

## **Traditional Leadership as a Basis for Local Government and Coexistence: Significance of Traditional Leaders in Rural Governance vis-à-vis service delivery**

Throughout the country, especially in and around metropolitan areas, spontaneous service delivery protests are happening with increasing frequency. They are becoming more the norm than the exception. These protests are sometimes accompanied by violence and destruction of property. While the demands expressed in the context of these protests sometimes relate to the national or provincial tiers of government, in most cases they accentuate service delivery issues that belong in the sphere of local government. It is interesting that the government seems inclined to respond to such pressures with ever more commitments to address the grievances expressed. In other words, pressure seems to bring about results. However, in the rural areas, this has not been the case, apparently because people in these areas have not been as vociferous as their metropolitan counterparts in articulating their concerns. This should not lull government into indifference towards these areas. It is in this context that the question of the role of traditional leaders in the rural areas becomes germane.

One of the distinguishing features of governance in rural areas, specifically in the former reserves or ‘bantustans’, is the persistence of elements of traditional, pre-colonial political structures and organisational forms. Irrespective of one’s strict adherence to the principles of democratic governance, traditional leaders, traditional institutions and the cultures of traditional governance cannot simply be wished away or obliterated without undermining the social-cultural cohesion and stability of communities in these areas. Historically, traditional leadership has acted as the glue that binds communities together .

In his book *Pioneers in Pondoland*, published in 1930, the Anglican missionary Godfrey Callaway states the following with particular reference to Faku, the supreme traditional leader of amaMpondo:

*“Faku realised his great responsibilities to his people. It was in him that they found their coherence. He felt that he could not act simply as an individual, without considering the effect of his action upon the people.”*<sup>1</sup>

Writing in a more critical idiom about precolonial Xhosa chiefs, the historian Jeff Peires has said: ‘The ideology of royal domination never replaced the homely idiom of the family in Xhosa political discourse. The political position of the chief was too weak for the dominant ideology to take the form of a naked assertion of authority. The chiefs represented their interests as being the general interests of society as a whole, and this enabled them to govern with the active consent of the commoners.’<sup>2</sup> ‘A chief was forced to compete with other chiefs for the allegiance of his subjects. For the execution of his orders he depended on the

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<sup>1</sup> The Rev. Godfrey Callaway, *Pioneers in Pondoland*, The Lovedale Press, 1930.

<sup>2</sup> J.B. Peires, *The house of Phalo: a history of the Xhosa people in the days of their independence* (Ravan Press, 1981), 41.

commoners themselves.’<sup>3</sup> And again: ‘... absolute domination was no part of the Xhosa political ethic. The power of any chief was limited by what his subordinates were prepared to accept. Moreover, the kingship possessed symbolic and emotional associations which transcended its narrow political functions. The king was the “very personification of government” and the symbol of national unity.’<sup>4</sup>

Given this historical context, it becomes of crucial importance to locate and define the role of traditional authorities today in co-existence with or as a substitute for elected local representatives. If their role were to be sufficiently appreciated and correctly understood, service delivery could be enhanced in a way that would surpass the standards of metropolitan local municipalities in this regard.

Traditional leaders live in the midst of the communities that they serve and are accessible to community members at all times; therefore their participation in local government would mean that government would be brought to the very doorstep of the community. There are a number of benefits that would result from this, foremost among them being the fact that the chief would refer any issues regarding service delivery to the community for its consideration and deliberation. This would involve the exercise of traditional and uniquely African forms of consensus-driven decision-making. According to tradition, the traditional leader would preside over the discussion of issues pertaining to service delivery and he or she would encourage people to identify and prioritise community needs. While this may be a painstakingly slow and laborious process, ultimately it results in decisions which will be owned by the entire community. This is participatory democracy at its best, as opposed to the dictatorial majoritarian tendencies which characterise conventional democratic systems.

Where decisions are taken by elected representatives, projects are very often imposed on communities by people who purport to know what is good for them. Sometimes this happens without any consultation with the affected communities. There is also the risk (especially in the context of proportional representation) that elected representatives are more accountable to their party hierarchies than to the people who elected them. The downside of this is that, as the party leaders are very far distanced from local communities, they are not conversant with their concerns and unaware of their changing needs. In my opinion, it has to be accepted that communities know best what their priorities are, or ought to be. Moreover, in many cases, even as they start out as elected leaders, these elected representatives soon degenerate into *de facto* apparatchiks deployed by their political parties. This manifests itself in the unsympathetic, condescending and sometimes downright arrogant manner in which they relate to their constituencies.

The legitimacy of traditional leadership is historically rooted in a centuries-old continuum of political traditions. The role of African traditional leaders in South Africa has always been primarily that of oversight, facilitation and mediation within their communities. Lest the past

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<sup>3</sup> *Ibid.*, 38.

<sup>4</sup> *Ibid.*, 30-31.

be romanticised, it has to be acknowledged that there have also been cases of aberration from or distortion of these norms, with negative implications for affected communities. In former times, dissatisfied subjects have voted with their feet, migrating beyond the reach of such tyrants, and re-establishing themselves within the jurisdictions of neighbouring chiefs whose rule was more to their liking. To quote Jeff Peires once more, concerning the Xhosa kingdom: ‘Desertion or the threat of desertion was the most common and most probably the most effective means of resistance open to commoners. In the case of excessive exactions, there might even be an open resort to arms. Backhouse [a missionary] reported that this happened every year among the Ngqika, and that the chiefs were not always victorious. Chiefs were therefore constantly preoccupied with retaining the loyalty of their followers.’<sup>5</sup> Occasionally coups have been staged, but significantly the toppled chiefs have always been replaced by another traditional leader, thereby maintaining a sense of continuity and stability. It can thus be seen that the ever present threat of migration has in the past acted as an effective check against tyrannical tendencies on the part of traditional leaders.

In my opinion, it would deepen democracy in traditional communities in the rural areas of South Africa if, at local government level, traditional communities were entitled to choose governance according to the principles of direct democracy rather than representative democracy, which would mean that they could choose traditional decision-making processes where decisions are made by the people on an issue-by-issue basis with traditional leaders facilitating the process. Switching from one form of democracy to another could be decided by the people within the traditional communities by way of referendums that precede local government elections. Whatever structure one chose, power would have to be vested in the people, as is consistent with democratic principles. In the case of elected representatives, the matter would be resolved by regular elections. Where traditional leaders are concerned, the first hurdle would be for the community to agree on the identity of the traditional leaders whom they regard as their legitimate representatives. Where this is disputed, it should not be external parties, but rather the relevant community which takes the final decision. In exceptionally difficult cases, the community might invite another traditional authority to mediate. But mediation should be initiated by the communities themselves, so that they own the process.

As a check against abuse of power, corruption or dereliction of duty, once a traditional leader has been recognised as the appropriate person to serve at local government level, he or she should be subject to a recall mechanism. This basically means that, should the community be dissatisfied with the performance or general conduct of the representative traditional leader, it would exercise the recall mechanism via consensus-driven deliberations, which should result in a unanimous resolution in this regard. The important thing about this mechanism is that the power vests with the people directly. Unlike the situation with respect to elected officials, where the community has to put up with them till the next election, the traditional leader may be recalled at any time. The effect of this is that the representative traditional leader should be directly responsive to the needs and concerns of his or her community. This would ensure

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<sup>5</sup> *Ibid.*, 36.

effective and direct accountability to an extent which would not be possible within the conventional democratic process. This direct, participatory principle of traditional African governance, married with the electoral principle of western democracy would mutually reinforce and deepen democracy. It is significant that when addressing the National House of Traditional Leaders in Parliament on the 8<sup>th</sup> May 2000 when he was Deputy President of the country, Mr Jacob Zuma (*Nxamalala!*) emphasised this point by stating with respect to his topic - 'The evolution of a democratic system':

*"We need to take that which is good from our traditions and cultures, and incorporate that which will improve our lives. This is not a new phenomenon. It is something that has been happening as long as humans have been in existence..."*

*Our democratic system is not something that was cast in stone. It is something that is constantly evolving. In developing and deepening our democracy, we are attempting to develop democratic institutions that take into account our history and our culture. Prior to the arrival of colonialists on our shores, we had traditional systems of government in place in most parts of our country."*<sup>6</sup>

Dr Zuma's speech was published in *The Custodian* in 2002. In the same publication, Nkosi Mangosuthu Buthelezi (*Shenge!*), in his article entitled 'Obfuscation and Confusion', writes that:

*"Since time immemorial, local government in rural areas has been provided by traditional leadership. During colonialism and apartheid some of the powers of traditional leadership were constrained, or even eliminated ... my party vigorously proposed and espoused a two-tier system to be adopted in rural areas which comprised two structures of local government, one operating at regional level and one at local level."*

Some years earlier, in April 1997, President Nelson Mandela (*A! Dalibhunga*) addressing the National Council of Traditional Leaders in Cape Town, remarked that:

*"Fundamental to our unity is the mutual respect for the rich variety of our languages and cultures. While the constitution recognises rights in this regard and proposes institutions to promote them, this will have little effect without the involvement of traditional leaders ... Perhaps more difficult than most, is to find the best ways in which our elected structures of local government and traditional leaders can work together for the good of their communities. This is a crucial area for reconstruction and development, and a resolution of outstanding and conflictual matters is of the greatest importance."*<sup>7</sup>

Scholars acknowledge that democracy is a process. This means that, conceptually, it is not an accomplished fact. Even in developed democracies the challenge has always been to find ways of improving the system, underpinned by the principle that the people have the right to

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<sup>6</sup> Contralesa, *The Custodian*, Hansard Retroprint, October 2002.

<sup>7</sup> *Ibid.*

decide on issues that affect them. In Switzerland today, at the level of local government, communities are entitled to hold referenda on issues that concern them directly. The system works well because, contrary to what arrogant politicians, leftist control freaks and detractors of anything traditional may think, people and communities are of sound intellect, act rationally and know best how to identify and prioritise their needs. In short they know best what is in their best interests. This underscores the case for traditional leaders being accommodated in the structures of local government in the rural areas of South Africa. It is also the right way to go if we wish to improve service delivery and development in such areas.

It does not follow that pre-colonial forms of traditional rule should be resurrected intact today. Society, culture and democracy are dynamic and not static. Traditional communities and institutions have had to adapt to change, though some have yet to embrace this reality. Some of the changes have been impelled by the emancipation of women from the stranglehold of traditional patriarchy. This process has occurred in virtually all corners of the world over the past two centuries, but in the African context it has tended to stubbornly persist. The severity of patriarchal forms has varied from one traditional community to another. But it is now a universal precept that equality for all be respected as a fundamental right of democracy and human decency. It is therefore encouraging that by and large this precept is accepted by traditional leaders. But this is not enough. All vestiges of discrimination against women in favour of men must be totally obliterated in whatever form they might manifest themselves. The full participation of women entails the unleashing of intellectual and physical resources which have hitherto been excluded or marginalised in the historical development of rural communities. Traditional leaders and communities who do not take cognisance of this will find that the quality of service delivery in their localities is not optimised and their communities do not develop to their full potential.

It should also be possible for rural communities to contribute, through their representatives, to wider policy debates, at provincial and national level. For example, a community might wish to attract investment by means of a policy instrument such as lower tax rates or improved infrastructure. It might find itself in competition with metropolitan areas where most businesses are located and it might be obliged to intervene in larger debates about economic policy. The point here is that the parameters of local government in rural areas should not be too narrowly defined. Local government should not be restricted to matters technically defined as local, lest the door be closed upon innovative and creative thinking which might enrich policy making at both provincial and national levels.

The operations of local government should bring government to the gate of the homesteads in practice and not merely in theory. When this happens politicians will not be able to ride roughshod over the interests of the people. The involvement of traditional leadership at local government level in rural areas will help to achieve this end. It is a necessary though not a sufficient condition of efficient service delivery and the socio-economic development of communities in these areas.

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