also indicated to respondents that there will be no disclosure of information to third parties and that their names will remain anonymous if they so wish. Furthermore, none of the respondents felt that the usage of cell phone and voice recorder violated their privacy, as a result these instruments were used during the data collection processes. All these measures were adopted to try and avoid invasion of the privacy of the respondents and to observe anonymity such that they were comfortable and willing to share the information with the researcher.

3.13.4. Cooperation with contributors and sponsors

Contributors are normally the colleagues and students who participated in a research project, whether as equal partners who may also be named as authors, or those individuals who only contributed towards entry into the research field, or who assisted in data collection, and who may only be acknowledged in the publication. On the other hand, sponsors are organisations or individuals who assisted the research process financially. Monette *et al.,* (2005) maintain that every individual who took part in the

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research process should be included in a properly-written agreement between the parties involved. In this study there are individuals who assisted in data collection as research assistants, data analysts, peer reviewers and those organisations or institutions that assisted the research process financially. All these people and institutions are duly acknowledged and all the responsibilities to them were adequately adhered to, therefore, I cooperated well with all the contributors and sponsors of this research study.

3.13.5. Debriefing

Debriefing of participants takes place at the conclusion of the study, and it involves revealing the purposes of the research. It should be done as soon as possible after completion of the study, preferably immediately after participation. It is important to provide a written debriefing tool so that participants leave the research experience with a tangible description of the activities they just performed (Vanderstoep and Johnston, 2009).

Debriefing serves two main purposes. First, it clears the air about the rationale of the study; participants can hear, in the researcher's own words, why he/she conducted the study. Secondly, it can educate participants about the topic at hand, thereby increasing the community's collective knowledge about the issue. It is for these reasons that I tried all means necessary to debrief all participants after the completion of the study and they will be made aware during the interviews that arrangements will be made as soon as the study is completed for this process to unfold.

3.14. Chapter Summary

The chapter discussed the data collection processes and procedures employed by my self as a researcher in this study. In addition, I discussed the rationale for following such procedures and processes and how they are best suited for the study. This implies that the chapter covered discussions on qualitative research approach indicating reasons for choosing qualitative research method as opposed to quantitative and mixed-method approach. The chapter also outlined qualitative case study design adopted for the study and indicated that both descriptive and explorative qualitative research designs were used in this study. A description of the Thulamela local

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municipality as a study area was fully provided. This chapter gives detail about traditional leaders who work closely with the municipality, municipal officials who work on land issues and community members who possess knowledge and understanding on land issues as the population of this study. In addition, the chapter explained the usage of purposive and snowball sampling methods to select participants for this study. Lastly, the chapter discussed all ethical considerations observed, how and why they were observed.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS, AND INTERPRETATION

4.1.   Introduction

This chapter presents the data, its analysis and interpretation. 27 participants were interviewed of which 14 were traditional leaders, 3 were municipal officials who work on land allocation issues, and 10 community members. The diversity of participants was informed by the type of data needed for the study. All these categories of participants were asked questions that sought to solicit their views and experiences about the relationship between traditional leaders and the Thulamela local municipality with regard to land allocation. They were all also asked questions to bring out their views on guidelines to improve the relationship between these two centres of power in the Thulamela area, regarding land allocation.

Of the 27 participants, 14 of them were involved in two separate FGDs of 7 people each, and the other 13 were interviewed face-to-face. 7 traditional leaders participated through a FGD, and 7 traditional leaders were face-to-face interviewed. the Thulamela local municipality officials who work with land issues were interviewed for data collection purposes. I used pseudonyms instead of mentioning the real names of participants. This is done for the purpose of protecting the identities of the participants because they did not want their identities to be revealed.

The age of participants differed significantly as there were elderly traditional leaders, and community members who participated in the study. There were also traditional leaders, community members and municipal officials who were young. The, educational level of the participants differed significantly; some were highly educated and holding different positions at their workplaces and within the society in which they live. On the other hand, there were those whose educational level was very low, and some did not have any formal schooling at all. One of the purposes of mixing the different generations was to solicit different perspectives and understandings of issues in order to gather more and diverse information. Another reason was to foster intergenerational learning, because in FGDs both the old and the young participated. The educational differences were important in that I was able to collect data from diverse group of people and this made the information collected rich and more relevant

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to the study. This diversification of participants in all its respect was done to solicit diverse views and experiences on this matter. Data collected from all these diverse groups of participants were to answer the following research questions:

- How do local government and traditional authority in the Thulamela local municipality relate on land allocation?
- What is the process of land allocation in the Thulamela local municipality?
- What guidelines can improve the relationship between traditional leadership and local government?

4.2. Interview participants

This section outlines the biographies of all the people who participated in this study. I first outlined the biographies of all the traditional leaders, followed by the community members, and then officials of the Thulamela local municipality who work on land issues.

Traditional leaders

1. **Khosi Vho Gandamipfha** is the traditional leader in one of the villages in the Thulamela local municipality. He has been a traditional leader for more than 25 years, and he is an elderly person.
2. **Khosi Vho Gabara** is one of the traditional leaders in the Thulamela local municipality who is in his early 30s.
3. **Khosi Vho Lusunzi** is a traditional leader in one of the urban areas in Thulamela.
4. **Khosi Vho Mashudu** is a traditional leader who is still young, and he is well educated.
5. **Khosi Vho Mbaḓo** is a regent in one of the villages in the Thulamela local municipality.
6. **Khosi Vho Mmbulaheni** is a traditional leader and a history teacher in one of the primary schools in the Thulamela local municipality.
7. **Khosi Vho Mukumba** is an elderly traditional leader who never went to a formal school but received traditional and leadership training before ascending to the throne.

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8. **Khosi Vho Madala** is a 70 years old traditional leader in one of the villages in the Thulamela local municipality.

9. **Thovhele Vho Muri** is one of the chiefs in the Thulamela local municipality.

10. **Khosi Vho Ndiafhi** is a traditional leader who is 40 years old.

11. **Khosi Vho Rasivhetshela** a 50 years old traditional leader in one of the proclaimed areas in the Thulamela local municipality.

12. **Khosi Vho Rembuluwani** is a traditional leader who is 54 years and leads one of the urban communities in the Thulamela local municipality.

13. **Khosi Vho Rudzani** is a traditional leader in one of the rural villages who is 37 years old.

14. **Khosi Vho Tshavhungwe** is one of the few female traditional leaders in the Thulamela local municipality.

Profiles of Community members who participated in the study

1. **Vho Alidzuli** is a 63 year old female pensioner who owns a large piece of land in one of the areas in the Thulamela local municipality. She has stayed in the Thulamela local municipality area her whole life. The land she is using is not yet registered in her name.

2. **Aluwani** is a young entrepreneur who is a commercial farmer and struggling to access more land to expand her business. She has also resided in the Thulamela local municipality area for her whole life.

3. **Vho Elisa** is an elderly lady who is 65 years old and was an educator at one of the secondary schools in one of the villages in the Thulamela local municipality area. Her area of specialisation is History, particularly the pre-colonial, colonial and post-colonial history of South Africa.

4. **Fhumulani** is a young lady who is unemployed and a mother of two who is living with her two children in an RDP house in one of the villages in the Thulamela local municipality. The land that her mother used to produce maizemeal for their sustainability was given to someone who used it to build his lodge business.

5. **Lufuno** is a young man who is known in the community for his great advocacy of traditional way of life including traditional leadership. He is a dentist by profession but very vocal and protective of traditional leadership institution. He is grounded in African values and customs.

6. **Vho Muravha** is an elder who has stayed in his village for more than 50 years and very knowledgeable on land issues in the Thulamela local municipality and beyond. She is very knowledgeable abound land occupation in the whole of the Vhembe District and Thulamela falls within the jurisdiction of the Vhembe District

7. **Nditsheni** is a young polititian and an active member of one of the youth wings of the political organisation in South Africa. This participant is known in the political circles to be an advocate and promoter of democratic principles in the Vhembe region and in the country. Nditsheni resides in the Thulamela local municipality.

8. **Rofhiwa** is a 25 year old student in one of the universities in South Africa studying Political Science, focusing on local government issues.

9. **Tshilidzi** is an adult who has no post-matric qualification but is a business person who specialises in poultry farming ,and he is struggling to access land for his business due to lack of money to purchase the land.

10. **Vho Tshinakaho** is a lecturer in one of the universities in South Africa but comes from one of the villages in the Thulamela local municipality. He has researched and taught on land issues for a number of years.

The Thulamela local municipality officials

1. **Vho Danda** Is one of the officials who works with land registration and allocation in the Thulamela local municipality. He has been doing this job for 10 years.

2. **Vho Makatu** works at one of the offices that deals with land in the Thulamela local municipality.

3. **Vho Rosina** is an assistant to Vho Danda.

Table 4.1:   Pseudonyms of Participants for the focus group

Traditional leaders	Community members
1.Khosi Vho Gandamipfha	1. Aluwani
2.Khosi Vho Gabara	2. Fhumulani
3.Khosi Vho Lusunzi	3. Vho Muravha
4.Khosi Vho Mashudu	4. Vho Elisa
5.Khosi Vho Mmbulungeni	5. Lufuno
6.Khosi VhoMukumba	6. Rofhiwa
7.Khosi Vho Madala	7. Nnditsheni

Table 4.1 shows the pseudonyms for both traditional leaders and community members who participated in FGDs that were conducted for data collection purposes.

Table 4.2: Pseudonyms for the interviewees

Traditional leaders	Community members	Municipal officials
1.Khosi Vho Mbaḓo	1. Vho Alidzuli	1. Vho Danda
2.Khosi Vho Muri	2. Tshilidzi	2. Vho Makatu
3.Khosi Vho Ndiafhi	3. Vho Tshinakaho	3. Vho Rosina
4.Khosi Vho Rasivhetshela		
5.Khosi Vho Rembuluwani		
6.Khosi Vho Rudzani		
7.Khosi Vho Tshavhungwe		

Table 4.2 presents the pseudonyms for participants who were interviewed for data collection purposes for this study. These tables assisted me to succinctly present the views of the participants without mixing them up.

After collection, data was transcribed and analysed after which two main themes and many sub-themes emerged. Two themes that emerged are: the nature of the relations, and guidelines to improve the relationship between traditional leaders and local government on land allocation. These themes and sub-themes were used to guide data presentation, analysis and interpretation in this chapter. The table below shows he themes and sub-themes that emerged from the data collected.

Table 4.3: Emerging themes and subthemes from the data collected

Themes	Sub-themes	Sub-sub-themes
The nature of the relationship	Conflictual	i. Greediness of traditional leaders ii. Traditional leaders lacking respect for municipality iii. Undermining the role of traditional leadership structure iv. Headmen lacking respect for chiefs v. Land ownership and proclamation vi. Development versus nature conversation vii. Lack of role clarification viii. Lack of education and training
	Complementary	(a) Land allocation related service delivery (b) Established system of land allocation between the two structures (c) Traditional nduvho vs municipal tjotjo
Guideline to improve the relations	1. Communication between the two centres of power 2. One stop shop 3. Regulating land allocation 4. Encouraging both institutions share ownership of land 5. Land allocation dialogue 6. Education and Training 7. Clarification of roles	

The first section explores the nature of the relationship between traditional leadership and local government on land allocations in the Thulamela local municipality. The second explores land allocation processes in the Thulamela local municipality. The third and the last section identify guidelines to improve the relationship between traditional leadership and local government in the Thulamela local municipality regarding land allocation. These sections are based on the research questions of the study: the first section answers the first research question; the second section answers the second research question, and the third section addresses the third research question.

4.3. The nature of the relationship

This section presents, interprets and analyses data that was collected on the research question: *How do local government and traditional authority in the Thulamela local municipality interrelate on land allocation?* The study revealed that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is characterised by more conflict than complementary. The majority of the participants view this relationship as one of the unhealthiest relations they have ever witnessed between institutions of leadership. Participants gave various reasons to support their views and all those views are presented and discussed below through the use of sub-sub-topics, namely: Development versus nature conservation, Greed, Land ownership and proclamation, Corrupt tendencies, Traditional leaders lacking respect for municipality, Headmen lacking respect for chiefs, Undermining the role of traditional leadership structure, Lack of role clarification, Lack of education and training, Land-allocation-related service delivery, Established system of land allocation between the two structures and Traditional *nduvho* vs municipal *tjotjo*. The following is what traditional leaders, municipal official and community members said:

Khosi Vho Gandamipfha said:

> "*Nṋe ndi vhona vhushaka ha mahosi na masipala vhu nga nḓila mbili. Tsha u thoma ndi vhona hu si havhuḓi ho ḓala u ṅwayana vhukati havho. Ndi ḓivha vho na mbuno dzanga dzine ndi ḓo dzi amba nga murahu. Fhedziha a si uri a si havhuḓi kha zwoṱhe hu na hune nda ḓi vhona vhu tshi nga hu na tshumisano yavhuḓi khavho siani ḽeneḽi ḽa u kovha mavu*".

"I see the nature of the relationship between the traditional leadership and the municipality in two ways. First, I can say that the relationship is not good because it is characterised by conflict. I say this with reasons that I will reveal later in the interview. On the other hand, the relationship between these two centres of power is not all that bad because I see sometimes, they work harmoniously together on the land allocation issues".

Khosi Vho Lusunzi mentioned that:

"Hovhu vhushaka ha mahosi na masipala siani ḽa mavu naho huṅwe hu tshi vhonala hu havhuḓi, ho ḓala phambano na u kokodzela dubo na u nyadzana kha havha vhathu".

"The nature of the relationship is that, although there are elements of good relations, the relationship is also full of both undermining each other, them being not on the same page".

Municipal official Vho Makatu indicated that:

"Naho tshumisano vhukati ha masipala na mahosi i tshi ḓi vha hone fhedzi nṋe ndi vhona khuḓano dzo ḓalesa vhukati ha hezwi zwiimiswa zwivhili zwa vhurangaphanḓa nga maanḓa hanefha Thulamela".

"Although there is good working relations between traditional leaders and the municipality, I also see a lot of conflict between these two institutions of leadership especially here in Thulamela Local Municipality".

A community member Aluwani added:

"Ri tshi amba nga vhushaka vhufhio na vhufhio ri vha ri tshi khou amba nga tshithu tshi konḓaho vhukuma. A zwi konadzei uri kha vhushaka hu sa vhe na khuḓano, fhediha kha hovhu vhushaka ha masipala na mahosi kha sia ḽa u avhela vhadzulapo mavu hunga khuḓano ndi dzone dzo ḓalesaho. Zwiṅwe zwithu ri songo shavha u zwi amba, mahosi a vhusa nge a vha a malofha makene ngeno kha masipala hu tshi tea u vha na khetho uri masipala u vhusiwe nga ḽihoro ḽigede tshiṅwe tshifhinga ḽihoro iḽo ḽi tshi kombetshedzea u shuma na maṅwe mahoro zwi tshi bva kha mvelelo dza khetho dzenedzo. Zwino mahosi a ri vhurangaphanḓa ha masipala vhu a ḓa ha fhira riṋe ri tshi kha ḓi rangaphanḓa tshitshavha na uri masipala o wana riṋe ri hone, ngeno

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masipala a tshi ri riṋe ro tou khethiwa nga vhadzulapo uri ri vhuse. Izwi ndi zwine zwa medza khuḓano vhukati ha hezwi zwiimiswa zwivhili ngauri zwoṱhe zwi ṱoḓa u vha zwone zwi langaho mavu na ku avhelwe kwa mavu kha vhadzulapo".

"When we talk about the relationship of any kind, we are talking about something that is difficult and complex in its nature. It is almost impossible for conflicts not to emerge in a relationship, but it appears like the relationship between the traditional leadership and local government on land allocation is characterised by more conflicts. We should not shy away from stating facts, traditional leaders are leading by virtue of being from a certain family (through blood line) whereas in local government there must be elections in order to determine which political party must lead the municipality and sometimes parties are forced to share their powers and lead together depending on the outcome of the elections. So, now the traditional leaders say the leadership of the municipality comes and go and we remain because we are not elected by anyone to lead and that the municipality was introduced while we were already there as traditional leaders. These are some of the things that provide a conducive environment for conflicts to emerge between these two centres of power, and most importantly because both institutions want to control land and the allocation of it".

A community member, Vho Muravha said:

"Mavu ri tshi sedza fhano Afrika Tshipembe o no vha tshithu tshi konḓaho nga maanḓa u tshi wana zwi tshi bva kha ḓivhazwakale yashu ya vhukoloni na khethululo. Afrika Tshipembe ndi ḽiṅwe ḽa mashango ane mavu a kho ḓura nga maanḓa. Izwi zwiitisa uri mahosi na masipala vha vhone mavu sa nḓila ya tsinisa ine vha nga wana mbuelo nga khao. Zwenezwo zwi ita uri mahosi na masipala vha sa anḓane ngauri mbuelo nga kha mavu i waniwa nga uyo ano a langa, ndi ngazwo vhoṱhe vha tshi lwela u langa mavu hafha Thulamela".

"Land is a scares resource in South Africa because of our colonial and apartheid history. South Africa is one of the countries where land is very expensive. This makes both the traditional leadership and the municipality to look at land as a resource that they can generate wealth from. At the end of the day the municipality must sustain itself through income generation and not rely on government subsidies. It makes the traditional leadership and the municipality to be at loggerheads because for money to be made from the land control over it have to be achieved first and it is for these reasons that they both want to control the land in Thulamela Local Municipality".

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Participants indicated that the relationship between traditional leadership and local government was conflictual due to reasons, such as: Greediness of traditional leaders, Corrupt tendencies, Traditional leaders lacking respect for municipality, Undermining the role of traditional leadership structure, Headmen lacking respect for chiefs, Land ownership and proclamation, Development versus nature conservation, Lack of role clarification and Lack of education and training. Participants also viewed the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality as complementary in aspects, such as, land-allocation-related service delivery, established system of land allocation between the two structures and traditional *nduvho* versus municipal *tjotjo*. It emerged from the data that participants view the relationship between these two centres of power regarding land allocation as more conflictual than complementary.

What is interesting about the shared views of the participants from the FGDs is that both traditional leaders and the local government view land as a resource. It is this consideration that makes the traditional leaders and the local government to fight for the control of this resource such that they can generate wealth and income from it and, although the point can be disputed, the fact is that land is a scare resource in South Africa particularly among black South Africans. Bunting (2016), highlights that conflicts over control of scares resource are unavoidable, but they can be easily solved, therefore, it becomes understandable that traditional leadership and local government are bound to have conflict over control of land as a resource. In each and every relationship conflicts are bound to be experienced. What is surprising and disturbing is that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is both conflictual and complementary, however, I agree with Bunting (2016), in that these conflicts can be reduced or solved. The general views and narrations from the participants on whether the relationship is bad or good are discusses under the two emerged sub-themes - complementary or conflictual relations.

4.3.1. Conflictual relations

The study revealed that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is more conflictual

than complementary. The majority of participants view this relationship as one of the unhealthiest relations they have ever witnessed between institutions of leadership. Perhaps, participants because of the continuous tensions between these two centres of power not just on land allocation but also in other areas of their operations. Participants gave various reasons to support their views and all those views are presented and discussed below through the use of sub-sub-topics that largely deal with the contributing factors for conflictual relations, namely: Greediness of traditional leaders, Corrupt tendencies, Traditional leaders lacking respect for municipality, Undermining the role of traditional leadership structure, Headmen lacking respect for chiefs, Land ownership and proclamation, Development versus nature conservation, Lack of role clarification and Lack of education and training. This section also presents, interprets and analyses data from both FGDs and interviews.

4.3.1.1. Greediness of traditional leaders

The majority of community members who participated in this study either through interviews or FGDs raised a concern that some of traditional leaders are greedy. Goodwell, who is a construction worker in Kwazulu Natal, commented, "I like it that we have a king. But he is greedy. He spends money that could be used to help poor people". He further indicated that Nongoma is dotted with the palaces of royal family members. They often include a main building and traditional-style circular buildings with grass roofs, with cattle grazing outside, these palaces are extremely expensive, and the money could be used to improve the lives of poor South African (Tarvainen, 2014). This section, therefore, presents, interprets and analyses the views of participants regarding greediness of traditional leaders as a serious concern that has negative implications on the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality.

A community member, Rofhiwa said:

> "*Maṅwe mahosi vha funesa ya u renga ndi amba tshelede ndi ngazwo vha sa ṱoḓi u ita zwithu nga ngona. U wana madzuloni a uri musi vha saathu u avhela kana u rengisa mavu o dzula madzuloni a uri vha ḓivhaḓze na u wana thendelo ha thovhele vha dovhe vha ye ha masipala vhone a vha yi. Zwi tshi itiswa nga u shavha hone u ṱumbula masheleni maṅwe a ya ha thovhele maṅwe a ya ha masipala. Vha tshi fhedza vha*

dovha vha badelisa vhathu vha fhiraho vhavhili tshitentsi tshithihi nga hone u funesa mali, ende zwo vhifha hezwo zwithu".

"*Some headmen due to their excessive love for money they do not want to follow proper protocols. Instead of seeking permission from or consulting the chief and the municipality before they do land allocation for settlement purposes, they do not do that, and they just allocate on their own. This is because they do not want to share the money with the chief and the municipality. Again, they also take money from three people and show the same place for them to settle, which is very bad*".

A community member, Nnditsheni mentioned that:

"Nga ndila ine mahosi a zwino vha funesa tshelede ngayo na u sa vha na ndavha na vhathu vhavho zwi pfhisa vhutungu. Nne ndi no khou amba ndo dzhielwa tsimu ye nda vha ndi tshi i lima ṅwaha muṅwe na muṅwe ndi tshi wana mugayo khayo. Zwi vhavhaho ndi zwauri ndo dzhielwa tsimu nge muṅwe ramabindu avha o tama hafho fhethu a tshi ri u toda u fhata fhethu ha u dimvumvusa. Ndi he a swika a fha khosi masheleni a si na vhukono a renga fhethu he nne nda vha ndi tshi khou lima hone. Na zwino ndi tshi khou amba huna fhethu ha u edela vhathu na mabambelo hune vhathu vha ya vha tshi ita minyanya yavho hone hafho he nda vha ndi tshi lima hone. Zwi tungufhadzesaho ndi zwauri nne na fhethu huṅwe hune nda tea u lima hone a tho ngo fhiwa ndo sokou fhulufhedziswa uri ndi do fhiwa na zwino ho no fhela miṅwaha mivhili. Ndi tshi ya musanda u vhudzisa uri ndi do fhiwa lini tsimu ya u lima hu sokou pfhi ndi do wana. Ndi tshi khou amba zwino a thina fhethu ha u lima nahone a thi shumi, ndala yo di fha maanda".

"The way in which our traditional leaders love money and care very little if at all about their subjects its painful. I for one lost the piece of land I was producing maizemeal each and every year for me and my family. This was done because one of the business people approached the traditional leader and told him he wants my place for business purposes. The business man gave the traditional leader a lot of money and the land was taken away from me and was given to the said business man. As we speak there is a lodge and swimming pools where people go and hold their parties there. What is very painful is that I was promised that I will be given another place for maize production, but it has been two years now, but no land has been allocated to me. When I try to make follow-up from the traditional leadership all I get as respond is that you will be given land. As I speak to you right now, I am not working, and I do not have land to use for food production and hunger is at its best in my household".

Amongst the participants there were a significant number who indicated that some of the traditional leaders in this municipality love money too much. They are greedy and they want to benefit by selling the land for settlement and business purposes. These leaders do not want to share the money they derive from selling the land as they believe that it is their land. Many of those headmen have a high prescribed rate of "*Nduvho*" for those who want land, especially for business and settlement purposes. In some areas, here in Thulamela the headman charges exorbitant amount of money in the name of "*Nduvho*" for one to get land to be allocated to them.

It was a common knowledge among the participants, especially, the community members that, one stand for settlement purposes is sometimes sold to more than one or two people. These types of headmen are viewed as thinking about themselves and not having the best interest of their people at heart. The majority of them allocate land for settlement without consulting both the chief and the municipality because they do not want to share the revenue gained from selling the land with anyone but their own tribal council. This is because the traditional leaders usually do not allocate land in their own rights, but they use their tribal council to facilitate land allocation processes. It is for these reasons that sometimes people are given land for settlement which is not necessarily conducive for settlement; some are given areas in the wetland, some in extremely rocky areas, some in valleys, just to name a few.

Arguably, people are the ones allowing these types of traditional leaders and their tribal councils to exploit them by demanding too much money and by placing them in areas which are not conducive to settlement. It is also important to note that it is not all people who have the knowledge about wetlands and if one is being given such land in times when there are no heavy rains, one will not know, but the headman and the tribal council would definitely have such information, but would choose to allocate that land for settlement. It is also crucial to acknowledge that land is a scares resource particularly amongst black South Africans and this may be the reason people just accept the exorbitant prices and the areas they are being given. In addition, traditional leaders by virtue of their position they are the protectors and leaders of their communities, hence, whatever they do in their efforts of executing their traditional

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leadership duties, it is assumed, must be in the best interest of their communities and not the opposite.

The tendencies of allocating one stand to two people or more people, result in conflict between residents themselves and between residents and the headman with his/her tribal council. People also lose respect for their traditional leaders, and this leads to people starting to critically look at the role and relevance of traditional leadership in the current democratic era. What is most disturbing is to hear stories of people from whom land was taken and given to the highest bidder just because the owner is poor. Some traditional leaders are believed to have lost interest in their subjects and not to care about their livelihood and sustainability. Some community members are suffering in the hands of the traditional leaders while other who are monied are enjoying life under the same traditional leaders. It appears like money has changed the rules of engagement and/or the role of traditional leadership in this municipality. This is because money has become the language one should speak if he/she is to be allocated land for either settlement, business or sustainable livelihood purposes.

It is extremely disturbing to hear one of the headmen who participated in this study saying:

"*Na Bivhilini zwo ṅwaliwa uri ṱhoho ya tsiwana ndi ya u ḓala buse*".
"*Even in the Bible it is written that the head of a poor person must gather dust*"

The interpretation for this comment is that a poor person must remain poor and must not be afforded opportunities to develop themselves because that is said even in the bible. It is really disheartening to hear such words uttered particularly by the traditional leader who is the head of the village and vested with the responsibility to look after the whole village, including the poor. These actions and attitudes give the modernists a great boast as they advocate for the replacement of traditional attitudes and social institutions with their Western equivalents. Traditional leaders who think and act this way are giving support to advocates of modernisation theory because if and when traditional institutions, like traditional leadership are seen to be not interested in serving their people, they might as well be replaced. "*Khosi ndi khosi nga vhalanda*" This is one of the sayings which translate that a traditional leader cannot exist without their subjects. In other words, a traditional leader must take good care of and have the

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best interest of their subjects at all times. This study argues that although traditional leaders and local government can exist together, traditional leaders who lack interest in serving their people indirectly support those who argue that traditional leadership is not relevant in the current democratic dispensation. It is clearly an indication that some of the traditional leadership do not have the best interest of their people at heart but only those of themselves. It is behaviours like these that lead to local government losing respect and trust for the traditional leaders, and once those aspects are lost the interaction between these two centres of power will be characterised by disrespect and mistrust and it is bound to be conflictual in nature.

4.3.1.2. Traditional leaders lacking respect for the municipality

An overwhelming majority of community members and municipal officials who participated in this study were of the view that some of the traditional leader's lack respect for the municipality and this is one of the factors contributing to conflict in the relationship between traditional leadership and local government on land allocation matter. Below are what participants specifically said.

Municipal official, Vho Danda indicated that:

> "Hu na mavu ane a vha fhasi ha ndago ya masipala, sa musi ḓivhazwakale yashu i tshi ri vhudza uri bantu stands zwo vha zwi hone na mahosi a hone kha u vho vhupo zwi ita uri mahosi a pfhesese uri vha na ndango yo fhelelaho ya ho vho vhupo na kha vhupo ha ḓoroboni zwine zwa vha zwone zwiitisi zwa pfhudzungule na u nyadzana kha mahosi na masipala. Ndi ḓo fha tsumbo nga vhupo ha Ṱhohoyanḓou Block C tsini na Yunivesithi ya Venḓa na tshikolo tsha Maruḓe kha bada ya u ya Ngovhela. Hafhaḽa fhethu ho vha hu na pulane yavhuḓi yo ṱoliwaho na u phasisiwa nga masipala nahone masipala o kovhela vhathu zwitentsi. Fhedziha khosi ya henefhaḽa vho ḓo ya vha kovhela vhathu vhavho zwitentsi hanefhaḽa zwe zwa sia hu na khuḓano nnzhi kha vhathu vhone vhaṋe, kha vhathu na vhamusanda, kha vhamusanda na masipala na kha vhathu na masipala. Ro vhona vhathu vha tshi kovhelwa zwitentsi na kha mavu o vhetshelwaho u fhaṱa zwikolo, phakha na zwiṅwe zwinzhi hu u itela mveledziso ya honoho vhupo. Izwi ndi zwiṅwe zwa zwithu zwine riṋe sa masipala ra ṱangana nazwo misi yoṱhe musi ri tshi khou shumisaṋa na maṅwe a mahosi a fhano Thulamela kha mafhungo a u kovhiwa ha mavu.

"Some land is under the municipality control completely but with the history of where we come from you may find that there were bantu stands and the element of chiefs and makes the chiefs feel they have…control over it and even in urban sites and that's where conflicts arises, I'll give you a classic example of Ṱhohoyanḓou C, when you are at Univen there is a certain rod that goes and passes through Ngovhela that area had a formal plan that was surveyed and approved by municipality and people were allocated stands by the municipality but chief went there and gave that area to his people and there were conflicts and everything was a mess so it is possible that such conflicts are there between the municipality and chiefs especially in proclaimed areas and you will find that people are taking land that were reserved for building facilities such as parks or schools or any other uses, these kind of things are happening on a daily basis when we continue working with some of the traditional leaders in Thulamela on issues of land allocation".

A community member, Fhumulani stated:

"Maṅwe mahosi nga maanḓa kha vhupo ha mahayani vha ya ambedzana na thovhele wa fhethu honoho a vha fha thendelo ya u avhela vhathu zwitentsi kha vhupo hune vha vhona ho tewa nga zwitentsi. Afha ndi hune mahosi vha tea u ya u ita khumbelo ha masipala uri masipala a ḓe a ṱole fhethu honoho arali ho tewa nga u dzuliwa nga vhathu a fhedze a ite pulane ya fhethu henefho uri hu vhe na bada dzavhuḓi na dziṅwe tshumelo dzi ngaho muḓagasi na maḓi dzi kone u swika fhethu henefho zwo leluwa. Fhethu afho hu kone u vha na midavhi ya mitambo na zwiṅwe zwinzhi zwi kwamaho mveledziso. Fhedzi u wana maṅwe mahosi vha sa zwiiti vha tshi tou ya vha avhela vhathu zwitentsi na khoro dzavho vha songo kwamana na masipala".

"Some of the traditional leaders specially in the rural areas consult their chief who give them permission to allocate land where they see fit. After the approval of the chief the headman must apply to the municipality so that the municipal officials can come and survey the land if it is indeed conducive for settlement. Again, the municipality must plan the settlement in such a way that there are good roads and the delivery of other services such as water and electricity as well as other services are delivered with ease. The planning is also to ensure that the place has a space to develop and have grounds for various sporting codes and other amenities needed by people for development purposes".

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After reading and rereading the transcripts of the data collected, it became clear that there are some traditional leaders who lack respect for the municipality. Traditional leaders know all the processes that they need to follow with regard to land allocation in the Thulamela local municipality, yet, some just do not see the necessity of observing those agreed-upon processes. Baloyi (2016), supports these views by indicating that land allocation by traditional leaders, in certain rural areas, without the involvement of the municipality, also gives rise to unwarranted conflict between these two centres of power.

The implications of this are very serious, for instance, some children walk long distances to go to school because there are no schools nearby due to lack of proper planning for the villages which resulted from some traditional leadership lacking respect for the municipality and not consulting its officials them when they do their land allocation in the village. In addition, some children walk a long distance to access sports facilities because these are far from where they stay also due to lack of proper planning as a result of traditional leaders not involving the municipality in land allocation processes for planning purposes. In some areas it is difficult for the municipality to deliver services, such as water and roads because people are allocated rocky places and uphill places, hence, the delivery of such services to such places becomes extremely expensive. Although not disputing that there might be other causes, all these challenges are sometimes experienced because certain traditional leaders lack respect for the municipality. It is therefore. clear that the adoption of democracy as a form of government by South Africa and other African countries can be seen by advocates of Afrocentricity theory as a huge challenge. This is because traditional leaders are seen to be still resisting change to any form of democracy and it, therefore, becomes difficult for these two centres of power to govern together harmoniously. Some traditional leaders are believed to lack respect for the democratic institution (municipality) mainly because they view themselves as a true African and legitimate leader of the communities. This means that some traditional leaders support defenders of Afrocentricity, such as Asante (1998), who asserts that Africans must be placed in the centre of any analysis of African phenomena.

4.3.1.3. Undermining the role of traditional leadership structures

Some participants are of the opinion that the nature of the relationship between traditional leaders and local government is conflictual because there are elements of undermining the role of traditional leadership structures, especially, by the municipal official and the government at large in South Africa.

Community member, Nnditsheni said:

"Masipala u vhusa hoṱhe na hune havha na mahosi, izwi ri zwi vhona musi ri tshi lavhelesa wadi dza masipala dzi vha dzo katela vhupo ha mahayani na ha ḓoroboni. Ngeno mahosi na one a tshi vhusa hoṱhe na vhuponi ha ḓoroboni. Fhedziha nṋe ndi vhona mahosi vha tshi nga a vha na maanḓa a u langa mavu na vhadzulapo vhuponi ha ḓoroboni hune ha langiwa nga masipala".

"With me is like the municipality has more power as they rule all over including places that has traditional leadership. The municipality controls areas that are urban and rural whereas traditional leader only rule in rural areas and not in urban areas. This means that the powers of traditional leaders are diluted by this system. Traditional leaders have got no power…that much power of maybe having authority of owning the land that they have, and I think by that they have also no authority that maybe of ruling and telling their citizens what they want and how they can relate as traditional leaders and citizens/villagers around them".

Community member, Fhumulani added:

"U vha hone ha masipla kha vhupo ha mahayani vhune u bva tsha kale na kale ho vha hu tshi langiwa nga mahosi zwi ita uri maanḓa ane mahosi vha vha nao a fhungudzee. Na kale na kale, mahosi vho vha vhe vhone ambadzifhele kha vhupo hune vha vhusa khaho, fhedzi u vha hone ha masipala zwi ita uri maanḓa a mahosi a fhungudzee".

"mmm I think the existence of municipality particularly in the is reducing the traditional leadership power that they are supposed to practice of which we cannot call the power because it was supposed to be like that since our indigenous…before colonization where we used to live like that and relied on traditional leaders for every development and everything that comes even if it developing the area we just feel it is the traditional leader that brought those changes".

Khosi Vho Muri also commented that:

"Mavu ndi ashu riṋe sa mahosi, u dzhenelela ha masipala kha u avhela vhadzulapo mavu ndi maitele a zwino a demokirasi ane o sedzesa kha mafhungo a u fhungudza nungo dzashu riṋe sa mahosi. Hune masipala a avhela hone vhathu mahosi a songo dzhenelela hu vha hu tshi khou dzhielwa maanḓa na ndugelo mahosi a u wana nduvho kha mavu avho".

"The involvement of the local government on land allocation processes are new tendencies that come with democracy and are aimed at reducing the powers that we had as traditional leaders on land allocation. Where the municipality allocate without the involvement of the traditional leaders denies the traditional leaders the right to "Nduvho" in their land".

Community member, Vho Tshinakaho said:

"Fhethu hune ra wana masipala a ene ane a avhela vhathu mavu a u dzula, ri wana uri vhathu vha hone a vha thomi vha ṱolwa uri vha bva ngafhi nahone vha vhewa ngani afho fhethu nahone hune vha bva vho bviswa nga mini. Izwi ndi zwiṅwe zwa zwithu zwine mahosi vha vhudzisa vhathu vhane vha ṱoḓa zwitentsi khavho, nahone vha ṱoḓulususa mafhungo ayo. Hezwo mahosi a zwi ita hu u shavha u fha zwitentsi zwigevhenga zwine zwa ḓo ḓa zwa dina vhalanda vhavho, zwine masipala a sa vhe na ndavha nazwo. Maitele aya ndi ane a sia masipala a tshi kho dzhiela mahosi tshipiḓa tshine vha tshi tamba kha tsireledzo ya vhadzulapo nga ha mavu".

"Places where the municipality allocate land without the involvement of traditional leaders, they do not even ask people wehere they were staying before and why are they coming to stay here what is wrong with here they are staying. They do not think of asking these questions and to do the investigation in the spitit of protecting their subjects in that area. Land allocation without the involvement of traditional leaders limits their role of protecting their subjects and that seeks to undermine their power in general".

Community member, Vho Alidzuli emphasized:

"Mahosi vha wana nungo nga u ṱhonifhiwa nga vhalanda vhavho. Izwi zwi ita uri vha ḓipfhe vha mahosi a ṱhonifheaho nahone a rE na nungo. Fhedzi musi masipala a tshi avhela vhathu mavu zwi ita uri mahosi a si tsha luvhiwa na u ṱhonifhiwa nga nḓila yo teaho".

"Traditional leaders gain power through the respect they receive form their subject. When the local government is the one that is allocating land, it results in traditional leaders losing their respect. The los of respect from their subject translate to the los of power by the traditional leaders".

One of the issues raised about the relationship between traditional leadership and local government on land allocation in Thulamela, was the undermining of the role of traditional leadership structure. All participants agreed that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is partly complementary and highly conflictual. All of them were afforded the opportunity to share with me reasons why they believe the relationship is conflictual. A lot of participants gave different reasons, but those who indicated that it is because the role of traditional leadership is undermined were traditional leaders and community members. This implies that municipal officials did not cite this as a concern that leads to conflict between the two institutions of leadership. As a researcher, my interest in this issue was to understand how the role of traditional leadership was being undermine and how this has led to conflict between traditional leadership and local government.

Diverse but very related reasons were given by the participants. Some indicated that the fact that one can be allocated land in the Thulamela local municipality without the involvement of the traditional leader means that there is no need to respect the chief because in the municipality one does not need "*vhamusanda"* to abide by the rules. It implies that in areas where there is involvement of the municipality, a person can get a stand without traditional leaders and in that regard, traditional leaders' positions are unimportant regarding land allocation. This relates well to the augments presented by advocate of modernization theory who indicate that modernization refers to a model of a progressive transition from a 'pre-modern' or 'traditional' to a 'modern' society (Matunhu, 2011). Modernisation, thus, simply means following the footsteps of Europe and the western world and that is why the municipality can find it necessary and appropriate to allocate land without involving traditional leadership.

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Other participants were of the view that the introduction of the municipality especially in the rural area was in a bid to undermine the role of traditional leader, therefore, the introduction of the municipality in rural areas were efforts by the South African government to transform and modernize the country as traditional leaders had led their communities for centuries. It is, then, understandable that traditional leaders and other community members view the introduction of the municipality as efforts to undermine the role of traditional leaders.

The community members and traditional leaders indicated that the constant interference of the municipality on land allocation even in the rural areas continue to undermine the role of traditional leadership structure on land allocation. Traditional leaders believe that the land is theirs and it has been theirs since time immemorial and the fact that local governments were introduced recently and were given powers to allocate land in certain areas can be seen as an effort to undermine the role of traditional leadership structure in the Thulamela local municipality.

In places where the municipality allocate land without the involvement of the traditional leadership there were no questions asked provided the buyer has money, he/she can stay anywhere, they want. The municiity issues tittle deeds for the land they alocate and that means that people are allocated land on permanent possession basis. Tittle deed menas the land belongs to the buyer and not to the municipality anymore. The buyer can decide to sell the land or give to the children as inheriatance. Meaning that land is viewed from mordenity lennes where land is a commodity that can be inherited, bought and even sold. On the other hand, traditional leaders give a settler a document called Permission to Occupy (PTO). Meaning that the settler does not own the land he/she occupied but the traditional leader does. The settler only has is only given a permission to settle in that land and when the traditional leaders has enough valid reasons to take back the land, the land can be taken away. This implies that land for settlement purposes in areas that are controlled by traditional leaders it is not allocated on a permanent basis because a PTO is not a tittle deed. This is also the case on land allocated for sustainable livelihood purposes. In this case a household is allocated a piece of land called "Tsimu" for maize meal production to sustain the household. However, when that land is needed for community development or business purposes that land is taken back for the person initially allocated the land. In many cases that

person is consulted and another piece of land is allocated to the family top which the land was taken. Sadly, in some cases this happens without consultation and another piece of land is not allocated to the family. This leaves the family in dire poverty because the only means they had to provide food for the family has been taken away from them. Thus, creating lack of respect and trust for the traditional leaders by some members of the community they lead.

It is also interesting to observe that, where traditional leaders allocate land, they do investigations first before they allocate land to strangers. They ask the person who is looking for land questions like, who they are, where they come from and why they are coming to stay here and most importantly why they are leaving their former place. They also go beyond asking the person concerned but also send someone to the areas where the person is coming from to get more information about that person before the land is allocated to his/her. This was done as a security measure to make sure that people who come and stay in their areas are credible and good citizens and not criminals for the safety of their subjects.

The effort by traditional leaders to investigate people who want land in their areas was a strategy and continues to be a strategy to prevent and fight crime in the communities. This protective role of traditional leaders which was played through land allocation is undermined and the power of traditional leadership diluted when the municipality allocates land without the involvement of traditional leaders. If one were to analyze this through the lenses of Afrocentricity theory, one could understand that African people had their own traditional ways of looking and doing certain processes and detaching from those ways leads African communities into experiencing, for example, high rates of crime in their communities. It is this power display by the municipalities that translate to undermining of the roles of traditional leadership.

Furthermore, traditional leaders gain their power through the respect they receive from their subjects. This respect is shown through '*Nduvho*' and obeying rules and regulations of the traditional leader concern because these rules depend on the type of leader and place, but some rules are common. When the municipality allocates land without the involvement of traditional leader it reduces the level of respect and power of the traditional leader and these result in continued unnecessary conflicts between

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traditional leaders and local government on land allocation in the Thulamela local municipality

4.3.1.4. Headman lacking respect for chiefs

Another relational issue that is sparking conflict amongst the traditional leaders themselves and between them and the municipality is the headman's lack of respect for their chiefs. This section presents, interprets and analyses participants views on lack of respect for the chiefs by headman as a source of conflict between traditional leaders and municipal officials.

A community member ,Aluwani said:

> "*Vhaṅwe mahosi vha shaya ṱhonifho kha vho thovhele vhavho. Izwi zwi sia vha sa vhoni ṱhoḓea dza u vha kwama na u ṱoḓa thendelo khavho phanḓa ha musi vha tshi kovha mavu a u dzula na a vhubindudzi. Izwi ndi zwine zwa sia muthu onoyo a tshi ya u ṅwalisa lwa tshiofisi tshitentsi tshawe tsha vhubindudzi a si wane thuso yo teaho ha masipala sa izwi a tshi vha a si na luṅwalo lu bvaho ha thovhele wawe. Zwine zwa sia mahosi na masipala vha tshi vha na u sa shumisana havhuḓi zwi tshi bva kha lunyadzo lune mahosi a vha nalwo kha vho thovhele vhavho. Zwi tshi dovha zwa fhungudza maanḓa a mahosi kha masipala sa izwi vha tshi dzulela u vetana na u sa ṱhonifhana nga tshavho sa mahosi. Masipala u fhedza a tshi nyadza maanḓa a mahosi sa izwi nga vhone vhaṋe mahosi vha tshi dzhenisa tshanḓa kha nyimele iyi*".

> "*Other headmen lack respect for their chiefs and this result in them not seeing the importance of consulting of seeking approval from them prior to allocating land for settlement in their respective villages. this makes it difficult for people to register their land with the municipality especially land for business because they will be lacking proper letters from the chief. As a result, people who lacks those letters from the chief are not assisted by the municipality even if they have money to pay the municipality rates, especially in the business stand that is located in the rural area. It is this lack of respect for the headman on their chiefs that lead to bad relationship between traditional leadership and local government in Thulamela regarding land allocation. This also dilute the powers of the traditional leadership because they are not united, and they are in most cases fighting amongst themselves. The local government in Thulamela end up disrespecting and undermining the powers of traditional leadership due to infighting amongst the traditional leaders which dilute their powers.*".

Municipla official, Vho Makatu mentioned that:

> *"Nga nṱhani ha zwikadabula na pfhiriri dza vhuhosini ri wana tshiṅwe tshifhinga vhaṅwe vha tshi simesa u amba uri khosi nkene a si ene ho vha ho tea ho dzhena mukene, ngeno vhaṅwe vha tshi ri mukene na ene a si ene a re ene ndi mukene. Izwi ndi zwine zwa sia vhunzhi havho vha sa ṱhonifhani zwine zwa sia zwi tshi swika kha u sa ṱhonifhiwa ha thovhele ene muṋe, tshiṅwe tshifhinga na uyo a no pfhi khosikhulu wa wana nga yeneyi nyimelo na ene a sa ṱhonifhiwi nga vho thovhele na mahosi a no tea u mu ṱhonifha. Izwi ndi zwine zwa ita uri masipala a konḓelwe u shumisana zwavhuḓi na mahosi kha mafhungo a kwamaho mavu sa izwi mahosi vhone vhaṋe vha sa kha shumisana zwavhuḓi, nahone hu na hune vha tea u shumisana hone zwavhuḓi vha sa athu ya ha masipala kana vhalanda vhavho vha sa athu ya ha masipala u ṅwalisa mavu lwa tshiofisi".*

> *"Sometimes due to internal squabbles in royal houses particularly regarding who is the right headman of a particular village or the chief, or even the king. This result some headman within the family disrespecting the chief. This disrespect sometimes also affects the king depending on the internal squabbles. Once the headmen are not working well with their chiefs and/or the king it becomes difficult for the municipality to work well with them on land allocation as there are some processes that needs both the headman and the chief to work together before consulting or going to the municipality or their subjects go to the municipality to register land offically".*

Khosi Vho Rasivhetshela indicated that:

> *"Zwa zwino ri na tsumbo hei ya zwitentsi zwine ra khou zwi vhona kha tsha monde na tshauḽa ha tshigonṱiri zwa zwino zwo tsheiwa vho thovhela vhone vhaṋe vha songo zwi tendela nahone a vha khou tou tende nga u tshivha fhethu vha khou tende nga u ḓivha uri nga lwa mulayo ha aḽa mavu o kumedzelwa vha Agriven ho vha hu tshi limiwa tsimu dza vhathu nahone vha Agriven vha fanela u thoma vha vhuisa kha vho thovhele, vho thovhele vha kona u vhona uri aḽa mavu vha a tshea zwitentsi kana vha ita vhubindudzi, zwino muṅwe muthu nga ṱhoho yawe u sokou pfha u nga vha vha vha tshi khou vha tshivha, zwino na riṋe vhathu ri sa ḓivhi ri gidima ri tshi ya hanengei thaidzo ndi ya musi mulayo wo phasa wa ri hezwiḽa zwithu zwi khou bviswa zwoṱhe vha vhona u nga vho thovhele a si muthu wavhuḓi a sa vhavhaleli vhathu mara zwo itiwa nga muthu ane a tou vha na nḓivho. Tsha u thoma a si gota ndi zwezwi zwa mivhango ha na shango na fhethu na huthihi kha ḽa Vho Ṋelwamondo zwino nṋe ndi vhona uri zwo leluwaho ndi musi vho thovhele vhone vhaṋe vha tshi shuma na khoro,*

zwitentsi sa tsumbo zwa vhubindudzi zwa ṋetshedzwa nga khoro ya musanda, a zwi tei u ṋetshedzwa nga gota hu si na ndavha uri vhubindudzi vhu kha shango kana kha vhupo vhu re mavuni a nnyi".

"*For now we have stands that we are seeing on the side of the road, those stands were allocated without thovhele's knowledge, the thovhele would not be greedy with the land that people can stay but then the land belongs to the Aggriven people and they used to farm there and since they stopped farming they have not handed back the land to the thovhele and they must first hand the land back so that the thovhele can decide what he want to do with the land whether he want to make it a business site or settlement area so an intruder just comes and allocate the land to the people and us as people we run and occupy the land unlawfully but then problem arises when a policy is passed and those homes and buildings get demolished then people will think that the thovhele is cruel and unsympathetic whereas it is the doing of the person with full knowledge of what is going on firstly the person is not a chief it's just a matter of claiming Ṋelwamondo's land unlawfully so now I think the simple method is going through thovhele who will involve his council and business stands for instance are allocated by the tribal authority and are not allocated by the chief and it doesn't matter where they are allocating and on whose piece of land*".

Khosi Vho Tshavhungwe also said that:

"*Huṅwe mikano nṋe ndo rali ndi fanela u ḓivha uri mukano wanga wo guma gai a thi fhiri gai nahone a thi dzheni gai, huṅwe ni ḓo wana ri tshi lwa nga tshashu riṋe sa maṱo a vho thovhele na wana ndi tshi vho dzhenisa ningo kha zwa muṅwe ndi tshi khou sokou vhona u nga kha vhone vho rali hu na tshikhala tsho salaho tsini na nṋe, vhone a vha tshi ḓivhi nahone a vha tshi vhoni, nṋe nda lifha mushumo ndi tshi lifha mushumo zwi amba uri ri fanela u lwa ra guma ha vho thovhele hu na uri a si uri a thi zwi ḓivhi uri ndi guma gai ngauri ndi tshi vhewa ndi vha ndo vhudziwa, musi vha tshi lavhelesa heḽi ḽa fhano uri ḽa Matshena ḽo thoma gai ḽa guma gai khuḓano dzi vha hone hanefho*".

"*In some areas you find that the boundaries are not even known very well by the chief responsible for the area and in most cases you find that I poke my nose in someone's area seeing that the area is free and its next to my area boundary and thinking that you don't know about that open free space and I occupy the space it means that we have to fight for that and end up at the thovhele and its not that I don't know that it is your area since I was told when I took reigns for the place as you can see the Matshena area and its boundaries, that's where conflicts are*".

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Lack of respect for chiefs was one of the reasons that was uttered by a significant number of participants as a response for the way land for settlement and business purposes is being allocated in various places in the Thulamela local municipality. Those who presented this view indicated that some headman does not see it fit to consult the chief for permission to allocate land for settlement purposes because they lack respect for that chief. Some of the reason for their lack of respect were attributed to the fact that the chieftaincy in most cases are contested and who ever that wins may not be necessarily the rightful candidate for the throne. They added that it is during these contestations that some members of the family will support one candidate while others will be supporting the other candidate. When this happens, whoever wins will find that those who were supporting him/her to ascend the throne will continue to support and respect him/her while on the throne, however, those who did not support him/her form the onset will lack support and respect for him/her while on the throne.

This results in them doing their own land allocation in their respective villages without informing, consulting and getting permission from the chief. This is unfortunate because sometimes it is the chief and his/her tribal council who knows and have the records of all the villages, he/she controls. Sometimes some pieces of land have been proclaimed or bought by certain people or companies and the headman is not privy to such information. It becomes a problem when the headman goes and allocates land for settlement purposes in a land that has been bought or proclaimed. These are some of the things that are contributing in the reduction in the powers of traditional leadership with regard to land allocation. It makes traditional leadership to appear incompetent in allocating land fairly and equitable, and also in following the right protocols.

Participants who share this view also complained that these are the reasons why in some places there are land disputes that are even resulting in court cases. This could be seen in Mvelaphanḓa Village New Stands, where land has been allocated without the permission of the chief, and there is a court case in progress on the matter whose detail cannot be divulged but it is a well-known case by the public (Tshikhuḓo, 2018). People who paid 'Nduvho' to be allocated the land in such situations, spend their money in fencing the yard and even building houses which later they are told to vacate until such time that the court finalised the matter. This could be a serious loss and it

causes a lot of stress for people, especially, those who had used their last cent to develop the place with a hope of settling or doing business in peace. The local government as also a leader of the communities in their area of jurisdiction start to undermine traditional leaders and look at them with discontent because they feel that leaders are mistreating communities due to their internal squabbles. This causes the interaction between traditional leadership and local government on land allocation in the Thulamela local municipality to be seen as disrespectful to the traditional leadership by the local government, hence the relationship becomes conflictual in nature.

4.3.1.5. Land Ownership and proclamations

All participants view land ownership and proclamations as major factors contributing to conflicts between traditional leadership and local government on land allocation in the Thulamela local municipality. Both structures claim to be the owners of the land. The following are statements directly from participants**.**

Thovhele Vho Ndiafhi narrated that:

> "*Tsha u thoma, ndi nnyi muthu wa u thoma u vha na vhuṋe ha mavu? Vhuṋe ha mavu hune ha vho pfhi masipala ndi wone wo faraho ṱhanziela dza vhuṋe ha mavu ha vhuṅwe vhupo. Vhupo hoṱhe ha mahayani vhu wela fhasi kha mahosi nahone mahosi vha ḓo lwela mavu avho nga vhone vhaṋe*".

> "*Firstly, who was the first person to own land, who is the first land owner? The ownership of land where today we say the municipality is in possession of title deed of a certain place, who is the person to own a piece of land first? Every land here especially our place belonged to chiefs without sharing and chiefs would fight for land on their own and that's the first thing*".

Khosi Vho Lusunzi said:

> "*Masipala u vhona u nga wo thanya u ri fhira riṋe mahosi, ndi ralo ngauri vha phasisa milayo yavho ine yo sedzana na u dzhia ndango kha mavu ashu nga zwiṱuku nga zwiṱuku. Ri a zwi ḓivha uri hezwi vha tshi avhela vhathu ṱhanziela dza vhuṋe ha mavu nga maanḓa haya a vhubindudzi vha itela uri riṋe sa mahosi ri songo tsha vha na ndango khao hayo mavu. U ya na u ya mavu riṋe mahosi ri ḓo sala ri si na na ḽithihi zwaḽo o dzhia oṱhe masipala*".

"The municipality officials think that they are more intelligent than us as traditional leaders, I am saying this because they pass laws and regulations that seeks to take away land from us traditional leaders. We are aware that when they give people tittle deeds for the allocated for business purposes, they are making sure that us as traditional leaders we continue to lose control over this land. At the end we will end up not owning or having control this land".

Khosi Vho Mukumba also claimed:

"Masipala ndi tshiimiswa tshine tsha shuma u langa mavu a re fhasi ha khosi, zwi tshi ya zwa ḓi vha zwi khou vha zwavhuḓi vha tshi ri itisa tshumelo fhedzi hu tshi vha na mulayo houḽa wa u dzhia mavu kana vhupo, ndi zwone zwo thomaho khuḓano kha mahosi na masipala vhuzhi ha vhupo nga maanḓa vhupo ho bvelelaho ho no dzhiiwa hu vhopfhi ndi vhupo ha misanda kha ri zwi dzhie sa tsumbo kha vhupo hu no nga sa Maṋiini zwe vha ṱangana nazwo hoṱhe Mbaleni na Makwarela hoṱhe a hu tsha vha fhasi ha mahosi, vha a zwi ḓivha naa"?

"The municipality was introduced and the municipality is an organization that rules land that is under chiefs then we worked well with them in the beginning but then they introduced the proclamation policy and that is where conflicts rose between the municipality and chiefs and a large portion of developed land was proclaimed and they now say it is the municipal land let's say for an example a place like Maniini and what they encountered in places like Mbaleni and Makwarela, this places are no longer under the leadership of chiefs, do you know that"?

These views support the fact that some traditional leaders see themselves as not only the land owners but the first land owners. These participants join others in arguing that the municipality as an institution of leadership is a fairly new, especially in rural areas, therefore, the belief is that they cannot just come now and take over the land ownership from the traditional leaders. Afrocentricity theory proposes that we should seek to understand African phenomenon from the perspective of Africans themselves. Meaning that traditional leaders believe that they own and control land as they have done so since time immemorial and for them local government must not own and control land as they are fairly new kids on the block. This shows that there are still underlying land issues such as that of the control and ownership that are causing

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conflict between these two institutions of leadership. If this kind of understanding and attitude is not urgently addressed the conflicts between traditional leadership and local government in the Thulamela local municipality might escalate and reach the point of eruption.

Some participants amongst the traditional leadership indicated that the municipality thinks they are clever or more intelligent than them. This is because the Municipality has introduced their laws that necessitate leaders telling their people to go to the municipality to get title deeds (proof of land ownership documents) after finalising all the processed of land allocation for business purposes with traditional leaders, even in the rural areas. What I believe traditional leaders are saying what the municipality is 'clever' about is that, once the land is registered under the municipality and the title deed is issued by the municipality, that land comes under the control of the municipality, hence, the more traditional leaders allocate land for businesses they are losing control over the land. It implies that in a long run, the municipality will be owning larger pieces of land located in rural areas still under the traditional leadership. This means that traditional leadership will in future remain with the control over land for settlement only. This, obviously, is one of the main issues that is brewing the conflicts between traditional leadership and local government in the Thulamela local municipality.

The traditional leaders also indicated that there is a bone of contention, when we say the land is ours and so does the municipality. This is because of the so-called proclamation policy that was introduced by the apartheid government. This policy was aimed at taking all areas that were in towns to fall under the municipality or local government control. As a result, land that was owned and control by the chiefs and headmen changed hands and fell under the municipality's control. Afrocentricity theory becomes more relevant by arguing that the main challenge facing Africans is that they unconsciously adopt the western worldview and perspectives and their associated conceptual frameworks. I agree with the proponents of Afrocentricity theory because it was the adoption of western institutions of local government that brought new laws and rules that gave local government powers to proclaim land and take it away from the control and ownership of traditional leaders. On the other hand, one can also see modernization theory influencing the thinking of the South African government when

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they introduced democracy that came with three tiers of government including local government. The government may have introduced the democratic way of governance as supported by advocates of modernization theory, however, traditional leaders are of the view that local government was introduced to take away their land allocation responsibilities in rural communities.

Traditional leaders indicated that sometimes if they call the municipality to come and assist in allocating land, especially, with inspection, surveys and planning of the proposed settlement area, they refuse since the Municipality is saying these are their land. As a result, the traditional leadership allocate land without the involvement of the municipality in terms of surveying, inspection and planning. Traditional leaders raised the arguments that allocating land is just a matter of being conversant with measurements and nothing else. Some traditional leaders also indicated that they have their own surveyors, who, upon request they come, and assist provided they are paid for their services. It is clear that traditional leaders by going through this route are showing the municipality that they can allocate land without their assistance. The other message to the municipality is that this land belongs to us, and we do not need you in order to allocate it to our people, however, this becomes a clear act of war between these two authorities.

The sad part is that when elephants fight it is the grass that suffers. This means that it is the people that these two centers of power are leading that suffers when they fight or when they are in conflict. In many cases when these two institutions of leadership are in conflict or fighting, people who need access to land for either settlement or business purposes end up paying the traditional leader and gaining access, however, because the land belongs to the municipality, they end up also paying the municipality, hence, people end up paying twice, unnecessarily, to gain access to one piece of land. As a result, land is proving to be very expensive and only the rich can afford it.

The majority of participants, especially, from the Thulamela local municipality indicated that there is a confusion or rather, lack knowledge when it comes to who owns the communal land in South Africa mostly amongst traditional leaders. Most of the traditional leaders believes that they are land owners especially where they are ruling/leading. Contrary to that belief, most of the Thulamela local municipality officials,

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particularly, those who participated in this study are of the view that communal land in rural areas belongs to the people (that is why it is called 'communal land') and traditional leaders are just administrators of the land, whereas, traditional leaders believe that they are the owners of the land. Whether these arguments are valid or correct is a debate for another day, what is important, here is the fact that these different views on who owns the land is a breeding ground for conflictual relations between the two institutions

4.3.1.6. Development versus nature conservation

For the purpose of this study, development can be defined as any initiative that is aiming for the enrichment of the lives of people in the community (Edwards, 1993). During the interviews and in the FGDs participants voiced the fact that the majority of traditional leaders seek to promote nature conservation and the municipality is often seen disregarding the conservation of nature and starting developmental projects in areas, such as sacred places and this causes conflicts between traditional leaders and local government especially on land matters. This section, therefore, presents, interprets and analyses views of participants on this issue.

A community member, Fhumulani mentioned that:

> *"Hangei mahovhohovho a Phiphidi hupfhi ndi zwifhoni zwa Vhangona, zwo vha zwi tshi ḓivhea nahone zwo ṅwaliwa nga tshifhinga tsha Vho Mphephu. Zwithu zwo shanduka musi hu tshi ḓa muvhuso zwa demokirasi. U ya nga nḓivho yanga ṱhukhuṱhukhu zwifho a zwi tea u thithiswa zwi fanela u litshwa zwo ralo. Fhedzi ano maḓuvha hu vho fhaṱwa na hodela zwifhoni nga hone u sa ṱhonifha sialala. Mveledziso a ri i hani ndi yone fhedzi a i itiwe fhethu ho tetshelwaho mveledziso hu zwifhoni. U sa pfhesesa maitele a Tshivenḓa na u sa ṱhonifha zwifvho zwi sia zwi tshi luṱanya mahosi na masipala sa izwi masipala a dzi tea u ḓisa mveledziso. Honeha masipala u khakha nga u ḓisa mveledziso fhethu hune hu tea u ṱhonifhiwa nahone ha sa khakhiswe nga lwa mvelo yashu ya Vhavenḓa". Izwi ndi zwiṅwe zwa zwithu zwi ḓisaho pfhiriri vhukati ha masipala na mahosi tshiṅwe tshifhinga. Tshiṅwe tshifhinga mahosi na masipala vha ya fhana tshelede uri mveledziso i re kha vhupo ha zwifhoni i ye phanḓa.*

> *"Phiphidi waterfall is a sacred site because "Ngwaniwapo" or Vhangona were marginalize and pushed aside they have never been considered but the problem came in the democracy. My little knowledge tells me that the sacred site is the land that*

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should not be used. This means that Vhavenḓa areas including Thulamela have sacred places and they should not be touched for any development since they have their own owners. The municipality should bring development in the area of jurisdiction, but this development must not come in the expense of the sacred places as they are significant areas in terms of our culture and heritage". These are some of the things that makes the conflict between traditional leaders and local government to continue or escalate sometimes. On the other hand, sometimes traditional leaders collude with each other through money and allow the development to go on in the sacred place".

Community member, Vho Muravha added:

"Mahosi a kale vho vha vha tshi ḓivha vhupo havho nahone vha tshi hu shumisa zwithu zwo teaho. Ho vha huna fhethu hune vha tou ri ndi ha pfhulo ya zwifuwo a hu tei u dzula vhathu, fhethu afho kanzhisa hu vha hu fhethu hune ha vha na maḓi manzhi, lune na nnḓu dzivha dzi sa tei u fhaṱwa fhethu henefho. Ano maḓuvha nga demokirasi ho no vha na masipala ri wana na fhethu hu re maḓini ho ṋewa vhathu zwitentsi uri vha dzule kana vha ite vhubindudzi henefho ngauri mavu a vho thoma u konḓa tshoṱhe nahone masipala u tea u ḓiitela tshelede uri u kone u vha hone lwa tshifhinga tshoṱhe nahone o ḓiimisa nga eṱhe. Izwi ndi zwiṅwe zwa zwithu zwi ḓisaho phambano kha mahosi na masipala".

"In the past traditional leaders use to know their terrain and had the ability to use it wisely. There places for grazing of animals, this in most cases were the places that they are now called wetlands, where even houses are not supposed to be built. What is happening these days is that the municipality allocate residential and business stands in wetlands. This is because land has become scares and the municipality needs to generate income for sustainability. This are some of the things that exacerbate conflicts between traditional leaders and local government on land allocation in Thulamela local municipality".

All participants were asked to indicate how the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is characterised by conflicts, however, it was only community members who indicated that traditional leaders favour nature conservation whereas municipal officials favour development. Community members are of the view that most traditional leadership members care about nature conservation especially preservation of sacred places and they believe that the municipality does not care about such but in the development of

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the area. The municipality does not see the value and importance of sacred place and believe that for the economy of the area to thrive, there must be development in the area. It is true that development brings about more job opportunities and increases the level of economic activities in the area, but this should not be done at the expense of the environment or nature.

Sacred places are place of worship for various cultures and they also serve as nature conservation sites. Sacred natural sites can be differentiated as areas of land, where water, or biodiversity concentration have special spiritual significance to peoples and communities. In South Africa, the constitution provides and protects freedom of religion which involves worshiping, therefore, a place of worship must at all times be protected and preserved for the enjoyment of freedom of religion for everyone in the country (RSA Constitution, 1996). Some traditional leaders collude and receive bribes from the municipality and developers and allow them to destroy sacred places in favour of development projects, for the majority of traditional leaders are for preservation of such special places. There are some differences in understanding of sacred place that leads to serious conflicts between traditional leadership and local government on land allocation in the Thulamela local municipality. Modernisation theory advocates for the adoption of western ways of doing things through western institutions and frameworks and they have no respect nor recognition of sacred places as they see them as tourist attractions and opportunity to derive monitory gains from such places. On the other hand, Afrocentricity advancing the argument that Africans must be at the centre of development in their communities, thus, sacred places must be understood from the perspectives of Africans themselves and not from western understanding. Meaning that sacred places must be viewed as places of worship that must be protected and natured as opposed to be destroyed through development projects.

4.3.1.7. Lack of role clarification

Participants indicated that there is lack of clarity with regard to roles, particularly of the traditional leaders in local communities. This is similar to the Traditional Leadership and Governance Framework Amendment Act 23 of 2009, which does not clearly specify roles and responsibility of traditional leaders on land allocation (TLGFA, 2009).

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The views of the participants are that it is not clear as to which institution between the traditional leadership and local government has the legislative responsibility of allocating land and this is causing these two centres of power to fight against each other, as both of them want to allocate land in rural communities and sometimes in urban areas. The following views are directly those of the participants' and the interpretation and analysis of these views will come after the quotations.

Municipal official, Vho Rosina said:

"U sa vha hone ha milayo i re khagala yo vhewaho i sumbedzaho uri kha masipala na mahosi tshiimiswa tsho teaho nahone tshine tsha fanela u avhela mavu hafha Thulamela kana kha vhupo vhuṅwe na vhuṅwe vhune havha ha mahayani ndi zwone zwine zwa kho ita uri khuḓano vhukati ha masipala na mahosi dzi ḓalese. Arali milayo iyi muvhuso wo vha wo i vheya zwo vha zwi tshi ḓo leludza kushumele kwa mahosi na masipala kha sia ḽa u avhela vhadzulapo mavu. Ndi u sa vha hone ha heyi milayo zwi siaho na riṋe ri si tsha ḓivha uri mahosi vha tea u shuma mini kha heḽi sia ḽa u avhela mavu, ngeno na riṋe ri si masipala ri tshi kundelwa u ḓivha uri siani ḽa u kovha mavu riṋe vhuḓifhinduleli hashu ndi vhufhio".

"The absence or clear definitive roles that clarify the roles of traditional leaders and that of the local government is a major challenge that leads to continuous conflicts between traditional leadership and local government. The roles that are there are not clear in terms of who should allocate the land between the traditional leadership and local government in Thulamela and in other areas within the country. If these roles were clear conflicts between traditional leadership and local government would have been about other things and not about land and even those that would arise specifically on land would have been at minimum".

Khosi Vho Rudzani also opined that:

"Riṋe sa mahosi ri vhona muvhuso u tshi khou ri khakhela nga u sa ṅwala milayo i re khagala ine ya ri fha zwine zwa vha zwashu. Zwauri mavu ndi ashu nahone a tea u kovhiwa nga riṋe a si zwine muthu muṅwe na muṅwe a si zwi ḓivhe hezwo. U sa vha hone ha milayo i sumbedzaho zwi khagala uri riṋe sa mahosi vhuḓifhinduleli hashu ndi vhufhio kha sia ḽa u avhela vhadzulapo mavu ndi vhufhio. Honeha ha masipala hone vhuḓifhinduleli kha sia ḽla u avhela vhadzulapo mavu ndi vhufhio zwi ḓisa thaidzo khulwane vhukuma. Muvhuso u tea u bvisa milayo ire khagala u sumbedzaho uri riṋe sa mahosi ndi riṋe ri teaho u kovhela vhadzulapo mavu hu si masipala. Zwa sa ralo

masipala u ḓo dzulela uri lwisa kha vhuḓifhinduleli he ra siiwa naho nga vhafhasi (vhadzimu vhashu)".

"As traditional leaders we blame the government for not putting clear policies and regulations that gives us power and authority on land allocation because everyone knows that land belongs to the traditional leaders. There is no one who can say they do not know that land belongs to the traditional leaders and that we are we ones to allocate it without any interference from the municipality. Lack of these clear role on who should allocate land between the traditional leadership and local government is the one that brings a lot of conflicts between these two centres of power in Thulamela local municipality. The government must develop clear roles that shows that traditional leaders are the one that should allocate land as this has been our responsibility that was passed on to us by the previous generation of traditional leaders (our ancestors)".

A community member, Tshilidzi aired her views in this way on this matter:

"Muvhuso muswa wa demokirasi ndi zwone wo ri u dzhena wa vheya milayo, fhedzi u nga ri milayo ya hone a i ngo fhelela kana u dzula zwavhuḓi. Ndi ralo ngauri hufha zwi si khagala uri masipala na mahosi vha tea u shumisana hani siani ḽa mavu. Vhathu havha vha dzula vha tshi vhangisana uri mavu afhio a kovhiwa nga nnyi ngeno afhio a tshi tea u kovhiwa nga nnyi, zwine zwoṱhe a zwi ngo ṅwaliwa fhethu. Muvhuso u tea u ṅwala milayo yo fhelelaho zwa sa ralo u ḓo vha muḽano vhukati ha mahosi na masipala sa musi zwo no ḓi vha thaidzo khulwane vhukuma hu tshi lwelwa one mavu e vhathu vhoṱhe vha bebya vha a wana".

"The democratic state that was ushered in introduced laws and legislative framework that will assist in govern the country properly and effectively. However, the laws and legislative frameworks seem to be lacking or inadequate. I am saying this because it is not clear on who should allocate land between the traditional leadership and local government in South Africa and how these two institutions of leadership should work with each other on this matter. This situation assists in fuelling conflicts between these two institutions. The government must draft clear policies that will assist in clarifying these responsibilities otherwise the conflicts between these two institutions of leadership that are already there will reach another level. I am surprised that people are busy fighting over something that all of the found when they were born.

It was interesting and exciting to hear participant showing a great deal of knowledge and understanding on the legislations that talks to the role and functions of both traditional leaders and local government in South Africa. This means that participants are also aware of the gap in the legislation that talks about the roles of traditional leaders and local government. The White Paper outlines the roles to be played by Traditional Councils and one of those roles is land administration. There is, unfortunately, no clarity given in terms of what land administration entails in the White Paper.

The White Paper says nothing about land allocation, therefore, does not allocate any responsibility of allocating land to any sector, including traditional leaders. Lack of clearly defined roles for both traditional leaders and local government when it comes to land allocation issues remains challenging and a breeding ground for conflict between the two sectors in the Thulamela local municipality, and possibly, throughout the country. Even though modernisation theory supports the establishment and use of western institutions and frameworks, these must be clear in order to promote the development that the framework is aimed at. The biggest challenge is that the South African government wants to modernise the country in order to achieve development in terms of world standard, but the same government also want to retain traditional institutions. In terms of modernisation theory, traditional institutions such as (traditional leadership) must be dealt away with and be replaced by western institutions. The South African government, however, is trying to keep both modern and traditional institutions and framework and that necessitate the government to introduce clear definitive roles for both institutions to avoid unnecessary conflicts between them.

4.3.1.8. Lack of education and training

Participants are of the view that some of the conflicts between traditional leadership and local government institutions emanate from lack of education and training on their roles in their respective institutions; education and training, in this study, refers to both formal and informal education and training. Participants indicated that this lack of education and training in their roles leads to lack of understanding of their responsibilities and they then work as they deem fit and necessary resulting in conflict

amongst the different sectors. Below are direct quotations from the participants, after which I interpreted and analysed these quotations to arrive at findings on this issue.

Vho Makatu indicated:

> "Nṋe sa mushumeli wa ha masipala nga u shuma na mahosi fhaḽa na fhaḽa ndi vhona hu na ṱhahalelo khulwane ya pfhunzo kha mahosi ashu. Pfhunzo ndi sa ambi heyi ya dipiloma na digirii lini, ndi amba ndo sedza heyi i yelanaho na zwine vha tea u shuma zwone. Ndi amba nga milayo yavho heyo i no pfhi ya Guvhangano ḽa Vharangaphanḓa vha Sialala vha Afrika Tshipembe (CONTRALESA) avha i ḓivhi. Zwino zwo ralo Furemiweke ya Mavhusele na Vhurangaphanḓa ha Sialala Mulayo 41 wa 2003 vha ḓo u divhela gai. U amba ndi u pfha nungo, ndi shuma navho havha vhathu, vhunzhi havho a vho ngo funzea siani heḽo".

> "As an official in the local government office I have the privilege of working with many traditional leaders. My observations are that many traditional leaders are not educated, but iam not talking about education in the sense that they do not have diplomas and degrees. I am talking about them lacking education about their work as traditional leaders. Some of them do not even understand Traditional Leadership and Governance Framework Act 41 of 2003 The worse part of it all is that some do not even understand what Congress of Traditional Leaders of South Africa is about because many of them are not members to it. Talking sometimes is a waste of time, I work with them.

Lufuno also contributed to the conversation by saying:

> "Tshiṅwe tshifhinga u nga si ḓivhe uri maṅwe mahosi a vhewa ho sedzwa mini nahone o dobiwa gai. Ndi amba ngauralo ndi tshi nga ndo kwata ngauri a thi farei zwavhuḓi nga vhuḓifari ha mahosi. Vhaṅwe tshikolo tsha u ranga phanḓa vhathu vha nga vha vho dzhena fhedzi vhaṅwe vha vhonala vha tshi shaya pfhunzo ya uri vhathu vha rangiwa hani phanḓa. Hezwi zwi ḓisumbedza nga maanḓa musi u tshi wana mahosi vha tshi wanala vha tshi khou ṋea vhathu vhararu tshitentsi tshithihi nahone vhoṱhe vho badela. Huṅwe u tshi wana zwisiwana zwi tshi dzimia mavu ngeno vha re na tshelede vha tshi tou nanga uri vha ṱoḓa gai na hone hungafhani".

> "Sometimes you will wonder were some of the traditional leaders are even occupying the position they have because some of them lacks leadership education which should

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be a must to any leader of the society. It is very true that some have degree and diplomas and are educated in leading the people, but some demonstrate lack of leadership education and skills. This becomes visible when we her cases such as one stand was given to three different people and all of the paid to the traditional leadership. In some instances, poor people are being denied access to land whereas people who have money are choosing places they want and the size".

Participants who aired their views in this matter raised serious concerns about the nature of traditional leadership in the Thulamela local municipality and possibly in the country. Points participants were raising were very serious matters about education and training of traditional leaders. The concern is not about them holding diplomas and degrees or even certificates in various academic disciplines, but it is about their leadership education and training. Traditional leaders are socialised to understand their roles and responsibilities traditionally in preparation of them taking the throne, however, it appears that this form of education is no longer offered or is lacking in some respects, perhaps there is a need to revisit the process of socialising one to become an effective traditional leader. This is because there is an outcry that some traditional leaders lack the best interest of their people at heart, and they only look at their own selfish interest.

The main arguments participants are advancing are that some of the traditional leaders are just leading the communities without any clue of what leadership is all about. Some traditional leaders use their communities to become wealthy people/leaders; this kind of traditional leaders use their powers to gain personally. They do not care about the community because they do not even understand what a community is and what it is all about. Leadership education is very imperative as it allows traditional leaders to gain knowledge and skill of being an efficient leader in their community. These views are supported by Smith (2000), who contends that, although, some may think that leaders are born, the majority of them are said to be made through the education and training they receive throughout their lives. Smith also added that leadership skills and education take time just like education and skills in any other field or discipline.

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4.3.2. Complementary relation

This section presents, analyses, and interprets the views that talks to how the relationship between the traditional leadership and local government in Thulamela regarding land allocation is complementary. Majority of participants said that the relationship between traditional leadership and local government on land allocation is negative in many respects, they also acknowledged the positive part of it. This means that the relationship is adequate in other aspects of land allocation. Majority of participants indicated that the way land is allocated in the Thulamela local municipality shows some elements of harmonious relations between the traditional leadership and local government.

4.3.2.1. Land allocation-related Service delivery role of the municipality

This section presents, interprets and analyses the views of participants on one of the factors that contribute to the complementary nature of the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality. The discussions are on what participants specifically said under this sub-topic before I interpret and analyse these views. Participants are of the view that traditional leaders and municipal officials have different roles to play when it comes to land allocation. Traditional leaders believe that land allocation is their responsibilities, and the responsibilities of local government are to survey, plan and inspect areas in which land is allocated and below are some of their views.

Khosi Vho Mashudu said:

> "*Vhushaka ndi havhuḓi ngauri riṋe sa mahosi ri a zwipfhesesa uri masipala washu sa muḓisedzi wa tshumelo u tea u vha na tshipiḓa tshine a tshi tamba kha u avhelwa ha vhadzulapo mavu. Masipala nga murahu ha musi riṋe mahosi ro ta fhethu hune ha nga vha na zwitentsi zwo dzula, u tea u ḓisa inzhiniara na vhaṱoli vha ḓa vha ita mushumo wavho. Izwi zwi tshi itelwa uri nḓisedzo ya tshumelo dzi nga ho bada, mabunga, maḓi na muḓagasi zwi leluwe. Na masipala u sumbedza a tshi zwi pfhesesa uri mavu a tea u kovhiwa nga riṋe vhaṋe vhao sa mahosi nga maanḓa hafha vhuponi ha mahayani*".

> "*The relationship is good, as traditional leaders we understand that the municipality has been given the mandate to deliver services and as such they must have a role in the land allocation processes. Their role as the municipality is that after we as*

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traditional leaders have identified a place that we want to allocate for our people, they must come and survey, plan and inspect the place. This must be done so that services such as roads, sanitations, water and electricity just to mention the few are easily delivered. The municipality seem to acknowledge and understand that land must be allocated by us traditional leaders especially in the rural areas where we control".

Khosi Vho Mmbulungeni mentioned:

"Masipala wa Thulamela sa miṅwe mimasipala fhano Afrika Tshipembe u na vhuḓifhinduleli ha nḓisedzo ya tshumelo dzi ngaho maḓi, tshampungane na bada dzavhuḓi dzi tshimbileaho. Izwi zwi ita uri na riṋe mahosi ri zwi vhone zwo tea uri ri vhidze masipala a ḓe a ṱole na u pulana fhethu hune riṋe sa mahosi ra ṱoḓa u avhela vhathu vhashu hone mavu a u dzula na a mabindu. Ndi kupfhesesele kwashu riṋe sa mahosi uri izwi zwa itiwa nga nḓila yone na vhalanda vhashu vha ḓo dzula zwavhuḓi vhana bada dzo teaho, maḓi na dziṅwe tshumelo".

"Thulamela local municipality just like any other municipality in South Africa is mandated by the national and provincial government to provide basic services to the people at the local level. Services such as water, houses, roads, and sanitation just to name but a few are the responsibility of the local government in rural communities. This understanding makes us the traditional leaders to see it fit to invite the municipality before we can allocate land for settlement or for business purposes such that they can plan the settlement and survey the area. This is done so that the delivery of basic services by the municipality and other government agencies and institutions are with ease".

The views of traditional leaders were very common regarding their knowledge and understanding regarding the role of the municipality in service delivery which also touches on land allocation issue. Traditional leaders who participated in this study seem to agree that the municipality have a role to play in land allocation. In addition, they all agreed that the role of the municipality is not to allocate land especially in rural areas but to ensure that inspection of the land, surveys of the land and proper planning for settlement and business purposes are well taken care of. They agreed that it is for the municipality together with them to make sure that land is allocated in places that are conducive for both settlement and business purposes. This is because once these aspects are well taken care of, it will be easy for the municipality in collaboration with

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other government departments to deliver services such as water, sanitation, electrification of the area, roads, schools, clinics and sporting areas.

It is the above understanding of the traditional leadership in the Thulamela local municipality that allow them to work harmoniously with the local government on land allocation issues particularly on those mentioned aspects. It, therefore, becomes obvious that the traditional leader in the Thulamela local municipality understand that land allocation cannot happen effectively without the municipality playing its role. Whether the understanding of the traditional leaders on the role of the local government in land allocation is correct or not, it should become the subject of another discussion or debate. What is important to note at this point, is whether this understanding provides a clear separation of roles when it comes to land allocation particularly between traditional leadership and local government. The section below presents the views of local government officials on the same issue and after that I analysed both views to arrive at findings on this matter.

Municipal official, Vho Danda said that:

> "*Riṋe sa masipala ri na vhuḓifhinduleli ha u isa tshumelo vhathuni kha vhupo vhune ra vha khaho. Ri isa tshumelo dzingaho sa dza maḓi, tshampungane, bada na u ita uri muḓagasi u vhe hone kha vhupo hoṱhe hashu ri tshi khou shumisana na vha nḓisedzo ya muḓagasi. Hezwi ndi zwine na mahosi vha zwi pfhesesa. Kupfhesesele kwanga ndi kwauri phanḓa ha musi mahosi vha tshi nga ri hafha fhethu ndi ha u dzula vhathu riṋe sa masipala ri tea u vha ro thoma ra ḓa ra lavhelesa uri afho fhethu ndi hune ha dzulea naa nahone tshumelo dzine riṋe sa masipala ra tea u dzi isa vhathuni dzi ḓo konadzea naa. Ha kona u avhelwa vhathu uri vha dzule. Naho na hanefha hu na khuḓano nyana, hu na u shumisana huhulwane kha hezwi*".

> "*The municipality has the mandate to deliver services such as water, sanitation, roads and to make sure that there is electricity in the area of its operation working with other government departments and electricity suppliers. This is what the traditional leaders in this area know and understand. My understanding is that before the traditional leadership identifies and settle people in any areas of their jurisdiction, they must first consult the municipality. The municipality will then come and survey, inspect and plan the settlement and or business area so that service delivery for those people will be easy to achieve.*

Municipal official, Vho Makatu mentioned

> "*Masipala na mahosi vha shumisana zwavhuḓi kha kupfhesesele kune mahosi vhavha nakwo nga ha masipala nga maanḓa zwi tshi ḓa kha nḓisedzo ya tshumelo nga masipala. Naho hu si na tshiimiswa tsho tou fhiwaho vhuḓifhinduleli ha u avhela vhathu mavu vhukati ha masipala na mahosi nga ndayotewa ya shango kana mbekanyamaitele, vhuḓifhinduleli ha nḓisedzo ya tshumelo hone hu khagala ho fhiwa masipala. U pfhesesa izwi zwi ita uri mahosi vha shume na masipala zwavhuḓi kha u kovha mavu*".

> "*The municipality as the local government and traditional leaders works well together due to the understanding that the traditional leadership in the area have. Traditional leaders agree and understand that the responsibility of service delivery in Thulamela is the responsibility of the municipality and not the traditional leaders. This encourages them to work well with the municipality on land allocation. This happens even if the responsibility of land allocation is not clearly indicated in any of the government legislative frameworks including the constitution of the country*".

Vho Rosina's views are not presented here because they are not different from those of Vho Danda and Vho Makatu. They all seem to agree that there is a good working relationship between traditional leadership and local government on land allocation. There seems to be some agreement on the service delivery role of the municipality by both traditional leaders and local government officials, although, there is some disagreement about land allocation role of the traditional leaders. This comes about because the municipal officials indicated that the role of land allocation is not clearly given to any institution of leadership, whether the traditional leaders or local government by any government legislation, policy as well as the institution of the country. What is important to note is that the relationship between the two institutions of leadership is good and complementary according to the participants. Traditional leadership and local government in the Thulamela local municipality are complementing each other because it is a common knowledge that the municipality must be consulted before land allocation takes place.

4.3.2.2. Established system for land allocation

Participants indicated that both traditional leaders and local government are enjoying some form of harmonious relations in other aspects of land allocation because they

have established a common system of allocating land especially land for business or economic purposes. Traditional leaders and municipal officials in the Thulamela local municipality are making sure that they both rip the benefit of land allocation through one system that allows both of them to benefit, but at the expense of the communities they serve. Below are two of the voices from the participants on this matter.

Vho Rosina explicated that:

> *"U ri tshumisano vhukati ha mahosi na masipala ndi yavhuḓi zwi vhonalesa musi muthu a tshi lavhelesa mbetshelwa dzi re hone kha uri muthu a wane tshitentsi tsha vhubindudzi. Masipala u a zwipfhesesa uri muthu a ṱoḓaho u ṅwalisa tshitensi tsha vhubindudzi ha masipala u tea u vha o thoma kha mahosi na hone tsumbo yazwo ndi luṅwalo lu bvaho kha mahosi lune a tea u ya nalwo ha masipala. Arali muthu a ya ha masipala u ṅwalisa tshitentsi tsha vhubindudzi a si na luṅwalo lu bvaho kha mahosi masipala u a balelwa u thusa muthu onoyo nga maanḓa arali tshitentsi tsha hone tshi vhuponi ha mahayani".*

> *"Good relations between the municipality and the traditional leadership is more evident in the process of land allocation for business purposes. A person cannot just go to the municipality to register land for business purposes without starting at the traditional leaders. To show that the person started at the traditional leaders the person must bring letters from the traditional leaders and failure to do such that person cannot register the land especially if the land is located in rural areas where traditional leaders are controlling".*

The following statement was made by Khosi Vho Ndiafhi;

> *"Zwi bva fhano zwa ya Mbilwi zwa Mbilwi na zwa fhano a zwi fani riṋe fhano kha zwa vhubindudzi ri vha ri na gemo ḽa uri zwi guma gai, na vha Mbilwi na vhone vha na gemo ḽavho, riṋe zwa zwino ri vha ri nazwo hezwo zwithu nahone muthu ri mu ṱalutshedza a tshi kha ḓi vha fhano uri a tshi swika Mbilwi u khou ya u ṱangana na hezwi fhedzi zwa ha masipala riṋe a ri zwi ḓivhi u ḓo ṱangana nazwo hanengei na vha ha masipala vha ḓo mu vhudza uri zwi tshimbilisa hani ngauri vha ha masipala vha vhea mbadelo vho shumisa tshikweamitha, sa tsumbo arali vha khou ri ndi R2 kana R2.50 nga tshikweamitha zwi amba uri ndi zwezwo. Ha masipala a hu na zwa nyambedzano fhedzi fhano arali vha tshi khou sumbedzisa uri vha ṅwana wa fhano vha khou ṱahalelwa ri nga si tou vhalitshedza uri vha balelwe u bveledzisa vhadzulapo ngauri*

ha swikeleli ngauri nga Tshivenḓa nduvho a si tshelede fhedzi na mavhele arali vho lima vho wana masaga vha isa saga ndi nduvho ino khou ya musanda".

"*You start here and the fees here and those that you pay in Mbilwi are different, we have our own specified fees on business stands and even at Mbilwi they have their own specified fees and we tell the candidate who wants a stand what they are going to come across when they go to Mbilwi so that they will go there prepared but we have no knowledge of what happens in the municipality offices they will deal with it when they get there because the municipality charges per m2 for an example they might say they charge R2 or R2.50 per m2 and that's that since there are no negotiations at the municipality but here if you say I am from this area and I cannot really afford that amount I'm shot then we make a plan because you can pay with anything and we cannot really deny our people development*".

After listening to all the participants, it became clear that all the processes that are to be followed for one to be allocated land either for settlement or business purposes appear to be very clear and known to many participants. There is an understanding that land allocation processes, particularly, for settlement purposes, in rural areas of the Thulamela local municipality is the responsibility of the traditional leadership, both in the village and at the level of the chief. The role of the municipality is only to inspect the land, survey the land and plan the settlement properly in ways that do not make service delivery difficult, and this is a common understanding of almost all the participants. By so doing the municipality together with the traditional leadership make sure that people settle in a place that is conducive for settlement. The concern of the municipality in this process is the provision of service delivery such as water, sanitation, electricity, and construction of road networks, and not the allocation of land.

There are, however, some headmenn and chiefs who do not want to follow this process but at least they know about it and agree that it is the way things should be done. Both institutions have established these kinds of process with a view to avoiding unnecessary conflicts between the two institutions. This process established different roles and responsibilities for the traditional leadership and local government regarding land allocation. It becomes clear that both Afrocentricity theory and modernisation theories can be integrated and come up with ways to harmonise both traditional institutions and Morden (Western) institutions to bring about better service delivery,

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particularly on land allocation in rural communities. What is worrying about these agreed upon processes is that they are not written down anywhere and they are not guided by any legislation in the country or anywhere else. They are, therefore, prone to manipulation and violation as they do not bind anyone legally because they are just verbal agreements known to only traditional leadership and local government in the Thulamela local municipality, and they might not apply in other local municipalities in South Africa.

Major cooperation between the two institutions is evident in the allocation of land for business purposes. A person who is looking for business land to be allocated to him/her starts from the headman in the village and pay '*Nduvho*' after which he/she is given a letter to take to the chief. The chief will then demand a certain amount of money in the name of '*Nduvho*' and after that the chief will provide another letter to the person looking for the land, to take to the municipality to register the land, after paying what is prescribed by the municipality the person receives a tittledeed for the land. Meaning that the land then becomes a private property of that person.

It is a common knowledge from the participants that failure to pay '*Nduvho'* to both the headman and the chief, means no letter will be written for you to take to the municipality. In other words, if a person from the village goes to the municipality to register land for business purpose without a letter from the chief, he/she will not be assisted in that regard. It is also interesting to know that even if a person does bring a letter from the chief, but that person does not pay what is prescribed by the municipality the stand will not be registered in his/her name until such happens. This is one area that a good working relation that the traditional leadership and the Thulamela local municipality have managed to establish outside the government legislative frameworks.

It is based on the above information that, land for business purposes could be allocated on a permanent basis provided all the channels that are in place between traditional leaders and the municipality are correctly followed. If the person looking for land to do business in goes to the headman and pays whatever he/she charged there a letter is issued which he/she must take to the chief. The chief charges whatever amount of money and if that money is paid the chief issues another letter which the

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person who is being allocated the land must take to the municipal offices that deals with land allocation. The municipality charged the amount of money they want per their rates and if the person allocated the land pays the money the municipality issues a tittle deed for that piece of land to that person. This means that if all these processes are followed the person allocated the land owns the land for ever and this land can be transferred to his/her children as inheritance or the land can be sold. In this case land is being understood as a commodity that can be sold, bought, and inherited. It is important to point out that these are new tendencies that came with the colonialism and apartheid in this area. Households used to be given land for sustainable livelihood purposes for free and as permanent possession because the same land could be used by generations of that household. As it stands, people who will have land as their permanent possessions are those who are financially able and those who are poor will remain landless if this tendency which is the order of the day continues.

The implications are that all these processes can only be followed by those who have substantial means. This is because the person must pay two traditional leaders before he/she goes to pay the municipality. From what the participants said this process does not come cheap as there are prescribed amounts from both the headman and the chief as well as the municipality. Thus, the poor could remain landless whereas those have the means could access any land they want because they can afford to pay all these monies. Provided you have the money you can buy as many large pieces of land as you can afford, and one can, therefore, purchase land in as many villages as they want provided there is money to finance these transactions. Some people are known to own large pieces of land in various villages, whereas some people in the rural areas are known to lack access to land, particularly for business purposes since they have no money to buy. This at the end will perpetuate inequalities that the government is trying very hard to address. The gap between poor blacks and rich blacks is getting wider and wider due to this land allocation system established between the traditional leadership and local government in the Thulamela local municipality and the system must be revised to also benefit the poor.

4.3.2.3. Traditional *nduvho* vs municipal *tjotjo*

After going through the data, I realised that participants have a serious concern. Tjotjo in this study is refered to a bribe, usually given to cops or traffic officers. In this case the mucipal officials bribes traditional leaders to gain access to land on behalf of the munipality and sometimes for their personal gain. These are transsections that are not official and are done in confidence between the traditional leaders and municipal officials. They indicated that municipal officials collude with traditional leaders who still have large pieces of land so that these traditional leaders sell the land to municipal officials for development purpose. In some cases, the municipality officials then allocate the same piece of land to community member for settlement purposes but charge them exorbitant amounts of money as they want to gain back the money, they used to buy the land, and make profit in the process. Sometimes they also sell that land they purchased from traditional leaders on a personal level and make a lot of money as their prices are often unreasonably high.

Community member, Vho Alidzuli raised the concern that;

''Masipala na mahosi vha ya ita nyambedzano mahosi a rengisela masipala fhethu nga tshelede i si na vhukono uri masipala a ite mveledziso ine a khou ṱoḓa yone. Afha ndi hune tshiṅwe tshifhinga wa wana masipala a tshi khou tshea zwitentsi a tshi zwi rengisa u ḓura vhukuma ngauri masipala ene o bvisa ''nduvho'' i si na vhukoma. Izwi ndi zwine zwa sia masipala na mahosi vha tshi anḓana na u shumisana zwavhuḓi'.

"Local government and traditional leaders sometimes approach each other and negotiate for land and money. After which the traditional leaders demand certain amount as ''Nduvho'' so that the municipality can develop the area. This is where you will see the municipality allocating stands for both residential and business purposes and the stands will be very expensive because the municipality paid large amount of ''Nduvho''. These are some of the things that makes the traditional leadership and local government to be good and complimentary in nature".

Community member, Vho Tshinakaho lamented that:

"Masipala u a swika hune a fhumula a laṱhelesa musi mahosi vha tshi khou tshetshela vhadzulapo zwitentsi fhethu ho vhetshelwaho thungo, hune havha ha masipala. Izwi a ri ḓivhi uri mahosi a zwiita nga u shaya nḓivho ya uri fhethu afho ndi ha masipala naa, fhedzi ngoho ndi ya uri masipala ene u vha a tshi zwi ḓivha. Mahosi vha bvisisa vhathu

nduvho dzi si na vhukono uri vha fhiwe zwitentsi izwo. Vhathu vha tshi fhedza u wana zwitentsi izwo vha tea u wana Thendelo ya u Dzula (PTO) ine vha tea u ya ngayo ha masipala u ṅwalisa tshitentsi tshenetsho mulayoni. Masipala ndi hune a fhedza o ya kha vha vhadzulapo vhenevho a vha vhudza uri vho dzula fhethu hawe nahone uri a sa vha pandele vha tea u renga fhethu afho nga tshelede ine masipala a ḓo vha tetshela yone".

"The municipality sometimes keeps quiet when they see traditional leaders allocating land that belongs to the municipality to the people. I do not know whether traditional leaders do this without knowledge that the place is proclaimed or belongs to the municipality, but I know for shore is that the municipality will be knowing that the place is theirs and they chose to keep quiet. Traditional leaders will be charging people an exorbitant amount of money as "Nduvho" so that they can get a space in that area. What is interesting is that the municipality will then after go to the same place and tell those people that that land belongs to them and if they do not pay them according to their rates, they will chase them out of their property".

Majority of participants who participated in this study indicated that traditional leaders and municipal officials collude with each other and sell land to each other. Traditional leaders usually approach the municipality and offer them a large piece of land for a given price. This happens usually if traditional leaders have heard that there are some projects that the municipality is rolling out that need land. The municipality will then buy the land from the traditional leaders and begin with the project or allocate the land in that area for residential purposes. The municipality now becomes the institution that charges people who need land. This is done with a view of recovering the money used to buy that land in the first place. The implications are that that land becomes extremely expensive because the municipality paid a lot of money to the traditional leaders and the municipality wants to make profit from selling the same land. When this happens, traditional leaders keep quiet and neglect the poor. Thus, only the rich who can afford expensive land can access the land whereas the poor remain landless. What is painful is that the poor remains lacking access to land and continue to live in crowded households. This is just another area that symbolises the complementary nature of the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality.

Again, many participants also said that sometimes municipal offcials keep quiet when they see traditional leaders allocating land that is in proclaimed areas to people and demanding extremely large amount of *'Nduvho'"* to be allocated that land. After people have paid *'Nduvho'* to the traditional leaders, they get PTOs which they are supposed to take to the municipality for the registration of the stand, however, when these people get to the municipality with PTOs the municipal officials tell them that the land belongs to them and they are prepared to negotiate with the people and once these people pay the municipal officials what is due, these people stay there without any problem, but failure to pay the municipality, then eviction becomes the only option. People then pay the municipality in fear of eviction and prolonged court cases. The implications to the communities are that people end up paying double for the same stand with traditional leaders and municipality taking their share. Some implications of this are that some members of the community end up with houses that they cannot finish as the money went to traditional leaders and the municipality. These people ed up being frustrated, stressed, depressed, and suffer from many other metal health issues. As such, the relationships with siblings, partmers and colleauges and even thoer bosses at work suffers because they are unable to deliver effectively in thoer work responsibilities due to such issues.

In addition, most of the people who are no longer able to finish their houses end up selling the very same land they paid large amount of money for. In most cases these lands are sold very cheap because people want to continue surviving. Meaning that these people would have lost a lot of money in the process, and they end up with no land to show for the money they spend. Therefore, landlessness for the poor becomes the order of the day which may lead to stress, mental helath issues and debts as some may have taken loans from different institutions to pay for the land which they end up losing in the process. This issue affects both man and women equally as they both need access to land, and they all buy land for both settlement and business purposes. This is because many households in Thulamela local municipality are headed and provided for by women, so this issue affects both genders. Thus, when both men and women are indeted to financial institutions and they lack the land, it leads to dire poverty for their households and this is a very painful experience.

4.4. Guidelines to an improvement of the relationship

This section provides guidelines on how best both the system of elected government and the hereditary traditional leadership can possibly co-exist and work harmoniously on issues of land allocation. These guidelines may be also applicable to other areas of collaborations and cooperation between these two centres of power. The guidelines are importance because these two institutions of leadership share a common constituency, which are the African people in the rural areas.

This section is the third and the last section of this chapter. It presents, interprets, and analyses data on guidelines to improve the relationship between traditional leaders and local government on land allocation. This data attempts to respond to the third research question in this study. Participants were asked to indicate ways that can guide the improvement of the relationship between traditional leaders and local government in the Thulamela local municipality. This section presents, interprets, and analyses data using the sub-themes that emerged from the data collected, such as communication, one-stop shop, regulating land allocation and land allocation dialogue, among others

4.4.1. Communication between the two centers of power

Participants are of the view that communication between traditional leadership and local government on land allocation issues is minimal and ineffective, as such it needs to be improved with a view of enhancing the relationship between these two institutions on land allocation, particularly in the Thulamela local municipality.

A community member, Vho Elisa advised:

> "Masipala na mahosi vha pfhala na u vholala vha sa ambi vhoṱhe, Tshivenḓa tshi ri a songo kavhaho mutanda muthihi u fhufha a ya liana. Kushumele kwa havha vhathu ku sumbedza vha vhathu vhane a vha dzuli fhasi vha langana mashumele avho siani ḽa u kovha mavu. Arali mahosi na masipala vha nga dzulela u amba ngaha ku avhelwe kwa mavu zwi nga ita uri vha pfhesesane khwine zwine zwa nga vha livhisa kha vhukonani havhuḓi".

> "Local government and traditional leaders in Thulamela appear to be operating in isolation. This can be witnessed through the way they operate on land allocation; it will

be very beneficial to the relationship for both institutions of leadership to constantly meet and discuss land allocation processes. This will lead to a very productive and harmonious relationship between these two centers of power on land allocation in Thulamela".

What participants were saying is that there is a problem since there are no proper channels of communication between traditional leaders, the municipality, and the community. Where the communication is not effective or improperly done, the relationship is likely to suffer because misunderstanding and misconceptions are highly like to take place. Traditional leadership and local government must find ways of establishing or improve communication between each other on land allocation issues. This study does not recommend traditional leadership institution or local government replacing the other, as that there is a room for both institutions in South Africa. Both institutions, therefore, need to improve the way they communicate on matters of land allocation and service delivery in general so that their relationship will improve, which will translate to better land allocation processes and service delivery, in general. There should be constant meetings between all chiefs in Thulamela local municipality and leaders of the municipality to discuss land allocation issues. These meetings should be official and be minetted such that the resolutions thay take may be escalated to the department that dealth with these two institutions may review legislative framework to enhance the relationship between them and promote equitable access to land in the area.

4.3.2. One-stop shop

This section presents, interprets, and analyses participants' views about the establishment of one specific place that will deal with all land allocation issues. This is believed to can improve the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality. This next section captures specifically what participants said on this issue.

A community member, Lufuno, recommended that:

"Nṋe ndi vhona hu na ṱhoḓea ya uri hu vhe na fhethu huthihi hune muthu a tea u ya hone a wana tshumelo yoṱhe i yelanaho na u kovhelwa mavu. Afha ndi hune muthu a

ḓ do badela mbadelo nthihi a avheliwa mavu nahone a dovha awana na ṱhanziela ya vhuṋe ha mavu hanefho fhethu huthihi".

"I think there should be one specific place where people can get all the services for the land allocation from one person or office and then the rest is done administratively without you having to pay so many times".

A community member, Rofhiwa said:

"Nga kuvhonele kwanga hu tea u vha na fhethu nthihi hune ha tshimbidzwa mafhungo a u avhela vhathu mavu. Afha ndi hune muthu a ḓo ri o ya hone a tshi bva, a bva o fara ṱhanziela ya vhuṋe ha mavu. Izwi zwi ḓo thivhela nyimele ine ra wana vhathu vhararu vha tshi lwela tshitentsi tshithihi ngauri vhoṱhe vha vha vho avhelwa tshitensi vhe vhararu nga tshifhinga tshithihi nahone vhoṱhe vho badela masheleni".

"There is a need for a one stop center where everything to do with land allocation is being dealt with there. It is from the one stop center one would have some kind of proof that the land is theirs from one system and then people don't want to be dealing with three others individuals who are coming claiming the very same land and if there are some things wrong then that would mean that they would align itself with one center as opposed to when you don't know who to ask the questions about what went wrong and who paid what".

The majority of the participants, particularly, those who are community members gave inputs that seems to be complementing each other. They indicated that there is a need for the traditional leadership and local government in the Thulamela local municipality to engage in negotiations and talks that will lead to them establishing one center for land allocation. This should be a place where a person will go and for one price, the person will get a proof of ownership of the land and never have to pay anything else to anyone elsewhere.

IOt seems that what these people are saying is that they do not care how the traditional leadership will get their 'Nduvho' and the municipality will get its charges, but they want to pay one particular price for a piece of land and not pay three times as has been a norm, particularly, for land for business purposes. I support these views because I can understand the frustrations that these participants shared with me during the

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conversations, I had with them about this particular issue. Land for business is very expensive in the Thulamela local municipality, even in rural areas. This is because a person has to pay the prescribed amount of money for business land depending on the size and shape, hence, the price is extremely high. The same person must go to the chief of that particular headman to pay another specified exorbitant amount of money then, the same person must then go to the municipality to pay another charge based on the size of the land which is charged per square meter. It implies that one person has to pay three different authorities to access the one piece of land for business purposes. I agree that these financial processes are cumbersome and leads to land being too expensive. It is through these processes that fair and equal access to land will continue to be a dream for the poor, however, the one-stop shop has a potential of providing fair, equitable and affordable access to land.

In my view the one-stop shop will also deal with the disturbing situation where one stand is allocated to three different people just because someone or some people are greedy and corrupt and want to collect as much money as possible from their subjects. The one-stop shop presents an opportunity for both the traditional leaders and local government officials to cooperate and collaborate for the betterment of land allocation processes in the Thulamela local municipality. Both the Afrocentric and modernization theories are relevant, but none of them should dominate the other within the context of improving the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality. Land allocation in the Thulamela local municipality through the one-stop shop can be corrupt-free and affordable to all and not favouring the rich. It should be clear that the idea of a one-stop shop does not suggest that either of the two centers of power in the Thulamela local municipality must not benefit from land allocation processes, but both must benefit in ways that are corrupt-free and does not deprive poor communities' access to land.

4.4.3. Regulating land allocation

Participants agreed that there is a system that traditional leadership and local government have established when it comes to land allocation in the Thulamela local municipality and argues that it will be best if this system is regulated, such that accountability becomes enforceable.

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Municipal official, Vho Danda explained:

> "*Riṋe na mahosi hu na kushumele kwashu kwe ra pfhana kwone, ndi tshi pfhesesa uri na mahosi nga vhone vhaṋe vha na kushumele kune vha anḓana khakwo zwi tshi ḓa kha mafhungo a u kovha mavu. Thaidzo ndi ya uri kha konoku kushumele kwo anḓaniwaho kwone a huna mbetshelwa dzine dza sumbedza uri arali muthihi kha mahosi na masipala a si tsha tevhedza zwo anḓaniwaho ndaṱiso i ḓovha ifhio. Arali havha na maga a ndaṱiso kha u sa tevhedzi mbetshelwa idzo zwi nga thusa. Zwi nga takadza arali mbetshelwa idzi dzi tshi nga vha mulayo une wa ṱhonifhiwa na u tevhedzwa*".

> "*The municipality and traditional leadership in Thulamela have established protocols to be followed on land allocation which both parties agreed to and they are being observed. I believe even the traditional leaders have their commonly agreed upon ways of allocating land. The major challenge is that these established protocols of land allocation are not enforceable. It would be great if these established protocols are to be made proper regulations that are enforceable if anyone from either structure between the two fails to observe these protocols can be punished*".

Community member, Vho Elisa said:

> "*Zwi a ḓaḓisa hezwi zwithu zwa u avhelwa ha mavu nga mahosi ngauri a zwi fani huṅwe na huṅwe. Vhaṅwe na vhaṅwe vha na maitele avho sa mahosi, mbadelo dza hone dzi a fhambana nga vhupo. Zwi nga vha zwavhuḓi arali muthu a nga ri a tshi ya hoṱhehoṱhe a ṱangana na maitele na mbadelo dzi fanaho*".

> "*This land allocation thing is very confusing. Different traditional leaders have different ways and amounts for allocating land. It could be better if there was just one system and amount all over Thulamela municipality*".

Participants who contributed on this particular aspect of the study are of the view that land allocation must be same all over the Thulamela local municipality. It is a concern of the participants that land allocation processes and fees are very different within the same area of the Thulamela local municipality. For instance, if one goes to look for land in Tshifuḓi he/she will have a different experience to a person who will go to Mukula for the same purpose. All these places are in the rural areas and fully controlled by traditional leaders but fall within the jurisdiction of the Thulamela local municipality. Universal rule of land allocation. What makes the different is that they are led by two

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different chiefs, the former is led by Mphaphuli and the later by Tshivhase. As minor as it may seem this difference translate into different processes of land allocation.

It may mean that because these two chiefs are different they have different behaviors, education and skills of leadership which may translate to different ways of leading the communities. This may mean that the same residents of Thulamela may experience different land allocation processes only based on the fact that they are from different villages. It will be best of a regulatory body purely for land allocation and regulation in Thulamela and South Africa in general is established. This is to make sure that residents in Thulamela experiences land allocation processes that are similar because they are living in one municipality. This will be in contrast to the current situation that makes Thulamela residents seem like they live in two different municipality whereas they are living in one and the same.

4.4.4. Encouraging parties to share ownership

The majority of participants of this study suggested that perhaps the relationship between traditional leaders and local government on land allocation can be improved by encouraging both institutions of leadership to share the ownership of land. Below are some of their statements.

Community member, Vho Tshinakaho captured it well when she said:

> "*Masipala na mahosi vha vhusa vhuponi vhuthihi nga tshifhinga tshithihi nahone vha tshi khou vhusa vhathu vhathihi. Ngeno na mavu aneo ane a kolwelwa ndi aneo mathihi. Masipala u toda u langa mavu na mahosi a ri mavu na riṋe ndi ashu. Ho ṱanganana tshoṱhe, fhedziha arali mahosi na masipala vha nga ṱuṱuwedziwa uri vhoṱhe vha ḓivhone sa vhaṋe vha mavu nahone vha na vhuḓifhinduleli ha u a kovha vhe vhoṱhe zwi nga thusa*".

> "*Traditional leadership and local government lead the same communities at the same time. Even the land that they usually fight for is the same at the same time and place. Traditional leaders want to control the land and the municipality also want to control the same land. It is tough, but then, if the traditional leadership and the municipality are encouraged to start thinking about shared ownership of this scares resource and have shared responsibility it will help*".

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Municipality official, Vho Danda mentioned that:

"Zwi nga vha zwavhuḓi arali hu nga vha na kupfhesesele kwauri riṋe sa masipala ri ranga phanḓa vhadzulapo ngeno mahosi na one a tshi ranga phanḓa vhadzulalpo vhenevho. Hu na kupfhesesele kusi kwone kha mahosi kwauri mavu ndi avho ngeno mavu vho bebya vha a wana. Riṋe sa muvhuso wa fhasi ri ḓivha uri mavu ndi a vhadzulapo honeha mahosi vha thusa vhadzulapo u a langa. Ndi ngazwo hu si na zwine vha tea u ita vha songo thoma vha tendelana na vhadzulapo zwi tshi katela na mafhungo a kwamaho mavu".

"It will be great if there is an understanding that as municipality, we lead the people and traditional leaders lead the very same people. My concern is when the traditional leaders claim to own land that they found when they were born. Land is older than a human race. As local government we understand that land belongs to the people and the traditional leadership are administrators of land on behalf of the people they lead. That is why traditional leaders are not supposed to do anything without agreeing with their subject including issues to do with land allocation".

Participants expressed common views on this matter. The majority indicated that since both institutions claim to be the controller and owners of land and argues that they exist in the same space and lead the same people, it is suggested that both institutions share the ownership of land such that there could be harmonious relations between them. The word "shred-ownership" in relation to land means that two or more persons own land simultaneously in undivided shares. This is something that needs to be considered and it may not be easy to achieve but worth looking at. Land is older than the human race and no one can claim to own it, whether traditional leadership or local government. Participants who advanced this view argued that the communities suffer when these two giants fight. The fight disadvantages the communities that these two institutions are supposed to serve. Shared ownership will force them to work harmoniously together as they would have to sit more often and pave a way of allocating land together.

4.4.5. Land allocation dialogue amongst stakeholders

All the participants also had FGDs and were interviewed on guidelines that can improve the relationship between traditional leadership and local government on land allocation. They all aired diverse view on this matter, but those who mentioned the

issues of land allocation dialogue were community members and their views are furnished below.

Community member, Vho Muravha said:

> *"Nyambedzano nga ha u avhelwa vhadzulapo mavu ndi ya ndeme vhukuma. Arali ha nga vha na nyambedzano i katelaho mahosi, masipala na madzangano na zwiimiswa zwi kwameaho kha u avhiwa ha mavu. Hei nyambedzano i fanela u vha ine ya katela vhoṱhe vha kwameaho nahone ya itiwa nga u ṱavhanya. Izwi zwi ḓo thusa uri hu bve mihumbulo yo fhambanaho ine ya ḓo sia hu tshi khou wanwa thandululo ya khuḓano dzine dza vha hone vhukati ha masipala na mahosi zwine zwa sia vhadzulapo vha tshi kwamea nga nḓila I i si yavhuḓi". Uri ivhe na maanḓa kana uri i shume hei nyambedzano i tea u rangwa phanḓa nga vhadziamulalo vhane vha vha vhafunzi. Nahone ho khethiwa vhafunzi vhane vha ṱhonifhea kha tshitshavha tsha Thulamela kana Vhembe".*

> *"Land allocation dialog is very important tool to resolve the ongoing conflict between traditional leadership and local government on land allocation in Thulamela local municipality. The dialog must include traditional leaders, local government and all affected stakeholders. This will assist in finding better ways of allocating land in Thulamela local municipality and improve the deteriorating relationship between traditional leadership and local government in Thulamela local municipality". For this land dialog to produce desired results it must be facilitated by pastors and just pastors but those who are reputable and respected in Thulamela and Vhembe area".*

Another community member, Lufuno added:

> *"Vhunzhi ha zwithu zwi tshi itiwa zwi itiwa hu songo kwamiwa vhadzulapo ngeno zwithu zwa hone zwi tshi kwama vhadzulapo. Huṅwe zwi sumbedza mahosi na masipala vha tshi shumisana zwavhuḓi kha mafhungo a mavu, fhedzi zwoṱhe hezwi zwiimiswa a zwi na ndavha na u dzula na vhadzulapo zwa pfha vhupfhiwa havho kha mafhungo a mavu. Vhadzulapo ndi vha ndeme ngauri ha sa vha na vhalanda a hu na khosi, ngeno ha sa sa vha na vhadzulapo hu si na masipala, ḽanga ndi ḽeneḽo".*

> *"Most of things that are done are done without consulting the communities whereas everything that is done affects the communities. It appears to me that traditional leadership and local government are working well in some aspects of land allocation. What worries me is that both these institutions of leadership do not care about their subjects. Both of them do not give themselves time to listen to the views of their*

subjects on matters pertaining land allocation. Traditional leaders exist because of the subjects and even the municipality cannot exist if there no people it should serve. That's what I had to say on this matter".

The discussion with these participants made it clear that not many participants value dialogue, but those who suggested it seemed to have detailed information about it. These views indicated that community members felt left out on discussions and decisions that traditional leaders and local government officials had on land allocation or land in general. Participant stressed the need for dialogue in resolving and preventing conflicts in the community. They further indicated that this dialogue can assist in improving the fast deteriorating relationship between traditional leaders and local government, on land allocation.

Definitely, dialogue can assist in improving the and as Kozlovie (2001) asserts, dialogue assists in promoting global peace and ethics. This means, therefore, that dialogue helps people to share ideas and promote relationships. This strategy can provide a conducive environment for both parties to share their concerns, frustrations and ideas and give community members an opportunity to share their concerns, frustrations, and their experiences when it comes to land allocation because it affects them directly. I also like the suggestion from the participants that land allocation dialogue should not just include community members but all the stakeholders on land issues.

I also agree with the suggestion that credible and well-respected pastors, bishops and deacons should be the ones facilitating these kinds of dialogue as they require the facilitator to be very neutral, calm and very skilful in such matters because land is a very sensitive matter to discuss, particularly, in South Africa due to our history with land. In addition, Victoria Reconciliation Dialogues (2017), points out that dialogue brings together people who find it difficult to normally sit down together and talk about controversial issues. It is a difficult process to successfully relate to people who are different from you. Victoria continues that in a dialogue you listen to understand, not to defend your own point of view. A lot can improve in terms of the relationship between traditional leadership and local government on land allocation if both these institutions of leadership can sit down and have a dialogue including the community that they lead.

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It is for these reasons that I am convinced that land allocation dialogue could be one of the mechanisms that can be used to improve the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality.

4.4.2.6. Education and training

Lack of education and training was identified as one of the contributing factors leading to conflictual relations between traditional leadership and local government on land allocation, hence, participants suggested education and training as an effort to improve this relationship. Below are some of their views captured verbatim.

Municipal official, Vho Danda said that:

> *"Kuvhonele kwanga ndi kwauri hu sumbedza hu na u shaya ndivho ya mashumele na kushumele nga mahosi zwi tshi ya na nga mbetshelwa dzine muvhuso wa vha nadzo u itela u langa mashumele a mahosi. Ri si hangwe na fhungo ḽa uri vhushaka ha masipala na mahosi na hone vhu langwa nga mbetshelwa na mbekanyamaitele a muvhuso nga sia ḽeneḽi. Ngauralo nne ndi vhona uri havha na u funziwa ha mahosi nga mbekanyamaitele dzine dza langa kushumele kwavho, na kushumele kwavho na riṋe vha ha masipala, zwithu zwi nga khwinifhadzea vhukuma kha hovhu vhushaka hashu. Ndi ita bembela ḽa uri u pfhumbudziwa honoho hu lavhelesese kushumele kwa mahosi na riṋe vha ha masipala siani ḽa mavu kana ḽa u afhela mavu vhadzulapo".*

> *"It is my view that it appears as if traditional leaders lack knowledge and understanding of the legislative frameworks and policies that guides their role and function as traditional leaders. I am also of the understanding that they lack knowledge and understanding of the legislative frameworks and policies that guides the relationship between them and the municipality. I therefore, suggest that traditional leaders must be educated about legislative frameworks and policies that guides their operation as traditional leaders. Again, it will be important if they are also educated on legislative frameworks that informs the relationship between the municipality and traditional leaders. Most importantly, the trainings must also be focussed on the relationship between traditional leaders and the municipality on matters of land and land allocation to residents of that municipality. I believe all these can assist in improving the challenging relations between traditional leadership and local government on land allocation issues in Thulamela local municipality".*

Khosi Vho Rembuluwani mentioned:

"Ndi khou dzhiela nṱha uri na vhaṅwe mahosi nga nṋe vha na u shaya nḓivho ya mushumo une vha tea u ita wone, ndi vhona na kha makhantseḽara na vhashumeli vha masipala zwihuluhulu havha vhane ra shuma navho kha zwa mavu vha nga a vha ḓivhi zwine vha ita. Tshikolo ndi tsha ndeme kha vhathu vhoṱhe tshi a ṱalifhisa muthu nga maanḓa kha mushumo wawe a u ita nga nḓila yo fanelaho. Nṋe ndi vhona zwi tshi nga vha zwa ndeme uri roṱhe mahosi na vhashumeli vha masipala vha shumaho vhoṱhe kha zwithu zwo fhambanaho ri tshi katela na kha mavu vha dzheniswe tshikolo tsha uri pfhumbudza kha mushumo washu woṱhe. U pfhumbudziwa nga ha vhushaka hashu sa mahosi na masipala kha zwivhe zwiṅnwe zwa ndemesa nga maanḓa kha mafhungo a u kovhela mavu vhadzulapo ngauri ndi hone hune vhunzhi ha pfhudzungule dza takuwa hone".

"Acknowledging that even some of us traditional leeaders lack understaning of what pur roles and responsibilities are which lead us in failing to understand our duties, I am also of the opinion that muniucipal officials particularly those who work with us on issues of land and councillors appears not to know what they are doing. Education is one of the most important tools that open people's yes and minds to understand things better and perform better in their day to day responsibilities. I am of the view that if possible traditional leaders and municipal officials can be grouped together and be educated about their roles and responsibilities, particularly on land allocation issues. The training and education should also focus on the relations between these two institutions of leadership. This will assist in improving the relationship between the two centres of power".

Community member Vho Elisa said:

"U sa anḓana ha mahosi na masipala riṋe zwi a ri tambudza. Fhedzi nṋe ndi vhona u nga tshumisano hei ine ya si vhe yavhuḓi kha mahosi na masipala i itiswa ngauri havha vhathu vha sumbedza vha sa ḓivhi uri vha khou tea u shumisa hani vhoṱhe. Kuvhonele kwanga ndi kwauri mahosi na vhashumeli vha masipala vha shumaho na mahosi vha dzheniswe tshikolo tsha uri vha tea u shuma mini nahone vha tshi khou zwi shumisa hani. U pfhumbudzwa hohu hu tea u itiwa musi havha vhathu vho ṱanganelana uri tshiimiswa tshiṅwe na tshiṅwe kha hezwi zwivhili tshi ḓivhe mushumo na kushumele kwa tshiṅwe".

"This bad relationship between the traditional leaders and municipality officials is complicating our lives as members of the community. However, my understanding I that the conflicts between these two institutions emanates from lack of understanding of their duties as structure. For me, these people must be group together and be educated about their roles and responsibilities in the communities. This will allow both institutions an opportunity to learn and understand what the other institution does, and this will improve the relationship between them".

From the comments, all categories of participants are blaming lack of education on their roles and functions on the part of traditional leadership and local government. Traditional leaders blame municipal officials on their lack of education about their roles and responsibilities towards communities, although, traditional leaders acknowledge that they themselves also lack the same education. What is observed here is traditional leaders are fully aware of their educational challenges and the need to remedy this towards the improvement of this relationship.

Municipal officials, however, are only pointing their figures in the opposite direction, blaming traditional leaders. They contend that traditional leaders lack knowledge and understanding on their roles and responsibilities, implying that municipal official claims that they know and understand the legislative frameworks and policies that guides them on their roles and responsibilities in local communities. Most of the categories of participants are of the view that education and training should not only cover roles and functions but also focus on relational issues, particularly, during land allocation discussions.

Municipal officials seem to be the only category who did not see the necessity for them to be educated and trained in their legislative roles and functions in the communities, whereas they see the necessity for traditional leaders to receive such education and training. Both the community members and traditional leaders, however, see the necessity of municipal officials being educated and trained on their legislative role and functions in the communities. Both traditional leaders and community members suggested that the education and training should be done with both traditional leaders and local government officials grouped together in one place. The centre of this argument is that, if the education and training of these two centres of power is done

concurrently, it will allow both institutions an opportunity to know and understand better, each other's roles and functions. This will, without a doubt, improve one of the most complex relations ever experienced by local communities. All categories of participants agree that education and training on the roles and functions of both institutions is a necessity, if the relationship between traditional leadership on land allocation in the Thulamela local municipality is to be improved.

4.4.2.7. Clarification of roles

Participants also believe that for the relationship between traditional leadership and local government to become less conflictual, there must be clarification of the roles these two institutions are to play on land allocation.

Community member, Vho Muravha mentioned:

> "*Nṋe a tho ngo tou dzhenesa tshikolo sa izwi kale vhana vha vhasidzana vho vha vha vho malwa ngeno tshikolo vho vha vha sa tendelwi u dzhena, fhedzi nṋe ndo vha wa mashudu nda ri ndi tshi bebiwa nda wana hayo maitele a tshi vho fhela zwa ita uri tshikoloni ndi ḓ ya nyana, fhedzi na u sa dzhenesa hanga tshikolo ndi pfha vhathu vha tshi sumbedza u sa dzula zwavhuḓi ha mbekayamaitele na mbetshelwa dza ḽino dzine a dzi ngo kona u zwi vhea zwi khagala uri mahosi mushumo wavho ndi mini sa izwi muvhuso muṅwe na muṅwe u tshi ḓa na maitele awo tsha kale na kale. Zwino a vha mmbudzeha uri arali zwi si khagala uri muvhuso u no khou ṱoḓa mahosi vha tshi shuma mini, a si hune ra ḓo wana vha tshi shuma zwiḽa zwe vha vha vha tshi shuma zwone kha muvhuso wo fhiraho wa khethululo naa. Honeha arali vha ita ngauralo avha vha ha masipala vha ḓo anḓana na mahosi sa izwi mahosi vha tshi ḓo vha vha tshi khou shuma zwine masipala a tea u shuma zwone naa. Kha hu vheiwe mbekanyamaitele dzavhuḓi dzi sumbedzisaho zwi khagala uri mahosi vha shuma mini nahone na masipala mushumo wawo ndi ufhio, hu si vhe na khuḓano kha zwine zwiimiswa hezwi zwoṱhe zwa tea u shuma zwone. Izwi ndi vhona zwi tshi nga khwinisa vhushaka ha mahosi na masipala nga nḓila khulwane*".

> "*I did not go to school much as you may know that during the olden days a girl child was raised for marriage, and she was not allowed to go to school at that time. However, I was fortunate in that I was born when that way of life was starting to be unpopular and a girl child could go to school, this is why I was saying I schooled a bit. Although I did not go to school much, I hear people saying that our legislations and policies*

which failed to put clearly the roles of traditional leadership in the current government. It is known that each regime comes with its own way of working and they draft their own rules and regulations. But, if the current government failed to clearly outline what traditional leaders ought to do in rural communities, traditional leaders appear to be resorting to performing the duties they use to perform in the apartheid government. When that happen, the municipality becomes angry in that some of the roles that traditional leaders appear to be performing are those that the municipality is supposed to perform. This as a result leads to conflict between these two centres of power".

Khosi Vho Tshavhungwe said:

"Muvhuso washu u sumbedza u tshi khou balelwa u ita mbetshelwa na mbekanyamaitele dzine dza vhea zwithu khagala. Ri tshi khou amba zwino hu na Ndayotewa ya shango ine khayo ho itiwa Milayo minzhi minzhi. Fhedzi Milayo hei na mbekanyamaitele yayo a i zwi vhei zwi khagala uri mahosi mushumo wavho ndi mini kha vhupo ha mahayani. Izwi zwi ita uri mahosi vha shume uya nga u pfhesesa havho ngeno izwo zwi tshi ita uri miṅwe ya mishumo ine mahosi vha shuma masipala a pfhesese uri u ya nga ha mbekanyamaitele muvhuso ndi wone masipala une wa tea u ita izwo. Mahosi vha pfhesesa uri u sa vha hone ha mbekanyamaitele dzi vheaho zwithu khagala kha uri mahosi vha tea u shuma mini ndi zwithu zwine muvhuso wa khou zwi ita nga khole, tshipikwa hu u bvula mahosi maanḓa. Izwi ndi zwine zwa ita uri riṋe sa mahosi ri konḓelwe u shumisana zwavhuḓi na masipala. Tshiitisi tshihulwane ndi tshauri zwinzhi zwine masipala a shuma zwone riṋe sa mahosi ri pfhesesa uri ndi zwone zwine ra tea u shuma zwone. Zwa sia phambano vhukati ha mahosi dzi tshi bvela phanḓa. Honeha u sikwa ha milayo ine ya vha khagala kha uri mahosi mushumo wavho ndi mini, ngeno masipala a tshi shuma mini zwa nga thusa vhukuma. Zwine zwa nga vha zwa nṱhesa ndi musi milayo heyi ine ya tea u vha khagala i tshi ita uri kha mahosi na masipala kushumele ku si fane nahone ku si dzhenelelane".

"Our government appears to be failing to introduce legislations that are clear in terms of the roles and function of traditional leaders in local communities. As we speak there is a constitution of the country from which many legislations have been crafted, but all those legislations do not put it clear as to what the traditional leaders must do to service their local communities particularly on the issue of land allocation. This failure of the government compels traditional leaders to work according to their own understanding. Again traditional, leaders

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feel that lack of definitive roles is done deliberately by the government as an attempt to disempower them. This makes the working relations between traditional leaders and the municipality to be complex and challenging. The main challenge being that most of the things that the municipality do in terms of servicing local communities, traditional leaders feels that it is what they should be doing on that respect. The solution to all these however, is for the government to introduce clear definitive roles for traditional leadership institution and those roles must be different and complementary to those of the municipality. This will improve the working relations between traditional leaders and local government especially on land allocation issues".

Municipal official, Vho Rosina expressed the following views:

"Nṋe ndi vhona milayo ya muvhuso i khagala kha uri riṋe sa masipala mushumo washu ndi mini kha tshitshavha tshine ra tea u tshi shumela. Honeha, zwi tshi ḓa kha mahosi mulayo u nga wo ṱahedzanyana kha u sumbedzisa zwi khagala uri mahosi vha tea u shuma mini kha vhupo havho. Fhedzi nṋe ndi vhona u nga izwi zwi itiswa ngauri muvhuso u khou lingedza nga nḓila dzoṱhe u ita uri mahosi vha ḓipfhe vha tshi kha ḓi vha tshipiḓa tsha ndeme tsha muvhuso washu wa demokirasi. Izwi ndi zwi amba ngauri mahosi nga kuvhonele kwanga a vha tsha tou vha na mushumo muhulwane kha vhutshilo na mushuso zwa zwino. Honeha sa izwi muvhuso u tshi kha kombetshedza uri mahosi vha ḓidzula vhe tshipiḓa tsha muvhuso, zwi nga vha khwine arali muvhuso wa zwi vhea zwi khagala uri mushumo wavho ndi mini nahone u ṱumana hani na wa masipala. Hezwi zwi ḓo itisa uri hu vhe na kushumele kwavhuḓi kha hezwi zwiimiswa zwivhili, zwihulusa kha sia ḽa mavu ḽine ndi ḽone ḽine ḽa vhanga pfhudzungule nzhisa kha hezwi zwiimiswa zwivhili zwa muvhuso".

"As far as I am concerned, the government is clear on what we should be doing as the municipality regarding service delivery in the community. However, when it comes to the issue of traditional leadership legislations that talks of the roles and functions of traditional leadership institution is lacking clarity on that regard. On the other hand, I think this is deliberate because the government is trying by all means necessary to uphold and maintain the institution of traditional leadership which I do not see the relevance of, in the current democratic state. For me, traditional leadership has no more significant role to play in the current democratic dispensation. As the government continue to recognise the traditional leadership it must make the roles and function of traditional leadership institution clear legislatively. Again, their roles must not overlap

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to those of the municipality particularly on land allocation issues and they must be complementing those of the municipality. I mention land allocation roles specifically because this is the issue that leads to conflicts between traditional leaders and the municipality in many cases. It is in my views that if the government can do this the relationship between traditional leaders and local government on land allocation in Thulamela local municipality will improve and change for the better".

All the categories of participants agreed that the South African government is failing on the issue of establishing clear definitive roles of the traditional leadership in the current democratic settings. Mhlanga (2012), notes that traditional leaders feel that their role is purely ceremonial and limited only to public ceremonies. This is a clear power-play where some of the politicians are believed to be against the traditional leadership institutions, in the current democratic dispensation. The main reason being that some traditional leaders co-operated with the colonisers and apartheid government and some politicians are finding it hard to forgive and forget. Participants, however, differed in their reasoning behind the failure, although, community members did not go to an extent of reasoning why the government does not see it necessary to introduce clear and straight forward roles for traditional leadership. Both traditional leaders and municipal officials aired different views on the reasons for the government not identifying clear roles for traditional leaders as it does for the municipalities. Traditional leaders claim the government is not failing to introduce clear definitive roles of traditional leaders in local communities, but this is a deliberate ploy to reduce the powers of traditional leaders, in the current democratic setting. They argued that it is not a secret that some politicians do not see the relevance of the traditional leadership and wish to promote and protect the democracy and its principles in the country.

Municipal officials who participated in this study concurred with the narrative given by the traditional leaders, that the latter are no longer a necessity in governance issues. According to the municipal officials' traditional leaders have no significant role to play in the current democratic set up. Traditional leaders are firm on the point that there are some politicians who will be happy to see the institution of traditional leadership abolished. This is in line with the earlier arguments presented by municipality officials that they do not see the significance of traditional leadership in the current democratic dispensation.

All the categories of participants, however, are of the view that traditional leadership will exist in South Africa for many years to come. This is because the Constitution also recognises its benefit to the community, hence, the government must introduce new or amend the existing legislations to provide clear definitive roles for traditional leadership. The relationship between traditional leadership and municipalities must improve for the benefit of local communities, therefore, the introduction of clear definitive roles for traditional leaders will assist in this regard. Coupled with making the roles of traditional leaders clearer, is the need to make them complement those of municipality and not make them overlap. This is because if these roles overlap, conflictual relations between these two institutions will continue and might even accelerate.

4.4.3. Discussion of findings

This section discusses the meaning of the study's findings and their relevance. In addition, the discussion will be linked to the literature and research questions.

4.4.3.1. The nature of the relationship

Here the study summarises the findings regarding the nature of the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality, which was the first objective of the study. The summary of findings in this section are presented on the bases of theme that emanated from the analysed data on this issue. The study unveiled that the relationship between these two sections on land allocation is conflictual but partly complementary. This section starts by summarising firstly the findings on conflictual relations then complementary relations. These findings relate to the arguments advanced by Bank and Mabena (2011) who stated that the relationship between traditional leaders and elected government official (councillors) are fraught with challenges in places like the Eastern Cape; numerous examples of competition and conflict between these two institutions were recorded, especially in the way they view development in rural areas. When the relationship between traditional leaders and local government is conflictual it results in the communities that these two structures are leading being negatively affected when it comes to land allocation issues; landlessness for the poor, hence, becomes a normal situation that they have to continue to live with.

Conflictual relations

The study revealed that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is conflictual rather than complementary. The majority of participants view this relationship as one of the unhealthiest relations they have ever witnessed between institutions of leadership. Participants gave various reasons to support their views and all those views are presented and discussed below, through sub-sub-topics.

- **Development versus nature conservation**

The findings show that one apparent source of conflictual relationships is the issue of development against conservation, which is exacerbated by the different interest and focus of the two parties. Traditional leaders are interested in conserving nature whereas the municipality does not see the value of nature and is interested in development. As such the municipality initiates developmental projects in sacred places and in most cases, without even consulting traditional leaders and communities beforehand. This often result in conflict between these two centres of power as traditional leaders often refuse to bless those projects, and sometimes they also end up in court over the issue. The study also revealed that, although some traditional leaders collude and receive bribes from the municipality and developers and allow them to destroy sacred places in favour of development projects, majority of traditional leaders are for preservation of such special places.

Traditional leaders believe that a place of worship must always be protected and preserved for the enjoyment of freedom of religion for everyone in the country. These are some of the differences in understanding of the sacred place that have led to serious conflicts between traditional leadership and local government on land allocation in the Thulamela local municipality. The unfortunate part of it all, is that communities who are the users of these sacred places are left with their spiritual life lacking some significant fulfilment which they cannot get due to development that have destroyed their sacred places. It is true that development is needed in rural areas, and it comes with some benefits such as employment opportunities, but it should not be done in a way that compromises people's spirituality. Jacka (2001) brings a very interesting angle about differing perspectives on the understanding of land through the

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study he did about Coca-Cola and kolo: Land, ancestors, and development. He explored Melanesian case study, regarding how in Papua New Guinea the Ipili people see land as an inalienable gift embedded in social relations and ritual values, while Western developers see land as an alienable commodity whose defining feature is its utility.

Suppoters of Afrocentricity argues that land should be seen as an ancestral trust, committed to the living, the dead and the ancestors. When the municipality sells the land to developers or use the land for development purposes, they are seeing land a commodity that must be sold or bought, and its value is linked to its utility. Jacka (2001) indicated that when the mining company-cum-township development company entered the area, the company treated the transfer of land from the Paiam clan as a commodity transaction. This was wrong because the land belongs to the clan and land should have been understood from the perspectives of the clan and not that of the company. In the current political climate of land ownership issues (Keesing 1989), it is impossible to determine whether the Paiam also saw this as a commodity transaction. Regardless of this, in due time the Paiam saw how clans affiliated with the mining company lost their bargaining power for compensation and services once they lost their land. They also desired development in addition to payment for their lands. To counter these processes of alienation (of their land, from the hoped-for development, and from their relationship with the township development company), the Paiam re-enacted the kolo to show that they still had intentions toward the land in the township. In sum, whether or not they initially treated the land sale as a commodity transaction, the kolo publicly announced that they were treating their relationship with the land as a gift relationship. Thus, the municipality and traditional leaders should seek to meet each other halfway and allow the traditional leaders to perform rituals and ask the ancestors to use the land for development purposes. If this was to be done sacret places could be preserved and delopment could still take place but on traditional leaders and their communities' terms and not that of the municipality and development companies.

- **Greediness of traditional leaders**

Another issues that the study found to be the main contributor to the conflict between traditional leaderships and local government is greed. Some of the traditional leaders in Thulamela are interested in money and do not have the best interest of their subjects at heart. These are traditional leaders who will allocate one piece of land for residential purposes to three or more people, collecting money from all of them. Traditional leaders also allocate land without even consulting their chiefs and the municipality because they do not want to share the revenue generated from selling the land with anyone but their tribal council. These sites either for business or residential purposes are very expensive in terms of the *"nduvho"* that is required to access such land. Some traditional leaders also allocate land in rocky terrain, up-hill and in wet areas because they want money. This is another issue that leads to conflict between traditional leaders and the municipality, because people resident in these rocky, hilly, and wet areas blame the municipality for not providing them with basic services such as roads, water, sanitation and electricity. The municipality claims that it is because of this greed that the municipality find itself unable to service the people as they were allocated land in areas that are difficult to access and expensive to service. Such a situation causes traditional leadership and municipality to be always in conflict in Thulamela.

The greediness of traditional leaders impacts negatively on all the communities that these leaders' rule, particularly, on the rural communities. It undermines social cohesion efforts when a traditional leader allocates one stand to three different people as they are going to fight over that piece of land because land is a scares resource. Also allocating land in rocky, hilly, and wet areas, becomes problematic because service delivery such as roads, electricity, water and sanitation are impossible or very expensive to deliver in such areas. In some areas, especially new settlements, there are no schools and sporting facilities because of this greediness of traditional leaders in allocating inappropriate sites to people. When such situations arise, for example, learners have to travel long distances to school and sporting facilities; those who cannot afford transport have to walk to access these facilities, thereby, placing themselves at the risk of being raped, abducted, or run over by cars in the streets.

- **Traditional leaders lacking respect for the municipality officials**

One of the key findings of this study is that some traditional leaders lack respect for the municipality, and this results in escalating conflicts between these two institutions of leadership in rural communities. Those traditional leaders who lacks respect for the municipality, engage in land allocation activities without the involvement of the municipality. Baloyi (2016), supports the comments by indicating that land allocation by traditional leaders, in certain rural areas, without the involvement of the municipality, also gives rise to unwarranted conflict between these two centres of power. This led to serious development implications as the municipality cannot fulfil its obligations; this is due to the lack of proper planning for the villages, as some traditional leaderships allocate land without consulting the municipality. Lack of proper planning as a result of traditional leaders not involving the municipality in land allocation processes for planning purposes, hence, has dire implications on service delivery and development.

- **Undermining the role of traditional leadership structures**

The study found that one of the factors that causes conflict between traditional leaders and local government regarding land allocation was that the municipality undermines the role of traditional leadership structure. The municipality is found to be allocating land in many places without consulting traditional leaders. For the municipality it does not matter whether a person is known or not known as long as they have the money the land is sold to them. One important role that traditional leaders use to play in land allocation is ensuring security. Where traditional leaders allocate land, they do investigations first before they allocate land to strangers. They go beyond asking questions to the person concerned but also send someone to the areas where the person is coming from to get more information about that person before land is allocated to him/her. This was done as a security measure to make sure that people who come and stay in their areas are credible and good citizens and not criminals, for the safety of their subjects. This was a strategy and continues to be a strategy to prevent and fight crime in the communities. The rate of crime has increased in the communities, especially, in new settlements and in urban and semi-urban part of the Thulamela local municipality because traditional leaders are not able to perform this role fully. This leaves communities vulnerable to serious and several criminal activities in their areas and they only have the police to turn to for assistance.

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Some essential roles of traditional leaders which were played and continue to be played through land allocation; these, however, continue to be undermined, when the municipality allocates land without the involvement of traditional leaders. This relate well to the arguments raised by Shembe (2014), who notes that traditional leaders are not allowed to actively participate in council meetings as they do not have voting rights. In addition, traditional leaders believe that the present democratic government has given too much power to the ward councillors for most of the development programs. Traditional leaders, therefore, complain about the lack of proper consultation with them by either local government officials, municipalities or ward councillors before any development is done in areas, despite the development project being implemented in their areas of jurisdiction.

- **Land ownership and proclamation**

From the interview and FGDs conflicts between traditional leadership and the municipality were associated with land ownership. Both institution of leadership claim to be the owners and controllers of the same pieces of land in the Thulamela local municipality. Traditional leaders argue that the municipality is a new institution and it found them existing and leading communities and most importantly they found traditional leaders owning and controlling land. Traditional leaders, therefore, feel that the municipality cannot be owners and controllers of land, but that traditional leaders remain the oldest institution of leadership and owners of land. On the other hand, the municipalities claim that Chapter 7 of the country's Constitution gives them more powers to rule and control in their areas and this means even the control over land is included in the Constitution. Traditional leaders also complain that sometimes, if they call upon the municipality to come and assist in the land allocation process, especially, the inspection, surveying and planning of the proposed settlement area, the officials refuse since they are saying it is the municipality's land. As a result of these different understanding, conflicts between traditional leadership and local government continues in the Thulamela local municipality.

The study discovered that, although Proclamation of Areas Act, in and around what is now called the Thulamela local municipality area, was done during the apartheid period through Venḓa government, it was done without the consultation and knowledge of the traditional leaderships in the areas. Some of the traditional leaders

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are learning in recent years that places they thought belonged to them are actually not theirs but owned by the municipality through the proclamation of areas.

Data revealed that some of the traditional leaders have the perspective that municipalities were introduced to replace them and take away their power and control in rural areas. This has led to traditional leaders lacking respect for municipality as they see it as an enemy. Traditional leaders demand respect by virtue of being one of the oldest institutions of leadership in African communities. The municipality, on the other hand, do not see the necessity for them to respect or to work in harmony with traditional leaders as they view them as being disrespectful towards them and irrelevant in the current democratic setting.

- **Lack of role clarification**

The interviews and FGDs revealed that the roles and responsibilities or functions of traditional leaders and local government on land allocation are undefined. The White Paper on traditional leadership, local government and other legislations on both traditional leadership and local government do not talk much about land allocation but gave the institution of traditional leadership the responsibility to administrate land in rural areas. The legislation, however, does not clarify as to what is entailed in the administrative role of land by the traditional leadership. The legislations outline the roles to be played by Traditional Councils and one of those roles is land administration. The White Paper says nothing about land allocation and therefore, does not allocate any responsibility of allocating land to anyone, including traditional leaders. Lack of clearly defined roles for both traditional leaders and local government when it comes to land allocation issues remains challenging and a breeding ground of conflict between traditional leaders and local government in the Thulamela local municipality and, possibly, throughout the country.

- **Lack of education and training**

From the interviews and FGDs it can be vividly seen that there is lack of education and training amongst traditional leadership and local government officials. There is a serious lack of knowledge and understanding of legislative frameworks that guide the operation and conducts of both traditional leaders and local government. It cannot be disputed that some of the traditional leaders and local government officials have

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certain certificates, diplomas, and degrees to a master's level, but they lack proper training and education in their roles and responsibilities as prescribed by different legislations. This lack of education and training on their roles and responsibilities does not only contributes to conflicts between the two centres of power, but also impacts negatively on the communities they are supposed to service.

Complementary relations

The study revealed that the relationship between traditional leadership and local government, although, mainly conflictual, is also complementary in some respects. This section presents a summary of finding regarding the complementary nature of the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality. The summary discussions are guided by the themes that emerged during data analysis.

- **Land allocation-related service delivery**

The views of traditional leaders were very common regarding their knowledge and understanding regarding the role of the municipality in service delivery which also touches on land allocation issue. Traditional leaders who participated in this study seem to agree that the municipality has a role to play in land allocation process, however, the role of the municipality is not to allocate land, especially, in rural areas but to ensure that inspection of the land, surveys of the land and proper planning for settlement and business purposes are well taken care of. The leaders agreed that it is for the municipality, together with them, to make sure that land is allocated in places that are conducive for settlement, business purposes and development.

There is an understanding that land allocation processes, particularly, for settlement purposes and in rural areas of the Thulamela local municipality is the responsibility of the traditional leadership, both in the village and at the level of the chief. The role of the municipality is only to inspect the land, survey the land and plan the settlement properly in ways that does not make service delivery difficult; this was the common understanding of almost all the participants. In adhering to this, the municipality together with the traditional leadership make sure that people settle in a place that is conducive for settlement. The concern of the municipality in this process is the

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provision of service delivery, such as water, sanitation, electricity, and construction of road networks, but not to allocate land.

● **Established system on land allocation**

The study unveiled that traditional leaders and local government do cooperate with each other on land allocation processes. Major cooperation occasions between the two institutions on land issues are recoded in the allocation of land for business purposes. It is commonly understood that people who are looking for business land to be allocated to them start from the headman in the village and pay '*Nduvho*' after which they are given letters to take to the chief. The chief will then demand certain amount of money in the name of '*Nduvho*' and after that the chief will provide another letter to the people looking for the land, to take to the municipality. This is the letter that a person must take to the local municipality to register the land after paying what is prescribed by the municipality. It is common knowledge from the participants that failure to pay '*Nduvho'* to both the headman and the chief means no letter will be written for a person to take to the municipality. This means that if a person from the village goes to the municipality to register land for business purpose, without a letter from the chief, he/she will not be assisted. Similarly, if a person brings a letter from the chief and if that person does not pay what is prescribed by the municipality the stand will not be registered in his/her name until such payment is done. This is one area where a good working relationship exists between the traditional leadership and the Thulamela local municipality.

● **Traditional *nduvho* versus municipal *tjotjo***

The study found that municipal officials allow traditional leaders to allocate people land in a place that is proclaimed knowing fully that it is under the municipality. It is interesting to know that after people have paid money to the traditional leaders, the municipality also demands more money for the same land, arguing that the land belongs to them. At the end of the day, the same people would have paid the traditional leaders and the municipality for one piece of land. The municipality and the traditional government instead of fighting each other for the land, they choose to exploit the same people they are both supposed to be serving. The study found that both institutions of leadership strengthen their relationship by exploiting people. They sell each other's

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land so that the institution that buys the land benefit by selling it again to the communities, charging exorbitant prices for it.

4.4.3.2. The process of land allocation in the Thulamela Local Municipality

The study revealed that in the Thulamela local municipality land is mainly allocated for two main purposes - residential and business. Land allocation for residential purpose follows different processes from those for business purposes. Land allocation for residential purposes follows the following simple process: in the villages where traditional leadership allocate land the process starts from '*Vhakoma*' who will then tell the person looking for land to go to '*musanda*' where he/she will be told the amount of *'Nduvho*' needed, depending on whether the person resides in that area or he/she is coming from another place. After paying *'Nduvho'*'the person will be shown the land to use for settlement. The process is the same in all the Thulamela areas but what is different is the amount of *Nduvho'* required; the amount differs from one traditional leader to the other as there is no commonly agreed upon *'Nduvho*' for land for residential purposes.

Land allocation for residential purposes in proclaimed areas, where the municipality oversees land allocation differs in process from that in the rural areas. The municipality demarcates an area and makes public announcement on the availability and sale of land for residential and business purposes. They put a price based on the charges per square metre, depending on the location of the area; if the area is in town the price becomes high as opposed to when the area is outside town.

On the other hand, a person who is looking for a business land to be allocated to him/her starts from the headman in the village and pays '*Nduvho'*'after which he/she is given a letter to take to the chief. The chief will then demand a certain amount of money in the name of '*Nduvho*' and after that the chief will provide another letter to the person to take to the municipality, to register the land after paying what is prescribed by the municipality.

4.4.3.3. Guidelines to improve relations between traditional leadership and local government

This section presents a summary of findings regarding guidelines to improve the relationship between traditional leaders and local government on land allocation. This section responds to the conflictual part of the relation with a view of improving the conflictual relations between these two institutions of leadership in rural communities. The presentation of findings is based on the themes that emerged from the analysis of data collected from participants.

- **Land allocation dialogues**

The study revealed that for the conflictual relations to improve, the two centres of power must communicate constantly and effectively. This communication must be in the form of dialogues which will also include other stakeholders such as the community members. This will help all parties involved to gain access to each other, communicate and discuss all issues of concern regarding land allocation in the Thulamela local municipality. Community members should be included in these suggested dialogues because when the relationship between traditional leaders and local government is characterised with more conflict than cooperation, it is the communities that suffer in many different ways.

- **One-stop shop**

From the interviews and FGDs, it can be revealed that the majority of people are tired of paying many times to different leaders including the municipality for one piece of land. There is a need for the establishment of one place that will cater for all the services to do with land allocation and with just one payment at that particular place. This will avoid paying to the headman, then the chief and again to the municipality for just one piece of land. The one-stop shop will reduce the hustle and the price for land which will result in the poor also being able to purchase land as they are disadvantaged in the current land allocation system in the Thulamela local municipality.

- **Regulating land allocation**

The study found that land allocation in Thulamela differs from one area to the other, particularly the paying of *'Nduvho'* part of the process. Thulamela residents pay different amount of money to access both residential and business space of land

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depending on the headman, chief and whether the place is a proclaimed area or not. Headmen and chiefs are different due to their levels of education, their leadership styles and their personal characters; they also lead their communities differently. Some have the best interest of their subjects at heart, while some seek to exploit their subject for their own personal gains, using the land. There is a need for the establishment of legislation that regulates land allocation in Thulamela area, such that, irrespective of the headmen or the chief one reports to, the amount of money paid for land allocation processes must be the same in Thulamela area. This is to avoid residents of the Thulamela local municipality feeling that they live in different municipalities whereas they live in the same one. Regulations on land allocation will also assist in punishing those that violate the agreed-upon processes and procedures as there is no accountability in the current system.

- **Education and training**

Due to lack of understanding on their legislative roles and function by both traditional leaders and the municipality official in Thulamela, particularly on land allocation issues, there is a need for education and training in that regard. Traditional leaders must be educated and workshopped on their roles and responsibilities as leaders of the community. Municipal officials must also be trained and educated on their roles and responsibilities as leaders and service providers to communities. This must be done so that both sectors understand what the other does with a view to improving the relationship with each other.

- **Clarification of roles between the two centres of power**

Policy makers must embark on a review of policies and all legislations that govern both institutions of leadership, such that both institutions are clear on their roles, particularly, on land allocation. This is because the study found that there are gaps in the Constitution and other legislations of the country about the roles of both institutions of leadership on land allocation. Clarification of these roles will assist both institutions to know the role they must play on land allocation; there must not be any confusion of role in the revised version of these legislations to avoid further conflicts between traditional leaders and local government in the Thulamela local municipality.

4.5. Chapter summary

The chapter presented, interpreted and analysed collected data about the relationship between traditional leadership and local government on land allocation In the Thulamela local municipality. The main themes that emerged from the data include the nature of the relationship between these two centres of power. The relationship was found to be partially complementary but also conflictual in nature. It was found to be complementary in the sense that both traditional leaders and local government have established an understanding when it comes to land allocation, although this understanding is not written down, it is being used. On the other hand, the relationship was found to be conflictual, due to greed and lack of respect for each other amongst traditional leaders and the municipality. Land allocation dialogue, better communication, regulating land allocation and one-stop shop were some of the proposed strategies for improvement. Traditional leaders claim that there are no clear definitive roles for traditional leadership within the legislative framework of the country and that this is not an oversight but a deliberate action to reduce their powers and to abolish them in the near future.

It is clear that there are many challenges facing the relationship between traditional leaders and local government regarding land allocation in the Thulamela local municipality. This is very visible when one looks at the views of the participants who indicated that to a certain extent traditional leader undermine municipal officials, while the latter also undermines the former on land allocation issues. What is more worrying is that as the two elephants fight, the grass bears the pain. Meaning that when traditional leaders and local government officials are at loggerheads on issues of land allocation, local communities at Thulamela suffer from lack of access to land for various purposes.

Lack of access to land in Thulamela municipality translate to various challenges when it come to the livelihood and wellbeing of the people. In many parts of Thulamela local municipality people are heavily reliant on social grants be it old age and child support due ti isseus of landlessness. Many people cannot afford land to can even build spazza shops and earn a living from it. They also cannot afford land for commercial agricultural purposes since land is extremely expensive in many poarts of Thulamela local

municipality. Majority of people resort subsistence farming just to put food on the table. However, this subsistence farming also need land and dependent on various services such as access to water. As such food security becomes a great challenge especially in rural parts of Thulamela local municipality. This means that access to food that is readily available and nutricous is a great challenge due to lack of access to land. Some households are overcrowded because they connot afford land for shelter as land has become such a scare commodity. South Africa has high unempleoyemnt rate especially amongst youth and Thulamela local municipality area is not immune to such challenge. It is within this context that land become the only commodity that can assist young people to create jobs for themselves and other to escape poverty, hunger and unemployment. Research also shows that poverty, hunger and unemployment are factors that may lead to gender based violence (Martin, Abrahams and Vetten, 2004). The important point to note is that all participants did not just lament about the complex and challenging nature of the relationship between these sectors, but they indicated how this relationship affects them on their day to day lives and also offered some guidelines to remedy the situation and improve the relations between these two centres of power.

CHAPTER 5

EVALUATION, CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

This chapter provides final reflections on the study that was designed to explore and investigate the relationship between traditional leadership and local government regarding land allocation in the Thulamela local municipality. This chapter is divided into three sections - the first one is a summary of key findings of the study, the second section deals with the conclusion of the study and the third section gives the recommendations in relation to the research findings.

In an effort to achieve the aim of the study, the study had three main objectives which are as follows:

- To establish the interplay between local government and traditional authority on land allocation in the Thulamela local municipality,
- To demystify the process of land allocation in the Thulamela local Mmnicipality, and
- To develop guidelines to improve the relationship between traditional leadership and local government.

Objective 1: To establish the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality

The study found that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is both conflictual and complementary. This implies that parts of the relations is characterised by conflicts but, there are few areas where the relationship between these centres of power is complementary in nature.

The study revealed that the relationship between traditional leadership on land allocation in Thulamela shows some conflicts due to reasons such as greed, traditional leaders lacking respect for the municipality, traditional leadership being interested in conserving nature whereas the municipality seeks to promote development with a view to create job opportunities and to generate income for the sustainability of the municipality. The study also discovered that the relationship between these two

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institutions of leadership is sometimes negative because there is a lack of clarification of roles in the Constitution and other legal frameworks within the country.

The findings of this study point out that lack of education and training also contribute to sparking conflicts between the traditional leadership and local government. Land ownership remains a breeding ground for conflicts between traditional leaders and local government in the Thulamela local municipality. In semi-urban and urban parts of Thulamela, many places/sites have been proclaimed by the then Venda government and this is one of the issues that continues to brew conflicts between traditional leadership and local government in the Thulamela local municipality. All these are evidence that the objective of establishing the interplay between local government and traditional authority on land allocation in the Thulamela local municipality was achieved.

Objective number 2: To demystify the process of land allocation in the Thulamela local municipality

This objective was met because the process of land allocation for both residential and business purposes in the Thulamela local municipality was fully explained within the discussions on the nature of the relationship between traditional leaders and local government on land allocation. The discussions on the processes of land allocation are located in the complementary sections of the study. It was discussed in this section because I wanted to demonstrate how these two institutions of leadership are complementing each other in their roles on land allocation issues. It happens that land allocation processes are the only areas that these two institutions appear to have established their own system of working, although, this system is not guided by any legislation or policy of the government. It is through reading the complementary relations section of this study that one can understand the processes of land allocation in the Thulamela local municipality. The study outlined the land allocation processes in a comprehensive and easy way for understanding.

Objective number 3: To develop guidelines to improve the relationship between traditional leadership and local government

The study provides several guidelines that could be used to improve the relations between these two institutions of leadership. Some of the guideline include the

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provision of education and training for both traditional leaders and local government officials with regard to their roles and responsibilities and those of each other so that they are able to understand and relate with each other better. The outcome of being better informed will enable them to deliver comprehensive land-allocation service and other services to the community. Land allocation dialogues are proposed as a strategy to improve the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality. This it is believed, can provide a better solution to addressing miscommunication and communication challenges between the two structures; the communities should also be brought on board regarding land allocation issues because it is a topic that affects them directly and in their day-to-day lives.

5.2. Implications of the study findings

The findings are significant in that firstly, they reveal that traditional leadership is relevant in the current democratic setting. This is due to the fact traditional leaders are the custodians of culture and tradition in rural communities and they also assist the government in mobilising communities for their participation in government activities, including development.

Secondly, the findings are relevant because they also show that traditional leaders can exist harmoniously and side-by-side with municipalities, and that they can complement each other in their land allocation responsibilities, if and when, their roles are clarified.

Thirdly, the findings should help policy makers to understand land allocation challenges that can emanate from policy gaps, and the urgency in addressing these gaps. In particular, gaps on land allocation roles of the two institutions of leadership must be attended to.

In addition, the findings emerging from the guidelines to improve the relationship between the two institutions of leadership are very crucial in many respects. They offer many opportunities for these two centres of power to work harmoniously in land allocation processes and procedures to improve the services they deliver to their

people. This is because the study found that in areas such as land allocation processes, particularly, in land allocation for business purposes, these two institutions are working harmoniously. The guidelines also make mention of the negative consequences of the lack of education and training on the roles of both institutions. Attention to this aspect of the guidelines should provide opportunities for both institutions to be capacitated through education, training, and workshops, both formally and informally so that they can understand their roles and responsibilities for better implementation. This will assist the two sections to find ways of relating better to each other as institutions of leadership and relate better with the communities they serve.

5.3. Contribution to the body of knowledge

This study has made four contributions to the body of knowledge. The first contribution is on the relationship between traditional authority and local government on land allocation in the Thulamela local municipality. Findings from this study suggest that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is more conflictual and only partially complementary because of factors, such as greediness of traditional leaders, traditional leaders lacking respect for the municipality, undermining of the role of traditional leadership structure, headmen lacking respect for chiefs, land ownership and proclamation, development versus nature conservation, lack of role clarification as well as, lack of education and training. The study also found that the relationship between these two institutions of leadership is partially complementary because of the agreed-upon land allocation-related service delivery role of the municipality, established system for land allocation, and traditional *nduvho* vs municipal *tjotjo*. These findings are crucial as they provide a comprehensive understanding on the nature of the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality.

The second contribution is on the land allocation processes in the Thulamela local municipality. The study found that a person who is looking for business land to be allocated to them starts from the headman in the village, and pays *nduvho*, after which they are given a letter to take to the chief. The chief will then demand a certain amount of money in the name of *nduvho*, and after that the chief will provide another letter to

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the person looking for the land, to take to the municipality. This is the letter that a person must take to the local municipality to register the land after paying what is prescribed by the municipality. These findings are essential as they are new, original and offer perspectives on how one can generalise land allocation in other areas, or municipalities.

The third contribution is with regards to the guidelines on how to improve the relationship between traditional authorities and local government. The study found that the best strategies to improve the relationship between the two sectors include enhancing communication between the two centres of power, establishing a one-stop shop, regulating land allocation procedures, continuous land-allocation dialogues, education and training of both traditional leadership and local government officials on their roles and responsibilities and clarification of roles - thereby making contribution to the body of knowledge.

The fourth contribution relates to the fact that land allocation has been a serious challenge and a thorny issue in South Africa for a very long time. What is significant about this study is that the study also suggests policy amendments and/or establishments that will provide clear definitive roles on land allocation for these two centres of power. This is one of the practical solutions to solve this problem in the Thulamela local municipality. In addition, the study provides several solutions to the current problems and challenges confronting both traditional leaders and local government in their relations with each other. I believe that those suggested remedies will bring harmony in the relationship between the two centres of power, particularly, on land allocation which will in turn improve the services they render to their communities, thereby making a valuable contribution to societal development and the body of knowledge on the topic.

5.4. Recommendations

Based on the findings presented above, this exploration of the relationship between traditional leaders and local government on land allocation in Thulamela recommends the following:

- **Regulating land allocation processes**

The study found that in their efforts to relate well with each other, traditional leaders and local government in the Thulamela local municipality have established their own system of allocating land, particularly land for business purposes. It has been agreed upon between the two institutions that anyone who wants land for business purposes must start from the headman where they will pay the *nduvho* that is prescribed by the that particular headman. After that, the same person will then go with a letter from the headman to the chief to whom the headman repots, and pay another *nduvho* prescribed, this time, by that chief. The last place will be to the municipal office with the letter from the chief, then the officials will go and assess the land and charge their own fees, depending on the size of the land. After another payment, the municipal officials will issue a title deed to that person.

The challenge is that this system is not regulated, hence, anyone who does not follow it through cannot be punished. After hearing that the system seems to be working for both the traditional leadership and the municipality, I believe that perhaps, instead of advocating for its abolishment, rather the system needs to be regulated in a way that all parties are accountable. By regulating this system, this way or in any other way, it will also assist in doing away with different pricing, or of *nduvho* that is prescribed by the traditional leaders for uniformity. For all the residents of the Thulamela local municipality irrespective of the traditional leader they are subjected to, feel that they are equally and fairly treated there must be one price that they pay everywhere they are if they want land for any particular purpose. As na result ogf this study, it is recommended that the price that people pay for a piece of land of the same size must be the same, irrespective of where they stay in the Thulamela local municipality area.

- **Establishment of land allocation office**

The study found that not only is there a lot of money to be paid by a person who wants land, but that there are many places that person needs to go to make those payments. It is therefore suggested that traditional leaders and local government must co-operate and establish one office where everything regarding land allocation for various purposes, is facilitated. The office should have traditional leaders and administrators always working through the instruction of traditional

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leaders and local government officials. This is a place where everyone who wants a piece of land within the Thulamela local municipality will go, and all the processes, including one single payment, will be done; the title deed will then be issued to that person from that office.

● **Introduction of clearly defined roles for traditional leaders**

The study found that legislations exist that outline the roles and functions of the two sectors, however, those of the traditional leaders are not clearly defined, but tend to be general and quite ambiguous. Those legistrations relevant to the local government officials, however, are more precise. It is therefore recommended that the national government, through its legislature must embark on the processes of introducing new well-defined Acts or amendments to the existing ones on the functions of traditional leaders in local municipalities. The introduction of well-defined roles of traditional leadership on land allocation and in other spheres of their operation will go a lond way in ensuring harmonious relations between traditional leaders amd local government officials not only in Thulamela local municipality but throughout the country.

● **Education and training for both traditional leaders and local government officials**

The national department of Co-operative Governance, Human Settlement and Traditional Affairs (CoGHSTA), together with the Limpopo provincial office must play their roles with regard to the provision of education, training and workshops of both local government officials and traditional leaders on their roles and responsibilities. The focus of the training should also be on the relationship between traditional leaders and local government in general and specifically on land allocation issues. Education, training and workshops are recommended because they have the potential to assist in dealing with issues of greed, traditional leaders undermining each other and the municipality, municipality undermining traditional leaders as all sectors will gain the same understanding of how to operate fully and professionally as traditional leaders and local government officials. These activities should assist in the improvement of relationship among all sectors.

● **Recommendation for further studies**

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This study covered relational issues between traditional leaders and local government on land allocation in the Thulamela local municipality. it is recommended that further studies of this nature be conducted in other municipalities, such as Makhado, Musina and Collins Chabane. Further studies can be done on perceptions of people about the relevance of traditional leadership and on land allocation processes in the Thulamela local municipality.

5.5. Conclusion

The purpose of the study was to explore the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality. The findings of this study indicate that the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality is more conflictual than complementary. The study found that factors, such as lack of clarification of roles in the Constitution and other legal frameworks within the country, lack of education and training, land ownership and proclamations, traditional leaders lacking respect for the municipality, undermining of traditional leaders' role and greediness of the traditional leaders, create breeding grounds for conflicts between traditional leaders and local government in the Thulamela local municipality. This is a clear indication that the main research question which was investigating the nature of the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality was fully answered in this research.

Traditional leadership and local government were found to be complementing each other in their relationship on some aspects of land allocation in the Thulamela local municipality. It was found to be complementary because they have established an understanding when it comes to land allocation, although this understanding is not yet formally drawn, it is operational. The challenge, however, is that these agreed-upon principles on land allocation between the sectors are not formally enforceable because they are not legislative nor legal. This study maintains that these agreed-upon principles can be improved and legitimised through legislations or bylaws of the municipality such that the relationship between these two leadership institutions can be formal as well as cordial.

In conclusion, although, land allocation processes for both residential and economic / business purposes appear to be clear and understandable to two sectors of governance, however, it is noted that these processes are not fair to the poor communities and they are also not consistent; they also seem to benefit the rich as they appear result in land being extremely expensive. Land has become a tool to amass wealth for both the municipality and traditional leadership in the Thulamela local municipality, but unfortunately this is disadvantaging the poor communities, although, traditional leaders and the municipality appear to be working harmoniously, particularly, in allocating land for business/economic purposes in the Thulamela area.

Lastly, some guidelines that can be used to improve the relationship between traditional leaders and local government on land allocation in the Thulamela local municipality are suggested. Among other things, sit seems that it would be best if there is a one-stop shop where land allocation activities take place. This will assist in making sure that community members in the Thulamela local municipality do not go from pillar to post when looking for land, and do not pay too much money to different people or leaders to access land, but they can do just one payment in one office ang gain access to land. It also appears that communication between the traditional leadership and local government in Thulamela must be improved. These are some of the things that can assist in improving the relationship between these two centres of power on land allocation in the Thulamela local municipality.

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APPENDIX A: CONSENT FORM

LETTER OF INFORMATION

Title of the Research Study : THE RELATIONSHIP BETWEEN TRADITIONAL LEADERSHIP AND LOCAL GOVERNMENT ON LAND ALLOCATION: A CASE OF THE THULAMELA LOCAL MUNICIPALITY

Principal Investigator/s/ researcher: TSHIMANGADZO JUSTICE MAKHANIKHE, PhD CANDIDATE IN AFRICAN STUDIES

Co-Investigator/s/supervisor/s: PROF VHONANI OLIVE ṊETSHANDAMA / DR PFARELO EVA MATSHIDZE

Brief Introduction and Purpose of the Study: I am Tshimangadzo Justice Makhanikhe. I am studying for a PhD in African Studies at the University of Venḓa. I am conducting research on the relationship between traditional leadership and local government on land allocation in the Thulamela local municipality. I am kindly inviting you to participate in this study. During your participation your voiceswill be recorded and where possible, pictures might be taken.

Outline of the Procedure: I will be posing some questions to you and expecting you to respond to the questions asked, I will also ask clarity-seeking questions where more clarity might be needed. Please feel free to respond in any way and alert me if any feeling of discomfort arises in the process of our conversation. Please also be aware that participation in this research is entirely voluntarily and you have the right to withdraw your participation at any time that you feel you want to do so. You may sometimes be asked to answer questions that are in our interview guide and sometimes you may be probed on your responses. We will also have focused-group discussions wherein you will also be asked to participate fully but voluntarily. In most cases our discussions and interviews may take one to two hours.. Every visit will be communicated in time for you to prepare yourself for such. Follow-up visits may be necessary in such cases, and they will be communicated in reasonable time.

Risks or Discomforts to the Participant: if you, for any particular reason feel uncomfortable during our conversation and discussions you are most welcome to withdraw your participation from this research project.

Benefits: This research will benefit traditional leaders, local government and communities in the Thulamela Local Municipality and the country in general on land allocation issues. Other researchers will benefit from this report / literature about the relationship between traditional leadership and local government on land allocation. Policy makers will also benefit from the ideas on how to amend legislations with regard to relational issues between traditional leadership and local government on land allocation.

Reason/s why Participants may be Withdrawn from the Study: if a participant becomes disrespectful and violent to other participants during focus group discussions and towards the researcher, that participant will be withdrawn from the study. Apart from such rare cases, participants will be withdrawn if they do not want to continue with the research and arebeing disruptive.

Remuneration: There is no remuneration for participation in the study.

Costs of the Study   The participant will not be expected to cover any costs towards the study at all.

Confidentiality: All information obtained in this research activity will be kept private and confidential and will only be used for the purpose of this study. Pseudonyms will be used to maintain confidentiality.

Research-related Injury: No compensation is reserved for injury that is related to this research project.

Persons to Contact in the Event of Any Problems or Queries:

Prof V.O. Ṋetshandama. Vhonani.netshandama@univen.ac.za and Dr P.E. Matshidze pfarelo.matshidze@univen.ac.za,. Please contact myself, (0725310936), my supervisor (0159628801, 0159628131) or the University Research Ethics Committee Secretariat on 015 962 9058. Complaints can be reported to the Director: Research and Innovation, Prof GE Ekosse on 015 962 8313 or Georges Ivo.Ekosse@univen.ac.za

General:

Potential participants must be assured that participation is voluntary and the approximate number of participants to be included should be disclosed. A copy of the information letter should be issued to participants. The information letter and consent form must be translated and provided in the primary spoken language of the research population

CONSENT

Statement of Agreement to Participate in the Research Study:

- I hereby confirm that I have been informed by the researcher,(*name of researcher*), about the nature, conduct, benefits and risks of this study - Research Ethics Clearance Number:

- I have also received, read and understood the above written information (*Participant Letter of Information*) regarding the study.

- I am aware that the results of the study, including personal details regarding my sex, age, date of birth, initials and diagnosis will be anonymously processed into a study report.

- In view of the requirements of research, I agree that the data collected during this study can be processed in a computerized system by the researcher.

- I may, at any stage, without prejudice, withdraw my consent and participation in the study.

- I have had sufficient opportunity to ask questions and (of my own free will) declare myself prepared to participate in the study.

- I understand that significant new findings developed during the course of this research which may relate to my participation will be made available to me.

Full Name of Participant: ……….………. Date: Time: Signature: ……….……

I, (*Name of researcher*) herewith confirm that the above participant has been fully Informed about the nature, conduct and risks of the above study.

Full Name of Researcher: **…………………..** Date:**………………..** Signature:**…………………**

Full Name of Witness (If applicable):**…………….…......**Date:**………….** Signature:**………………**

Full Name of Legal Guardian (If applicable):………………Date:**…………** Signature:**…………**

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Please note the following:

Research details must be provided in a clear, simple and culturally appropriate manner and prospective participants should be helped to arrive at an informed decision by use of appropriate language (grade 10 level- use Flesch Reading Ease Scores on Microsoft Word), selecting of a non-threatening environment for interaction and the availability of peer counseling (Department of Health, 2004)

If the potential participant is unable to read/illiterate, then a right thumb print is required and an impartial witness, who is literate and knows the participant e.g. parent, sibling, friend, pastor, etc. should verify in writing, duly signed that informed verbal consent was obtained (Department of Health, 2004).

If anyone makes a mistake completing this document e.g. a wrong date or spelling mistake, a new document has to be completed. The incomplete original document has to be kept in the participant's file and not thrown away, and copies thereof must be issued to the participant.

APPENDIX B: ETHICAL CLEARANCE CERTIFICATE

NAME OF RESEARCHER/INVESTIGATOR:
Mr TJ Makhanikhe

Student No:
11595681

PROJECT TITLE: <u>The relationship between traditional leadership and local government on land allocation: A case of Thulamela Local Municipality</u>.

PROJECT NO: SHSS/18/AS/15/3010
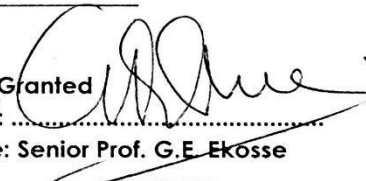
SUPERVISORS/ CO-RESEARCHERS/ CO-INVESTIGATORS

NAME	INSTITUTION & DEPARTMENT	ROLE
Prof VO Netshandama	University of Venda	Promoter
Dr P Matshidze	University of Venda	Co - Promoter
Mr TJ Makhanikhe	University of Venda	Investigator – Student

ISSUED BY:
UNIVERSITY OF VENDA, RESEARCH ETHICS COMMITTEE

Date Considered: October 2018
Decision by Ethical Clearance Committee Granted
Signature of Chairperson of the Committee: ....
Name of the Chairperson of the Committee: Senior Prof. G.E Ekosse

UNIVERSITY OF VENDA
DIRECTOR
RESEARCH AND INNOVATION
2018 -11- 1 3

Private Bag X5050
Thohoyandou 0950

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APPENDIX C: UNIVERSITY HIGHER DEGREE COMMITTEE APPROVAL

UNIVERSITY OF VENDA

OFFICE OF THE DEPUTY VICE-CHANCELLOR: ACADEMIC

TO   :   MR/MS T.J MAKHANIKHE

           SCHOOL OF HUMAN AND SOCIAL SCIENCES

FROM: SENIOR PROFESSOR L.B KHOZA

           DEPUTY VICE-CHANCELLOR: ACADEMIC

DATE :   15 MAY 2018

DECISIONS TAKEN BY UHDC OF 15TH MAY 2018

Application for approval of Thesis research proposal in Human and Social Sciences: **T.J Makhanikhe (11592655)**

Topic: "The relationship between traditional leadership and local government on land allocation: A case of Thulamela local Municipality."

Promoter	UNIVEN	Prof. V. Netshandama
Co-promoter	UNIVEN	Dr. P.E Matshidze

UHDC approved Thesis proposal

22 June 2018

Senior Professor L.B. Khoza
ACTING DEPUTY VICE-CHANCELLOR: ACADEMIC

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