

## Chapter 6

# Traditional Leadership in the Context of the KwaZulu-Natal Province

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## Introduction

The institution of traditional leadership has existed through the pre-colonial era, colonial era, apartheid era, and is still part of governance in South Africa (Mawere, Matshidze, Kugara & Madzivhandila, 2022; Mabunda, 2020; Koenane, 2017; Mathenjwa, 2017). Long before the African National Congress (ANC) ascended to power in South Africa, the issue of traditional leadership became complex and was a contested terrain (Kompi & Twala, 2014). When South Africa entered the democratic stage, it was confronted with many challenges, among which was the incorporation of traditional leadership and democratic leadership into a single form of governance. The task has made strides despite challenges. This chapter aims at exploring the interfacing of traditional and modern democratic leadership in KwaZulu-Natal to successfully interrogate traditional leadership in the province of KwaZulu-Natal. This chapter will, as a premise of movement, interrogate traditional leadership in South Africa's democratic governance. To achieve its aim, the chapter delves into the coexistence of traditional and modern democratic leadership in the KwaZulu-Natal province. The chapter uses the legislative framework on local government and traditional leadership to explore the posture of interaction and relations that have been between them since the dawn of democracy. The study employs a qualitative, exploratory research method to explore the discourses pertaining to traditional leadership and democratic leadership in KwaZulu-Natal. A desktop, secondary data collection technique has been used to collect relevant data. Secondary data used in this study includes books, academic journals, government policy papers, theses, opinion pieces and published reports.

## The Role of Traditional Leadership in Democratic Governance in South Africa

In South Africa, when political deliberations commenced in the early 1990s, and the ANC's policy guidelines conferred ceremonial role for traditional authorities. The Congress of Traditional Leaders of South Africa (CONTRALESA) rejected this role and later demanded the restoration of the powers the institution enjoyed during apartheid (Ntsebenza, 2020:27). Since the dawn of democracy, there has been a fierce debate on the role of traditional authorities in democratic governance in South Africa (Van Heun, 2019; Mathonsi & Sithole, 2017).

One would argue that the South African government, the governing party in particular, finds itself in a dilemma because it had to choose between traditional leadership governance values and modern democratic governance values. It must also be highlighted that in fact traditional leaders wanted nothing less than the powers they had during apartheid (Ntsebenza, 2020). The lack of mechanisms to incorporate the institution of traditional leadership into democratic governance and the growing demands by traditional leadership structures has created a governance challenge in the local sphere of governance.

As an attempt to address the roles and functions of the institution of traditional leadership, the South African parliament passed two pieces of legislation that recognise the powers of traditional councils, namely, the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003) and the Communal Land Rights Act, 2004 (Act 11 of 2004). The first Act provides for the establishment and recognition of traditional councils, while the second Act provides that these traditional councils will have authority or power in the area of land allocation and administration (Mafunisa, 2019). However, Boateng and Afranie (2020) lament the failure of current legislation to provide the needed formalised process of collaboration between the two actors which has resulted in conflict and tensions between them.

What is interesting in the South African democratic state is that the ruling African National Congress (ANC) goes back and forth when it comes to a clear determination of the role and status of traditional authorities (Ntsebenza, 2020; Maseko, 2015). On the other hand, modernists who are strongly opposed to the inclusion of the institution of traditional leadership into modern democratic structures boldly insist that the institution is incompatible within the democratic dispensation (Mawere et al., 2022; Mtengwane, 2021; Van Heun, 2019). Based on the views by scholars, such as Tshoshonga and Dipholo (2023), Mawere et al. (2022), Koenane (2017), Mathenjwa (2017), and Mathonsi and Sithole (2017) it is clear that there is a need to deal with the role of traditional leadership effectively in order to improve governance in South Africa.

To date, the roles and functions of the institution of leadership in South Africa is not clearly defined by the democratic government (Tshishonga & Dipholo, 2023; Ntsebenza, 2020; Koenane, 2017; Mathenjwa, 2017). This has been the case despite the constitutional recognition of traditional leadership, which anticipated legislation to determine a clear role. However, nothing has happened, and traditional authorities are completely dissatisfied about the matter. Scholars like Mawere et al. (2022), Mabunda (2020), Koenane (2017) and Mathenjwa (2017) indicate that this situation has caused unprecedented challenges, particularly in local governance, due to contestation for power in that sphere of government.

The introduction of municipalities meant that the power traditional leaders had in rural areas would be conferred to elected councillors (Shembe, 2014:10). This, according to Mathenjwa (2017) and Shembe (2014), reduced the power, authority, and influence of

traditional leaders so that they became mere assistants for community mobilisation and an institution that only makes recommendations in municipal councils. What complicates the role of traditional leadership is that the Institution is regarded as the remnants of colonialism and apartheid that are still in operation (Mzelemu, 2019:19). The arguments as presented by Mathenjwa (2017) and Shembe (2014) show that traditional authorities are not yet fully incorporated into modern governance, local governance in particular.

The position, role, and functions of the institution of traditional leadership in the democratic government has been steadily improving because traditional leaders did not give up their fight (Mdluli, 2022:14). Despite the slow pace, there has been legislation that deals with the roles and functions of traditional leaders. Mathonsi and Sithole (2017:40) provide a summary of roles and functions as provided for in the White Paper on Local Government of 1998 and the White Paper on Traditional Leadership and Governance of 2003 by stating that the two frameworks give sense to the role and functions of traditional leaders in the democratic context by stating that traditional leaders should:

- act as heads of the traditional authority and further exercise legislative, executive and administrative powers.
- preside over traditional courts and maintain law and order.
- consult traditional communities through *imbizo/lekgotla*.
- assist community members when dealing with the state.
- through the houses of traditional leadership, advise government on traditional affairs.
- convene meetings to consult communities on needs and priorities as well as providing relevant information.
- protect cultural values within their communities.
- speak on behalf of communities.
- be a unifying figures within their communities.
- be custodians and protectors of customs and welfare in communities.

Mathonsi and Sithole (2017:41) posit that as much as the legislative framework is there, the clarity on the roles and functions of traditional authorities is not sufficient because it does not provide how the mentioned roles are to be executed. The improvement and gains in the enhancement of the role and functions of traditional authorities are