

Improving rural service delivery:
can traditional institutions of
governance contribute?

Giyani case study

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Outline

- General background to question
- Legislative context
- Current debates about traditional authorities in South Africa
- Research project on traditional institutions of governance
- Giyani case study
- Three aspects of service delivery
- Can TIs contribute to service delivery

Service delivery in rural areas: general background

Responsibility for service delivery in rural areas:

- Under apartheid:
 - Homeland Departments
 - Traditional institutions of governance (TI):
 - Leadership structures
 - Land ownership
 - Traditional courts
- Post 1994:
 - Modern Institutions of Governance (MI)
 - Local government (MI)
 - Provincial Departments
 - National Departments

Current legislative context

- SA Constitution: both institutions recognised
- Legislation on local government (Modern Institution, MI):
 - responsibility for service delivery
 - Demarcation
 - Ward Committees
- Legislation on Traditional Institutions (TI)
 - Houses of Traditional Leaders,
 - TL as Custodians of culture
 - Communal Land Rights
 - Traditional Courts
 - Advisory role in Municipal councils

Current debates around TIs that influence their role in service delivery

- Basic Human Rights vs Communalism
- Democratic Pragmatism vs Organic Democracy
- Service delivery: effective governance vs failed state
- Democratisation of Traditional Institutions;
- No services protests in traditional communities
- Position of government (Zuma speeches)

Research project: Reconciling Africa's fragmented institutions of governance

- Part of four-country research in Africa on relationship Traditional Institutions (MI) of governance and Modern ones (TI)
- Focus on 3 areas:
 - Decision making
 - Land and resources
 - Conflict resolution
- South Africa: Giyani and Matatiele

Methodology

– Phase one:

- Literature survey
- key informant interviews and
- focus group interviews
- Now completed

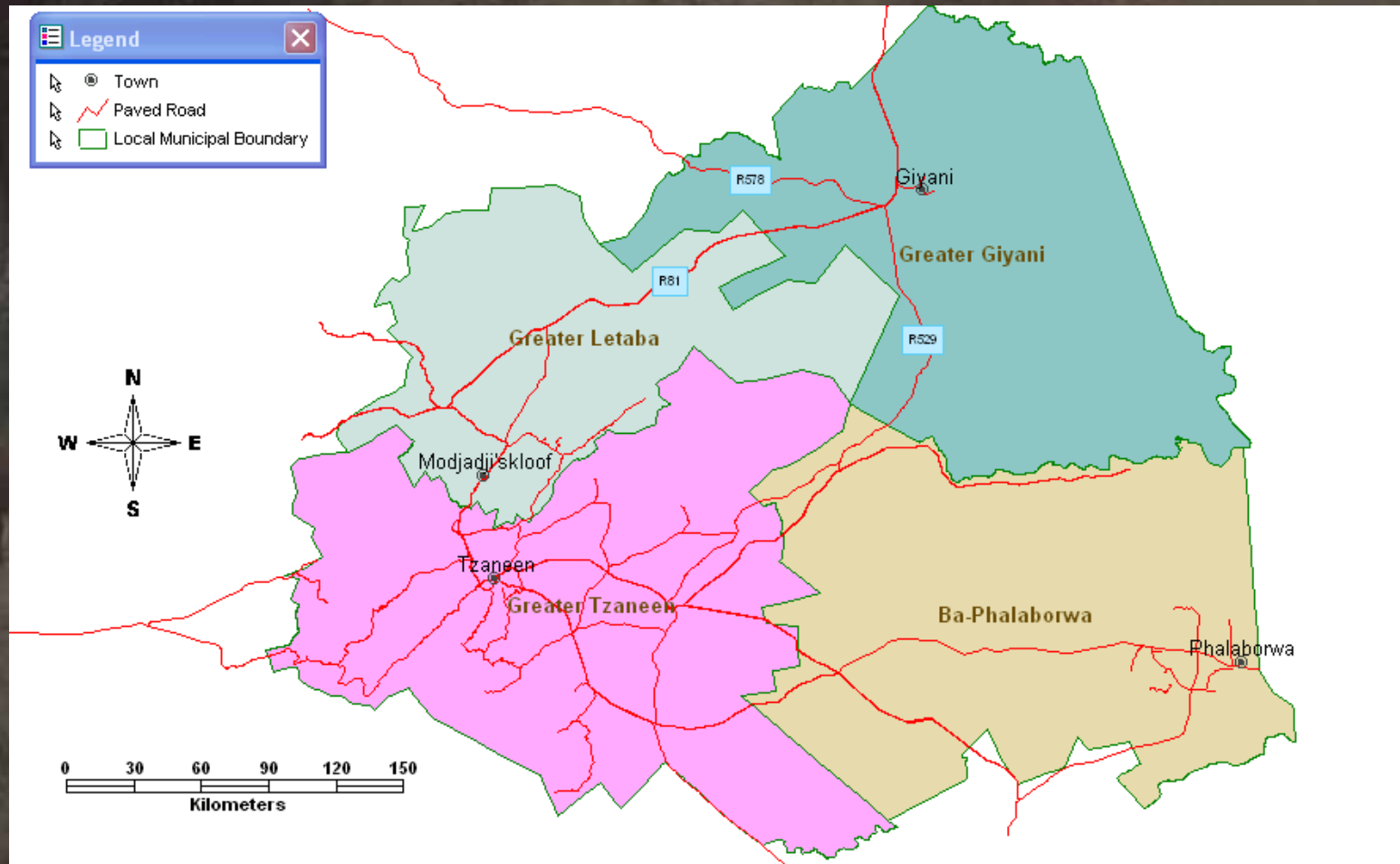
– Phase two:

- Household survey
- Consultation process

South Africa: Giyani

- B4 municipality
- Location in Limpopo, Mopani District
- Population: 247,657
- 1 semi-urban, 30 wards as municipality
- 91 villages under TA
- 60% unemployment
- 78% without income
- Low economic capacity/potential
- 30 KII and 3 FGI

Greater Giyani geographical



26 March 2010

Service Delivery Conference

Relationship TI and MI in Giyani

- Historical background:
 - Traditional Institutions under colonialism
 - Gazankulu homeland
 - Identity confirmation: Tsonga tribe, culture
 - Moderate levels of service delivery
 - Post-1994: ANC needs constituencies
 - Acknowledgement of democratic struggle
 - Identity confirmation: SA democracy

Ambiguous relationship TI and MI

- Structural relationship
 - Municipal structure: municipal council, wards, administration
- vs
- TA structure: Hosi, tribal council, indunas, communities
- Difference ward and TA boundaries
- Legislative position of TI: advisory
- Legislative position of MI: planning and implementation

Peoples' perceptions of relationship

- Legitimacy of TI acknowledged:
 - Socially embedded: identity
 - Historically embedded: cultural roots
 - Permanence: sustainable
 - Government closest to the people
 - Deep participatory and consultative
 - Decision making based on consensus
 - Hosi as father, governor, provider, representing historical roots
 - **But:** Youth challenges

People's perceptions of relationship (2)

- Legitimacy of MI acknowledged:
 - Constitutional
 - Result of democratic struggle
 - Responsible for service delivery: resourceful
 - Ward councillors as channel to MI
 - Willingness to participate in Ward committees
 - **But:** Disappointment with service delivery

Practice in relationship

- Rural people start with TI
- Opportunism and shuttling prevented
- People accept subsequent transfer to MI when governance mandate is legally determined (crime) or resources absent
- Occasional/regular communication between TI and MI

Findings: Land issue

- General agreement: Ownership with Hosi as custodian:
 - Basis for authority
 - Land cannot be sold
 - Land allocated for usage, not title deed
- Land allocation:
 - Combination TI and MI
- Other resources: TI
 - Wood, sand
 - Medicinal plants
 - Food: marula, mopani worm

Findings: Conflict Resolution

- Aim: reconciliation, harmony, ubuntu
- TI central
 - Family-Induna-Tribal Court
 - Function of Tribal Court
- MI function (Magistrate court):
 - Referral
 - Crime
- Reasons for preference Tribal Court

Findings: Decision making and Gender

- Decision making depends on issue
- Mandates of both TI and MI accepted: participatory and functional
- Government policy on democratization accepted
- Women included in TI decision making
- Inheritance
- Land Committee in TI
- Ward Committee in MI
- Councillor's role

Implications for service delivery

- Role of TI: provide for wellbeing
- Role of MI: provide services
- Acknowledge that TI is: limited, per village, ad hoc, low cost/free, local resources
- Acknowledge that MI is: comprehensive, per ward, slow IDP cycle, cost-recovery, limited to national resources
- People accept two channels and functions

Reconciliation of two institutions for service delivery?

- Agreement: both must be retained
- Respect nature of both institutions (social vs political)
- Establish Protocols
- Resolve duplication: tribal office as government frontline, extension of municipality, Thusong
- Resolve dominance and exclusion: IGR, LGTAS
- Resolve boundaries of wards and TAs
- Resolve decision making vs advisory roles

Reconciliation of two institutions for service delivery? (cont)

- Assess ward committees and traditional councils
- Democratisation of TI: elections, gender
- Democratisation of MI: participatory practice
- Integrate traditional courts into formal justice system (challenges)
- Capacity building of both MI, TI
- In all spheres of government
- Some of these are being addressed in new legislation

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