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**EXIT, VOICE AND TRADITION:
LOYALTY TO CHIEFTAINSHIP AND
DEMOCRACY IN METROPOLITAN
DURBAN, SOUTH AFRICA**

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Exit, Voice and Tradition: Loyalty to Chieftainship and Democracy in Metropolitan Durban, South Africa¹

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Introduction

Strains on democratic governance in many parts of Africa have led to a resurgence of the salience of traditional authority.³ Traditional mechanisms of accountability are being evoked at a time when across the continent the accountability of modern institutions has increasingly come under question. In the wake of these trends two broad view points have prevailed: the first is that chieftaincy is integral to sub-Saharan Africa's problems, operating as a brake on democratisation; the second is that traditional authorities have a stabilising influence under conditions of social and political turmoil or stress. In this broad climate, in South Africa democratisation was accompanied by moves to guarantee traditional leaders a role in governance, especially at the local level and most particularly in rural areas and small towns where under apartheid no other form of local government existed for black South Africans. This was not the case in cities where Black Local Authorities (BLAs) administered African townships. They were seen as stooges of the apartheid regime, and they and the services they oversaw became a central site of struggle in urban areas. Among South Africa's metropolitan municipalities, Greater Durban is something of an anomaly as an urban centre of over three million people embracing fifteen traditional authority areas.⁴

On the basis of historical research, interviews conducted among traditional leaders and local councillors in traditional authority areas, as well as a small survey of residents in three traditional authority areas, the paper considers the challenges posed for democratic consolidation arising from the accommodation of traditional authorities in city government in Durban. The paper questions whether the turn to tradition evident in the eThekweni Metropolitan Municipality constitutes an unfortunate retrograde step or whether institutional pluralism allows for political flexibility and stability and offers opportunities for the more effective extension of service delivery and development to the city's urban periphery. These

¹ I am grateful to participants at two conferences for feedback on earlier versions of this paper: the Conference on Traditional Accountability and Modern Governance held at St Mary's College, University of Durham in July, 2004, particularly John Lonsdale, Justin Willis and Tim Kersall; and the Crisis States Research Centre's Annual Workshop held at the India International Centre in Delhi in December 2004, particularly James Putzel, Teddy Brett, Dennis Rodgers, Tim Allen and Rob Jenkins.

² The field work for this paper could not have been conducted without the valuable collaboration of Sibongiseni Mkhize, now Director of the Market Theatre in Johannesburg and Shahid Vawda, Lecturer in the School of Governance at the University of KwaZulu-Natal in Durban.

³ The term 'governance' is used to signal the relationship between state and society. At its simplest it refers to the relationship between government and citizen, but there are two ways in which the concept of governance is used to describe this relationship. The first relates to sound administration and management of public resources; while the second, and broader, definition also includes a concern with democratic politics. The latter is the interpretation adopted here.

⁴ eThekweni/Durban and Tshwane/Pretoria are the only two metropolitan centres in South Africa that embrace traditional authority areas, although the salience of custom and traditional practices more generally persists even in fully urbanized contexts.

questions are explored with reference to Albert Hirschman's seminal thesis on exit, voice and loyalty.⁵ This lens is used to interrogate the exercise of democratic consolidation and local governance in a context where elected politicians and local bureaucrats are obliged to coordinate their activities with hereditary leaders whose authority rests on royal blood or appointment.

Exit, Voice and Royalty

In *Exit, Voice and Loyalty*, Hirschman begins his argument by assuming that eventually all organisations (whether they be firms, bureaucracies, political parties, social movements or community organisations) develop what he calls "slack", in which a deterioration is experienced in the quality of what they deliver. He presents three possible courses of action for people to take when they are frustrated with how an organisation addresses issues they care about: exit, voice or loyalty. Exit refers to the option of leaving an organisation in favour of another. Exit is the classic market response to undesirable conditions, for example when customers desert a poorly performing producer or retailer. It undercuts the option of voice and is unable to counteract decline. Voice is presented as an alternative act of dissent, whereby the status quo is challenged through complaint, protest, coalition building or the ballot box, and where those exercising voice remain within the broader structures or relationships involved. Voice implies a level of loyalty, because to exercise it generally precludes exit. Voice is most often associated with political organisation. Another possible dimension of loyalty is to do nothing. In this regard, Hirschman's notion of loyalty can help explain inertia or pressure to conform. In this respect loyalty serves to retard exit, even if voice is not actively exercised. He expressed the hope that his book would encourage the strategies of exit and voice over loyalty, because he saw these as vital to organisations remaining healthy and responsive. Nevertheless, he acknowledged that policies and organisational change could be influenced and shaped by all three strategies.

The intention here is not to engage in a specific debate with Hirschman's ideas, which now span more than three decades. Nor is it to wholeheartedly embrace the rational choice elements of his argument or how this school of thought has taken it up. Rather it is to use the exit, voice and loyalty thesis to think with, and as a tool to explore the encounter between different forms of accountability in metropolitan Durban. The findings presented in this paper suggest that while many of the decisions people make are rational and constitute choices, people have hybrid identities as both citizens and subjects and are caught up in institutional multiplicities so that sometimes their behaviour and decisions appear contradictory.⁶ It is in this context that the notion of loyalty is useful, both in explaining active responses as well as the option of doing nothing. Hirschman argued that some slack in the political system was not a bad thing because a level of apathy provided stability and flexibility and could be mobilised at times of crisis. With regard to politics in KwaZulu-Natal, this appears to have been the case during what has been a remarkably peaceful transition.⁷ However, when a record of loyalty is combined with the strong assertion of voice, exercised at a critical moment, the results can be all the more powerful, suggesting that post-apartheid inertia is not a permanent condition. Moreover, the question of loyalty is only relevant when people have a choice, for example,

⁵ A. O. Hirschman, *Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations and States*, Cambridge, Mass: Harvard University Press, 1970.

⁶ See J. Beall, *et al.*, 'Traditional Authority, Institutional Multiplicity and Political Transition in KwaZulu-Natal, South Africa' *Crisis States Working Paper*, 48, London: Crisis States Research Centre, LSE, 2004; and M. Mamdani, *Citizen and Subject, Contemporary Africa and the Legacy of Late Colonialism*, London: James Currey, 1996.

⁷ For a discussion of this see Beall *et al.* (2004).

over how they are to be governed, so that it would not have been applicable for black South Africans under apartheid. In other words, loyalty implies the possibility of disloyalty: that is exit.

This paper examines the extent to which loyalty or disloyalty prevails in relation to traditional authorities in Greater Durban. If traditional authorities fail to deliver while the municipality and its councillors succeed, do people exercise voice within customary structures of governance, or do they exit them in favour of liberal democracy? Under what circumstances do the people of Durban exit from institutions of hereditary chieftainship or embrace those of democratic local governance? Is there room for sustained loyalty to the institution of *ubukhosi* (chieftainship) even when there is disenchantment with an individual *inkosi* (chief) or even the *amakhosi* (chiefs) at large? Does loyalty allow for episodic displays of voice in respect of *ubukhosi*, alongside the exit and voice options of urban citizenship, and *vice versa*? What are the implications of coterminous institutions of governance for institutional pluralism and democracy? Given the history of conflict and violence in KwaZulu-Natal Province during the twilight years of apartheid and the havoc wreaked on ordinary communities in Greater Durban during the transition, is loyalty not a strategic choice rather than the more assertive alternatives of exit or voice?

It is argued that loyalty (understood both as active adherence and/or inertia) has informed the way in which many residents of Greater Durban have negotiated a tentative path between traditional accountability systems and the newly instituted liberal democratic forms of governance during a difficult period of political transition.

The Accommodation of Tradition in South Africa

Chieftaincy in South Africa, as elsewhere on the continent, operates on principles that are antithetical to liberal democratic ideals. Selection for the office of chief is not by popular vote, but is usually hereditary and for life. It is a hierarchical and patriarchal system that has largely excluded women from office, and it supports customary laws that are exclusionary, particularly in relation to property rights. In such a system, there are obvious limits to representation and downward accountability, and to this extent it is surprising that traditional leadership has held such sway in democratic South Africa, although this parallels trends across Africa more generally. Explanations as to why Africa is seeing a resurgence of tradition are varied. Early and somewhat instrumentalist approaches saw recourse to custom as a deliberate invention or reinvention of tradition for purposes of fitting in with existing patterns of governance, retaining power or attracting resources.⁸ While the determinism of this approach has been transcended, the work was seminal in initiating research that has shown the institution of chieftaincy to be both adaptable and negotiated,⁹ and it has been repeatedly employed as a resource in the discursive reconstruction of postcolonial identities.¹⁰ Chabal and Daloz associate the return to tradition with the weakness of the post-colonial state and in South Africa,¹¹ while Oomen has linked it to a “retraditionalization” of rural politics.¹²

⁸ E. Hobsbawm & T. Ranger (eds), *The Invention of Tradition*, Cambridge: Cambridge University Press, 1983.

⁹ S. Berry, *Chiefs Know their Boundaries: Essays on Property, Power and the Past in Asante 1896-1996*, Portsmouth: Heinemann, 2001; R. Van Dijk & E. A. B. van Rouveroy van Nieuwaal, ‘Introduction: The Domestication of Chieftaincy in Africa: From the Imposed to the Imagined’, in E. A. B. van Rouveroy van Nieuwaal & R. van Dijk (eds), *African Chieftaincy in a New Socio-Political Landscape*, Münster: LIT Verlag, 1999, pp. 1-20.

¹⁰ R. Werbner & T. Ranger (eds), *Postcolonial Identities in Africa*, London: Zed Books, 1996.

¹¹ P. Chabal & J. P. Daloz, *Africa Works, Disorder as Political Instrument*, Oxford: James Currey, 1999.

¹² Barbara Magreta Oomen, *Chiefs! Law, Power and Culture in Contemporary South Africa*, PhD Dissertation, University of Leiden, Netherlands, 2002.

These perspectives pose challenges for framing research on chieftaincy in South Africa's urban areas, where the impulse towards 'retraditionalization' is less evident, and where the local state is not necessarily weak. This is particularly the case in metropolitan centres, only two of which incorporate traditional authority areas (eThekweni/Durban and Tshwane/Pretoria).

In the early years of the century, traditional authorities were closely associated with the liberation struggle, and one of the early leaders of the African National Congress (ANC), Chief Albert Luthuli, in his address on the occasion of being awarded the Nobel Peace Prize in 1961, emphasised the role of traditional leaders in resistance, saying that: "Our history is one of opposition to domination, of protest and refusal to submit to tyranny Great chieftains resisted manfully white intrusion".¹³ This was the position adopted by a later Nobel Peace Prize winner also of noble birth, Nelson Mandela,¹⁴ and it increasingly came to inform the ANC view on traditional authorities. This constituted something of a *volte face* for the ANC, which as a liberation movement explicitly associated traditional leadership with apartheid and tribalism. As late as 1988 it declared in its constitutional principles that traditional leadership was anachronistic to its modernist vision, and that the organisation would abolish it with the advent of democracy.¹⁵ However, the ANC position softened, and at its 50th National Conference in 1997 it adopted a resolution on traditional leadership.¹⁶ This was initially aimed at dissuading traditional authorities from participating in party politics through carving out for them a full and constructive role in local development matters. This was the broad position that found its way into the final South African Constitution (Act 108 of 1996).

Nevertheless, post-apartheid legislation has been unclear on the precise nature of the roles and responsibilities of traditional authorities relative to democratic government. It has been argued that the Constitution was kept deliberately vague on their powers and functions because of ambivalence within the ANC itself over the future of traditional structures.¹⁷ However, efforts by post-apartheid governments in South Africa to confine traditional authorities to an advisory role and with jurisdiction over matters affecting traditional communities and customary law alone have been strongly contested by traditional leaders. In particular traditional leaders remain adamant that they retain control over communal land and that they become more influential and better remunerated for their involvement in local government. Nationally, traditional leaders are well coordinated and vocal, both through the Congress of Traditional Leaders of South Africa (Contralesa) and in regional and local bodies. In response the ANC has proved increasingly conciliatory towards them. The following section traces the growing accommodation of chieftaincy in relation to the politics of KwaZulu-Natal.

¹³ Document 65: 'Nobel Peace Prize Address', by Chief A.J. Luthuli, 11 December 1961, in T. Karis & Gerhart, 'Volume Three: Challenge and Violence, 1953-1964' in T. Karis & G. Carter (eds) *From Protest to Challenge*, Stanford: Hoover Institution Press, 1977, p.710.

¹⁴ N. Mandela, *Long Walk to Freedom*, London: Abacus, 1995.

¹⁵ S. Jacobs, 'The politics of traditional leadership', *E-Politics* No. 11, 2000-03-05, Cape Town: Institute for a Democratic Alternative in South Africa, 2000, at www.idasa.org.za as at 28 February 2002, p. 1.

¹⁶ This can be seen, for example, through the new South African history textbooks that celebrate traditional leaders such as the late Sabata Dalindyebo from the Eastern Cape who was an active if covert supporter of the national liberation movement during the colonial, segregationist and apartheid eras.

¹⁷ N. Levy & C. Tapscott, 'Intergovernmental Relations in South Africa: The Challenges of Cooperative Government', in N. Levy & C. Tapscott (eds), *Intergovernmental Relations in South Africa, The Challenges of Co-operative Government*, Cape Town: Institute for a Democratic Alternative in South Africa (IDASA), 2001, pp. 1-21.

KwaZulu-Natal and South Africa's Negotiated Transition

Durban is located in the province of KwaZulu-Natal (KZN), which in addition to having a monarch, King Goodwill Zwelithini, has the largest number of traditional authorities (currently 277) in the country. Here royalty and tradition have considerable purchase among the Zulu-speaking inhabitants of the province and people are expected to demonstrate deference and loyalty to traditional leaders. Even if the *amakhosi* (chiefs) themselves prove wanting, or if an individual *inkosi* (chief) is resented or spurned by his subjects, the institution of *ubukhosi* (chieftainship) remains important to people. Rather than a 'resurgence' or 'rebirth' of tradition, therefore, it is suggested that the institution of *ubukhosi* is evolving and mutating in response to political changes in South Africa.¹⁸

The politics of tradition in KZN were dominated by the ambiguous position of *Inkosi* (Chief) Mangosuthu Gatsha Buthelezi. Buthelezi was himself a traditional leader,¹⁹ in addition to being premier of the KwaZulu Legislative Assembly. He cleverly employed a strategy of 'loyal resistance', involving pragmatic accommodation with apartheid state institutions from within the KwaZulu Bantustan, dubbed by Buthelezi a "liberated zone".²⁰ Combining the resources of administrative office with his power base in Inkatha, a regional cultural movement, he built up a political party, the Inkatha Freedom Party (IFP) that for a while challenged the supremacy of the ANC in national resistance politics. In addition, the IFP mounted a serious struggle for political control at the regional level and, following the first democratic elections in 1994 the party won power in the newly formed province of KZN. Buthelezi owed much of his success to his support base among KZN's *amakhosi* and their *izinduna* or headmen, who both bought into and gave credence to his use of Zulu ethnic identity for political purposes.

The battle for the centre, and to a large degree the provinces, was fought within a context of a protracted and often belligerent multi-party negotiating process that led to the Interim Constitution of 1993. During the negotiation phase Buthelezi supported the former ruling Nationalist Party in its ultimately unsuccessful demand for a federalist system of government. At the same time he sought to ensure enhanced autonomy at the provincial level by other means, insisting on preserving the powers of traditional authorities. This strategy offered the happy coincidence of both pleasing the *amakhosi* and ruffling the ANC, which stood poised to offend either its urban-based and returning exile constituencies or its supporters within Contralesa. In the event, in the 1994 elections the ANC has proved unassailable at the national level. The IFP won a narrow majority in the new provincial legislature of KZN,²¹ making it one of only two provinces to fall outside the control of the ANC.²² When the Interim Constitution was replaced with the final Constitution, agreed at the end of 1996, there were few significant changes except for the increased bargaining strength of the ANC in the

¹⁸ See Beall *et al.* (2004) for an elaboration of this argument.

¹⁹ Buthelezi is an *inkosi* and claims royal lineage as King Cetshwayo kaMpande was his maternal great grandfather. On his father's side, he also asserts that his paternal great grandfather served the same king as prime minister and was a commander-in-chief of the Zulu army. See G. Maré & G. Hamilton, *An Appetite for Power: Buthelezi's Inkatha and the Politics of 'Loyal Resistance'*, Johannesburg: Ravan Press, 1987, p. 15.

²⁰ Maré & Hamilton (1987), p. 195.

²¹ In the 1999 elections, neither party won a clear majority and a coalition government was formed on the back of a shaky truce. In the 2004 elections the ANC won a narrow majority (46.98%) over the IFP (36.82%), governing the province in an alliance bloc with smaller parties (<http://iafrica.com/news/saelectionfocus/news/316632.htm> last accessed 4th January 2005).

²² The other was Western Cape Province. In 1994, nine provinces were created out of the four provinces of so-called 'white South Africa' and the ten former ethnically defined 'homelands' or 'Bantustans' created under the Bantu Authorities Act of 1951 and the Promotion of Bantu Self-Government Act in 1959.

Constitutional Assembly. This has been increased further by its landslide victory in the 2004 general election, which also saw the ANC victorious in KZN for the first time.

Reconstituting Local Government

The protracted and often belligerent multi-party negotiating process that led to the Interim Constitution of 1993 was where the battle for the centre and the provinces was fought. When the Interim Constitution was replaced with the final Constitution, agreed at the end of 1996, there were few significant changes except for the increased bargaining strength of the ANC in the Constitutional Assembly. Achieving a conciliatory outcome at national and provincial level meant that local government was very much the neglected poor cousin of the negotiated settlement. Chapter 10 of the Interim Constitution dealt with local government and as Spitz has observed, “[I]ts most striking characteristic was its sparseness”, doing little more than creating a loose framework for how it was to operate.²³ This is not to suggest that the face of South African local government was not changed irrevocably as democratic municipal authorities were formed across the country for the first time. Under apartheid there had been a surfeit of racially-divided institutional structures set up at regional level that had to be dismantled along with the Bantustan system and fused into nine new provinces. By contrast, there was a total absence of any effective local government outside of the former white areas. In urban areas, the BLAs set up under apartheid in the late 1970s had absolutely no legitimacy. In rural areas, local government functions had remained largely in the hands of traditional leaders who were used by the apartheid regime to undertake local governance in the Bantustans along the lines of indirect rule. As such they had amassed considerable local level power and were keen not to see this dissipate. Unsurprisingly, therefore, they fiercely contested local governance reform. They were not the only ones, and as Robinson has observed more generally, in its immediate post-apartheid incarnation local government was the site on which existing privilege was most robustly defended through “repeated efforts to promote initiatives likely to preserve the status quo”.²⁴

During the negotiated settlement the ANC was determined to avoid at national level the federalist option being pushed for by the ruling Nationalist Party with support from the IFP among others. It was more prepared to offer consociational concessions at local government level, which meant that significant decisions could not be taken without the consensus of minority residents. Following the second general elections in 1999, the resounding ANC victory meant it became easy to withdraw this compromise,²⁵ and what remained was a system where South African local governance represented a “negotiation of the tension between local rights and national intervention ... whereby the local state is constituted within a web of national interests”.²⁶ Tangled within this web of national interests were traditional

²³ R. Spitz with M. Chaskalson, *The Politics of Transition: A Hidden History of South Africa's Negotiated Settlement*, Johannesburg: Witwatersrand University Press, 2000, p.183. In contrast to long chapters on national and provincial government, Chapter 10 comprised only seven sections and left most of the detail relating to local government structures, processes and powers to be filled in by national or provincial legislation.

²⁴ J. Robinson, *The Power of Apartheid: State, Power and Space in South African Cities*, London: Heinemann, 1996, p.211.

²⁵ Whereas in the local government elections of 1995/96 the representation of minorities was protected, by the time of the 2000 local government elections this was no longer the case. Instead the one-person-one-vote system was extended to the local level, the only difference being that proportional representation was matched by a ward system on a fifty-fifty basis. See W. Zybrands, ‘Local Government’, in A. Venter (ed.), *Government and Politics in the New South Africa* (second edition), Pretoria: van Schaik Publishers, 2001, p.208.

²⁶ S. Oldfield, “‘Embedded Autonomy’ and the Challenges of Developmental Local Government’ in S. Parnell et al. (eds), *Democratising Local Government, The South African Experiment*, Cape Town, University of Cape Town Press, 2002, p.92.

authorities. The Local Government Transition Act (LGTA) of 1993 did not provide much guidance on the constitution of local government councils in rural areas, and it was left to provincial government to decide on what form they should take. The result was that traditional leaders were able to entrench their power and influence at local level over a fairly long period of transition. The option to go for fairly large district councils undermined their authority somewhat, but this only served to mobilise them more forcefully around other aspects of local government reform, such as the demarcation of the new municipal boundaries, many of which, to their chagrin and anger, cut through traditional authority areas.

The issue of local government was only seriously addressed following the transition and indeed the first round of local government elections in 1995/6.²⁷ The Local Government White Paper of 1998 advanced the concept of “developmental local government”.²⁸ This determined that municipalities pursue integrated development in the context of inter-sectoral partnerships, requiring the active involvement of communities and other vested interest groups, in a context of both public and private investment.²⁹ The government envisaged involving traditional authorities in developmental local government, particularly in rural areas where no alternative structures existed. The Municipal Structures Act (Act No. 117 of 1998) served to entrench the focus on traditional authorities as critical to local governance and set in place for them a consultative role in development planning at the local level, although this did not amount to a direct role in decision-making. The chosen route of developmental local government was seen by the ANC as a vehicle for national development, and indeed Mandela described local government as “the arms and legs of the Reconstruction and Development Programme”.³⁰

Under Mbeki, and more specifically the Minister of Provincial and Local Government, Sidney Mafumadi, flesh has been put on the bones of this idea. For instance, to traditional councils and tribal courts are being added traditional development centres that function as one-stop shops that serve, for example, as pension payout points, satellite offices for the Department of Home Affairs, sites for mobile clinics, providers of HIV/AIDS awareness services and small business development advice. The aim is to use them to make government structures more accessible to a greater number of people in rural areas.³¹ In its recent publication *Towards a Ten Year Review*, the South African Government stated that “the needs of local government are most critical, with the majority of municipalities not having the capacity ... to perform their delivery functions”.³² In statements such as this it is possible to discern the importance and power of traditional authorities. In addition to their political value in delivering rural

²⁷ Local government elections were held in 1995, except in KZN where political and administrative disputes delayed them by a year.

²⁸ The provisions of the Municipal Structures Act of 1998, which provided that municipal planning must be rationalised into a single comprehensive five year cycle, subject to annual monitoring and review, reinforced this. Integrated Development Plans (IDPs) are adopted by municipal councils as their core planning and management instruments and these have to be aligned with adjacent municipalities and the provinces within which local authorities are located.

²⁹ Policy frameworks predicated upon the constitutional principles of inter-governmental cooperation include infrastructural support programmes, planning guidelines, service partnerships and a range of local economic development initiatives. See S. Parnell & E. Pieterse, ‘Developmental Local Government’ in Parnell *et al.* (2002), pp. 79-91.

³⁰ African National Congress, *Strategy and Tactics. 49th National Conference* (1994), cited in A. Lemon, ‘Local Government and the “Local State”’, in Parnell *et al.* (2002), p.18.

³¹ *Natal Witness*, 28 August 2003.

³² Republic of South Africa, *Towards a Ten Year Review, Synthesis Report on Implementation of Government Programmes Discussion Document*, The Presidency, Republic of South Africa, October 2003, p. 108.

constituencies, they are seen as an important arm of developmental local government, particularly in the rural areas.

The ANC has insisted that traditional authorities work within the Constitution and together with democratically-elected bodies, while transforming themselves to become more democratic. However, traditional leaders have shown themselves prepared to stop at nothing short of constitutional protection of their customary powers and functions. The strength of their influence has most recently been seen in the passing the Traditional Leadership and Governance Framework Act (TLGFA) in 2004, which validates and helps clarify the position of traditional councils that now must operate within and alongside other local government structures. Section Three of the Act states that “traditional communities” must establish these councils, which in turn must comprise “traditional leaders and members of the traditional community selected by the principal traditional leader concerned in terms of custom”. Where the old tribal authorities exist, established in terms of the Bantu Authorities Act of 1951, they will simply be converted into traditional councils. This significantly entrenches the authority of traditional leaders,³³ and means in effect that legislation introduced in the twenty-first century will give perpetual life to a system of ‘indirect rule’ dating back to the colonial era.

Negotiating Local Governance in eThekweni

The Metropolitan Municipality of eThekweni (hereafter eThekweni Metro or the Metro), centred on the major port city of Durban, is South Africa’s second largest city after Johannesburg. The municipality covers approximately 2300 km², comprising two per cent of the total land area of KZN and with a population of over three million people. Africans are overwhelmingly isiZulu-speaking, and account for 63 per cent of the metropolitan population.³⁴ As one of only two metropolitan areas incorporating traditional authorities, eThekweni has been important in both defining and limiting the roles and functions of traditional authorities. In 2000, a new municipal council (which united the seven former local councils responsible for administering the old Durban metropolitan area) was established. This followed the deliberations of the Municipal Demarcation Board that was set up after the first round of local government elections in 1995/6 to redraw municipal boundaries across the country.³⁵ The Board extended the Metro’s boundaries so that eThekweni now includes vast peri-urban areas so that within its boundaries only 35 per cent of people live in areas that are characteristically urban. For example, 60,000 households in eThekweni still live in traditional rural style dwellings.³⁶ Initially the *amakhosi* in eThekweni did not want to be part of the demarcation process and negotiations with them were difficult, not least because some of the new municipal boundaries cut right across former rural districts and tribal authority land.³⁷

³³The TLGFA is best viewed in conjunction with the Communal Land Rights Act (CLRA) of 2004, which seeks to protect the control over communal land tenure systems by traditional authorities. Although dogged by controversy it was passed by parliament, giving power over communal land administration to ‘traditional councils’ where they exist (CLRA, Section 22(2)).

³⁴ According to the 2000 Census Indian South Africans constitute 22 per cent, whites 11 per cent and Coloureds (people of mixed race) only three per cent of the population. One per cent of the population is unspecified.

³⁵ It was set up under the Municipal Demarcation Act (Act No. 27 of 1998) and reduced the number of municipalities from 843 to 284. See C. Goodenough, *Traditional Leaders, A KwaZulu-Natal Study 1999 to 2001*, Durban: Independent Projects Trust, 2002, p.40.

³⁶ South African Cities Network (SACN), *The State of South African Cities – 2004*, Johannesburg: The South African Cities Network, 2004.

³⁷ These formerly fell under the Ilembe Regional Council, a structure that had been set up after the 1996 local government elections but now responsibility falls to the eThekweni Metropolitan Municipality.

Underpinned by the goals of redrawing apartheid boundaries and improving distribution, the ANC and IFP also accused each other of trying to manipulate eThekweni's boundaries for purposes of gerrymandering. The objections of the *amakhosi* coalesced around two key issues. First, there were concerns about the balance of power between the *amakhosi* and the elected councillors. These concerns very closely paralleled those of the IFP and ANC respectively, as the *amakhosi* were mainly IFP supporters, while the mayor and a majority of the councillors in the city were affiliated to the ANC. Second, in accordance with their anticipated role in developmental local government, while they were recognized as full time employees of the state the *amakhosi* were concerned to clarify their actual roles, representation and remuneration in municipal structures,³⁸ threatening not to participate in the second round of post-apartheid local elections in 2000 until their position was secured. They succeeded in delaying the date of the elections, but were eventually mollified by President Mbeki who extended their representation in local government.³⁹

Up until this point the ANC-led eThekweni Metro had articulated the position that traditional leaders could not expect the same rights as democratically-elected representatives, and should not be allowed to hold the political process to ransom.⁴⁰ Both the Mayor and the City Manager were ANC stalwarts and the eThekweni position on *ubukhosi* was in line with many voices within the ANC. However, Mbeki's compromise contradicted the hard line approach taken towards the *amakhosi*, particularly by the City Manager in his former role as Chair of the Demarcation Board. Consequently he found himself caught between those within the ANC who saw themselves primarily as democrats and the President himself who was conceding more and more ground to the traditional authorities. As a loyalist with party ambitions he shifted from a position that traditional authorities were welcome only as 'representatives of the people' to a more conciliatory approach himself. This is reflected in his *Newsletter of the City Manager* of 18 March 2003 announcing greater participation by the *amakhosi* in metropolitan governance:

17 March 2003 will go down in history as a day of significance for developing broad-based institutions of governance in eThekweni and South Africa. In the eThekweni Council meeting of that date, Council agreed that those traditional leaders with jurisdiction within the boundaries of eThekweni should be invited to participate in municipal affairs ... [T]hat decision of Council will go a long way to restoring our sense of who we are and where we have come from. In section 212 (sic) of the Constitution provision is made that national legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities. The Municipal Structures Act regulates that arrangement and today's decision by Council brings it into effect. By doing so, eThekweni becomes the first metropolitan area, and the first major municipality, to allow for traditional leaders to participate in the affairs of governance.

³⁸ The remuneration of traditional leaders was finally set in 2001 at a rate that doubled the salary bill for traditional leaders across the country. See Goodenough (2002), p. 20. They were recognized as full time employees but disallowed from double claiming if they held more than one public office (e.g. as both an IFP MP and *Inkosi*), being paid only the salary of the office for which the highest income is earned.

³⁹ Traditional leaders had a ten per cent representation on local elected councils. By August 2000, after pressure from within the ANC itself, Mbeki increased their participation to 20 per cent but did not give into their demand for 50 per cent representation as against 50 per cent elected representatives. See Goodenough (2002), pp.50-52.

⁴⁰ Goodenough (2002), pp.53-57.

Traditional leaders are therefore encouraged to attend and participate in eThekweni Metro's council meetings, but they cannot comprise more than 20 per cent representation on municipal councils and do not have voting rights nor can they deal with the budget.⁴¹ On being asked why this is the case, Sutcliffe said they needed to adapt to democratic practice and Council procedure, pointing out that much behind-the-scene work was being done by himself, the Mayor, as well as key modernising *amakhosi* (including the mayor's brother, *Inkosi Mlaba*), to win over the *amakhosi* through an agenda of service delivery and local economic development. eThekweni Metro has now introduced a Programme for *Amakhosi* Support and Rural Development, and traditional leaders now participate in municipal affairs, getting a monthly allowance of R3,500 (about £325) for doing so.⁴² In addition, the *amakhosi* are organised into a committee under the chairmanship of one of the councillors who negotiates with the traditional leaders in their areas. They have Council resources, including access to rooms and buildings, and the Programme has an administrative assistant. A Trust has been set up to access funds, including from overseas funders, which are geared towards supporting various projects, especially for peri-urban and tourism. In this the City and local NGOs working in traditional authority areas have been supportive.

There is a tension in the Metro's relations with the *amakhosi*. The Metro continues to emphasise their developmental role. In order to win favour in this regard the City is providing capital investment to the tune of R200 million to its traditional authority areas.⁴³ However, there are undoubtedly political agendas at work as well. The ANC desperately wanted to win KZN in the 2004 elections, which it did very narrowly. Success in eThekweni was critical to achieving this and crucially involved winning the hearts and minds of its peri-urban *amakhosi*. This in turn has involved investment in development initiatives that have served as demonstration projects to hesitant or recalcitrant traditional leaders, both within eThekweni and beyond. In addition, more symbolic gestures have been embarked upon. Council meetings no longer take place only in City Hall, but have taken the form of a travelling fair, where marquees are erected in townships and peri-urban areas. Music and food are provided, and traditional leaders and councillors alike mingle with local residents. Some events have seen urbane ANC city councillors donning traditional dress for council meetings by way of demonstrating sympathy with traditional values and gaining popular appeal.⁴⁴ By the same token traditional leaders can be seen arriving in their four-wheel drive leisure vehicles, a mobile phone to their ear.

One cynical city councillor claimed that roving council meetings only took place in safe ANC wards, and that many people came simply for the food and entertainment. However, others saw it as a genuine attempt to take local democracy to the people and to bring traditional authorities into the process of local governance on demonstrable democratic terms. In such ways eThekweni Metro has thrown down the gauntlet to the *amakhosi* and they are being encouraged to earn the right to represent their people by accommodating themselves to democratic processes and outcomes in the context of new patterns of city governance. At the same time, the terrain of tradition is being fiercely competed for, with the city asserting

⁴¹ This may change depending how eThekweni implements the Traditional Leaders and Governance Framework Act of 2004.

⁴² Michael Sutcliffe, City Manager, personal communication April 2003. Traditional leaders participate in eThekweni Metro's council meetings but they cannot comprise more than 20 per cent representation on municipal councils and do not have voting rights nor can they deal with the budget.

⁴³ Michael Sutcliffe, April 2003.

⁴⁴ *Natal Mercury*, 18 April 2003.

claims on Zulu identity, culture and even rituals of governance alongside traditional authorities.

Sustained delivery of development will be more difficult to achieve. Part of the political strategy was to win the hearts and minds of the peri-urban *amakhosi* and their constituents. This involved investment in development initiatives in their areas that could play a role not only in distribution but also as demonstration projects for the benefit of hesitant or recalcitrant traditional leaders, both within eThekweni and beyond, who were suspicious of the ANC. To win over the traditional authority areas in its latest planning phase eThekweni is providing capital investment to the tune of R200 million in the city's traditional authority areas.⁴⁵ However, longer-term perspectives are fraught with risk. eThekweni, together with Johannesburg and Cape Town, makes up 50 per cent of South Africa's GDP, and as such it is important for national economic development; but it is struggling in the face of national and international competition. In eThekweni the largest economic sector (by employment) is manufacturing, which provides just over 20 per cent of the jobs in the metropolitan area. However it is in decline, and the municipality also contained 8.66 per cent of the country's unemployed in 2001 (up from 8.06 per cent in 1996).⁴⁶ With over 40 per cent of its population without work, poverty and unemployment remain primary developmental challenges in the city, and this has implications for service delivery. For example, economic decline acts against fiscal growth or private sector investment, while unemployment means many low-income households are unable to engage in cost sharing in services. This is the dilemma that faces municipal management in eThekweni more generally, but in particular when extending services to peri-urban areas, where the topography makes this a particularly expensive business.⁴⁷

***Amakhosi* and Councillors: "Government is Putting Two Bulls in One Kraal"**⁴⁸

Field research was conducted in three traditional authority areas on the urban periphery of eThekweni. Interviews were conducted with the *amakhosi*, *izinduna*, local municipal councillors and local key informants, while a household survey was conducted among residents. All three areas are located to the west and northwest of the city.⁴⁹ The areas were deliberately selected in order to get a balance between what was essentially a rural area proximate to the city, a peri-urban and a more urbanised area. They were also selected on the basis of political affiliation. The most rural of the three areas was Maphephetheni, an IFP stronghold with the traditional leader, *Inkosi* Thandizwe Gwala being a strong supporter along with most of his *izinduna*. The five areas surveyed within Maphephetheni were: Mqeku under *Induna* Khoza (deep rural); Nkangala under *Induna* Gumede (deep rural); Fofu under *Induna* Gcwentsa (deep rural); Mbeje under *Induna* Mthethwa (semi-rural); and Ngcukwini, represented by a local ANC member, Mbanda (peri-urban), Ngcukwini being an ANC enclave also known as 'the comrades' area'.

⁴⁵ Michael Sutcliffe, April 2003.

⁴⁶ SACN (2004), p.24.

⁴⁷ Not only are distances great but also much of the periphery of Durban is characterized by hilly and rocky terrain.

⁴⁸ A statement made by one of the *amakhosi* interviewed but a common metaphor around at the time of local government reform in South Africa.

⁴⁹ To the south of the city there are a number of traditional authority areas where the independent and IFP affiliated *amakhosi* remain hostile to the ANC led municipality and where for these reasons or those to do with internecine conflicts of one sort or another, field research was not possible. Hence the following account is indicative rather than decisive in terms of the conclusions drawn.

The second survey area was Ngcolosi, where *Inkosi* Bhekisisa Bhengu presents himself as politically independent. The area is peri-urban and borders a formerly whites-only residential and a commercial district. It includes areas of natural beauty and has good potential for domestic tourism.⁵⁰ Being somewhat more densely settled than area Mi, the survey was conducted over three areas, Sijoti, Mshazi and Mpola. Compared to Maphephetheni the area is relatively well developed and is suitable for small-scale cultivation, and there are more opportunities for work in the proximate areas of Hillcrest and Pinetown, as well as Durban. *Inkosi* Bhengu has been in situ since 1985, and has a string of qualifications in community development and local government. He is resentful of claims by eThekweni Municipality that they are bringing development to the area, on the grounds that he has a long history of doing just that and under much more difficult conditions. Nevertheless, he saw being part of the Metro as a challenge rather than a threat to the institution of traditional leadership.

The third survey area was KwaXimba, an urbanising area to the north east of the city in the Inchanga-Cato Ridge district. It embraces Nagle Dam and is traversed by the Duzi River, making it another area with potential for tourist development targeted at the more rugged end of the market such as hikers, backpackers and canoeists. Unlike the other two chiefdoms, the AmaXimba had been part of the Durban Metropolitan Council from 1996, following the first post-apartheid local government elections and preceding demarcation. *Inkosi* Zibuse Mlaba, who assumed his position in 1988 is also an ANC MP and brother to the ANC-aligned Mayor of eThekweni, Obed Mlaba. He is charismatic and high profile, for example taking part in the annual Duzi Canoe Marathon that runs through KwaXimba, and sees himself as a moderniser. Presiding over an ANC area, he has been wholehearted in his engagement with the city. As a result his area has been richly rewarded with investment in water supply, lighting, roads and a vibrant heritage and tourism programme. In addition, more recently KwaXima has been granted a large, externally-funded, area-based development programme. This has brought *Inkosi* Mlaba great popularity, along with the *izinduna* of the area, led by the head *Induna* Mkhize, who works very closely with Mlaba.

These brief profiles demonstrate that the *amakhosi* of eThekweni are not homogeneous. Their positions vary from an enthusiastic embrace of post-apartheid democracy (so long as it accommodates chieftaincy) to defensive resistance, to outright hostility deriving in part from political antagonism to the ANC. Differences in their approach have characterised their response to demarcation and to the drawing of ward boundaries that were largely disrespectful of the borders of *izigodi* (the areas presided over by *izindunas* or headmen). While *Inkosi* Gwala resisted and fumed until the process was well and truly over, insisting that consultation had been insufficiently respectful of the office of chieftaincy, *Inkosi* Bhengu was ultimately pragmatic. He argued that as change was inevitable it was up to the *amakhosi* to make themselves indispensable to the process of governance and development. *Inkosi* Mlaba went further, seeing demarcation as bringing traditional authority areas in line with the national trend and making them firmly part of the development process from which they could then benefit.

The real bone of contention, and one shared by most of the *amakhosi*, was that of their powers and functions. They were concerned at the time of the interviews that their powers would be usurped, particularly their control over the allocation of communal land. They will undoubtedly be reassured by the recent legislation on traditional leadership and communal land discussed above, although the implications for metropolitan areas remains unclear at this

⁵⁰ The area forms part of a Valley of a Thousand Hills and borders the Inanda Dam.

point. Some of the *amakhosi*, such as *Inkosi Gwala*, were concerned about whether they would still be free to perform their traditional functions, such as adjudication over civil cases and conflict resolution, worrying that people were beginning to question traditional authority because of the dominance of eThekweni Metro. *Inkosi Bhengu's* position was that the *amakhosi* had no need to fear, but in order to continue being relevant they had to adapt to changing times. *Inkosi Mlaba* argued that the law was clear about the separation of powers, and that the transformation of the local government system did not reduce the authority of the *amakhosi*, who had different responsibilities from those of elected councillors. He suggested that political disinformation by the IFP had raised the anxiety levels of the *amakhosi*, and that the only ones who stood to lose by being incorporated into the democratic process were those who had been abusing their powers in the first place.

In terms of development, all the *amakhosi* saw it as important and not the sole responsibility of elected councillors. Priorities differed from one area to another, and some areas have seen more development investment than others, this closely related to political incentives and rewards. Despite defensiveness on the part of some, the *amakhosi* and *izinduna* generally expressed enthusiasm for working alongside eThekweni Metro. *Inkosi Gwala* claimed that he had been chairing development committees for years and did not need the tutelage of the Metro, but was won over, offering as an illustration of this the fact that now the *amakhosi* incorporated into eThekweni Metropolitan Municipality received complimentary tickets to national football matches. There was on-going concern on the part of *Inkosi Bhengu* that elected councillors did not follow protocol, and that this undermined his authority. However, he is well schooled in the workings of local government and met regularly with City officials over development projects in his area. He also expressed pleasure that the mayor was encouraging the *amakhosi* to attend council meetings themselves rather than sending delegates, explaining the importance of the *amakhosi* being represented at all levels of local government. *Inkosi Mlaba* was strident on the issue of development from the outset, suggesting that for years the *amakhosi* had neglected their people and development in their areas, not least because they had unhelpfully spent their time embroiled in political conflict. Practicing what he preaches, in area K. development is driven by well-organized structures that involve both traditional authorities and elected representatives from the different *izigodi* and wards, while relations with the councillor of the area are good, unlike in other areas where they range from being politely cordial to decidedly hostile.

On the question of the future of traditional leadership, all of the *amakhosi* were agreed that the democratic process could not eradicate it and that they needed to play a central role in local governance. The *amakhosi* saw themselves as making a crucial contribution to maintaining peace and unity and insisted that development could not be left to elected councillors. Even the modernizing *Inkosi Mlaba* argued that the institution of *ubukhosi* acted as a custodian of African culture and tradition.⁵¹ However, he insisted that for it to survive and flourish it had to embrace the opportunities presented by western representative democracy, a position more grudgingly adopted by *Inkosi Bhengu* as well. The sticking point for these urban *amakhosi* as with their rural counterparts, is an insistence on their continued control over communal land. At present it does not constitute a major problem. Residents ask the chief for a plot on which to build their dwelling or graze their cattle and this is generally granted to people known in the area. As population density and competition for land increase in these peri-urban areas these arrangements may become less harmonious. Moreover, as

⁵¹ Interestingly *Inkosi Z.* suggested that future governments might not be as sympathetic as the ANC to traditional leaders and said that he was encouraging his children to get an education and to explore other career options as well.

urban development and housing expands outwards into the peri-urban areas, a clash between communal and individual property rights is inevitable. Already in KwaZulu-Natal there are examples of traditional leaders doing deals with developers in relation to communal land, for example in the development of game parks and lodges. Dealing with such trajectories on the city's periphery promises to be a major challenge for metropolitan governance and development in eThekweni.

Much hinges on the incorporation of the *amakhosi* and their acceptance of democratic practice. Currently about twelve of the fifteen *amakhosi* regularly attend council meetings. Among the three traditional authority areas researched in depth, unsurprisingly relations between the *inkosi* and the elected councillor was strongest in area K. Assisted by a shared political affiliation to the ANC, Councillor Simon Ngubane of KwaXimba reported an excellent working relationship with *Inkosi* Mlaba and his *izinduna*. There are development forums in each of the ten sections of KwaXimba, and they feed into the KwaXimba Development Forum, which meets every fortnight. The councillor and the *Inkosi* sit as ex-officio members of all these meetings and also meet weekly with the *izinduna* to discuss developmental needs. According to Ngubane, both parties are well aware of what the other has to offer. The traditional leaders are acutely attuned to the municipality's ability to deliver services to the people, while he recognises his reliance on them to make land available for physical development initiatives. Councillor Ngubane described the process as follows:

We have to work with the traditional leaders and give them respect. Also they control the land. Any development project that involves land must get approval from the traditional leaders and the *Inkosi*. A meeting is called between the *izinduna* and the Development Committee to discuss their development needs. People make suggestions. Sometimes we use a box of suggestions. People write down their ideas, put it in a box and then we take them out and discuss them one by one. If someone says there must be community hall it is discussed, and where it should go. Then the *induna* has to give permission for the land to be allocated for the hall. There is usually good co-operation between the *izinduna* and the development committee.

The development of a community complex has been very successful and is well used. Other issues for which resources have been allocated include tarred roads and a taxi rank. A big issue is who gets employed on local development projects and who acquires skills where these are on offer. Unemployment is the biggest problem in this as in other areas, and so local development projects with employment and training components are being prioritised.

However, in the other areas relations between the *amakhosi* and elected councillors remained tense. Councillor Stanley Hlatswayo of Maphephetheni was not so positive given that his ward, Ward Two, straddles four traditional authority area boundaries, so that he frequently gets caught up in inter-clan rivalries.⁵² Some of the *izinduna* are resentful of having a Councillor primarily based in KwaMkhizwana, an area controlled by a different traditional authority area from that over which *Inkosi* Gwala presides. As Hlatswayo put it, "[T]he working relationship is not the best but it's also not too bad because we do co-operate in certain areas. But I can't lie and say everything is working well". Rivalry between different chiefdoms has been exacerbated by demarcation, and this was not adequately taken into

⁵² This is because the ward and municipal boundaries created by the Demarcation often disregarded the borders of *izigodi* or the areas presided over by *izinduna*, an *inkosi's* headmen.

consideration at the time. For example, in Ward Two, there are 28 *izigodi* (*izinduna* areas) in which the *izinduna* still play an important role. Explaining the challenge of bringing traditional leaders into the new local government structures and processes, Hlatswayo went on to elaborate as follows:

I can say that some amakhosi see my presence as a threat. They see my work as interference. From 2000 I started asking for handover reports from the *amakhosi* so as to ascertain the level of development and the progress that had been made. To this date I have not received any report. That has created problems because in the past funds were channelled through them but there are no reports or accounting measures. Even if one has identified an economic empowerment project the *amakhosi* still resist to work with the communities because in the past they used to get a lion's share of development funds and use it for their own needs.

However, the problems faced by the Councillor are even more difficult in areas that do not have an *inkosi* and that are controlled by rival *izinduna*, although according to Hlatswayo, the political affiliation to the IFP of an *inkosi* such as Gwala can sometimes erode the higher levels of respect, authority and accountability that exist in his area. Displaying his own political leanings he went on to say that "You often find that chiefs are pro-IFP and their subjects are predominantly ANC. It's in these areas where the authority and representative nature of *ubukhosi* is questioned". Although acknowledging that the *amakhosi* did sometimes co-operate, especially on giving Notices of Permission to Occupy (PTOs) in relation to land for development structures, he said that in reality the *amakhosi* did not really control the land although they fostered that impression. He suggested rather that the land was owned by prominent homestead heads in the context of an informal land market and the *inkosi* was unable to distribute land without first consulting them. Although not speaking directly of corruption and certainly not in relation to a particular *inkosi*, he was insistent that many were irresponsible and lazy:

You will always get incompetent *amakhosi* because their positions are hereditary and their performance is not being assessed by anyone. I think this has to do with the nature of traditional leadership. The *amakhosi* are used to staying at home and accepting gifts or demanding tribute. They are not used to working and accountability is a foreign concept to them. However, staying at home is not going to help develop their communities.

Hlatswayo is of the view that the development potential of Ward Two, relating to quarrying as well as tourism development, is being undermined by the reluctance of traditional leaders to give up the benefits of earlier ways of doing business. In the past, outside companies operating in traditional authority areas paid royalties to the *amakhosi*, who are now reluctant to open things up for development projects that will undermine these practices. Bemoaning the brake this was putting on development, Hlatswayo said that unless the *amakhosi* co-operated these opportunities would not be realised. Underlining the enormity of the problem he went on to say:

I can tell you there is no trust between myself and the *amakhosi* and their *izinduna*. There is still a long way to go. As I said transforming four traditional authorities with their own distinct structures is a task which will take more than five years. What happens is that the councillor is always called upon to report

what's happening on his side whereas the *izinduna* and the *inkosi* don't account to the councillors for what they are doing. One case of that has been failure by the traditional structures to account for the process that is being used to recruit people to work on community projects, like on the clinic at Maphephetheni. When one asks about that it is viewed as interference. This thing happens in other areas of Ward Two as well. I feel that traditional authorities are still hanging on to the functions that should be performed by the elected councillors.

Development forums have been set up in the Ward that involve both elected and non-elected leaders, but because the ward straddles four traditional authority areas Councillor Hlatswayo has had difficulty combining them into a ward level Development Forum. However, in addition to the four *amakhosi* and 28 *izinduna* he is working with other 'stakeholders' such as teachers, sports clubs, taxi operators, contractors, business people, and the 41 co-operatives, 16 non-governmental organizations and numerous other associations and community groups but finds that they are also suspicious of councillors and only work with him "when they need assistance and then they disappear". Expressing considerable frustration with his lot Hlatswayo said:

A councillor is expected to perform miracles with a space of five years. In fact elected councillors are treated like slaves and all the failures and problems are attributed to them. No matter how hardworking the councillor is, people always complain about his or her performance. But they don't do the same about traditional structures. They don't criticise them openly.

In some senses Hlatswayo has achieved some minor development miracles, spearheading a lot of inward investment into the area both from the City, Province and from national level. There is little doubt that this was motivated by efforts to win over political support to the ANC in the run up to the 2004 national election, a strategy that paid off.

Councillor Margaret Noyce is member of the Democratic Alliance Party but covers a large ward, Ward Nine, that includes a wealthy former white residential area, a middle income residential area and low-income IFP- and ANC-supporting areas as well as the third traditional authority area of Ngcolosi. She described her patch thus:

I think I must have one of the most interesting constituencies with the rich area of Hillcrest, then Waterfall which has a lot of people from the north of England and Afrikaners who want a quiet country life and don't mind the lack of services [for example dirt roads and septic tank sewerage]. Then you get Molweni, which is like an African township with bad services, and then Chief Bhengu's territory which is deep rural and where people cannot help you in English. It is quite hard if you live in the first world areas because you do not have real needs - Molweni and Ngcolosi are all saying they need clinics and schools and your little bridge repair or drainage improvement goes nowhere - but you have to meet certain standards and there are requirements of maintenance. The main underlying tension in Durban is between maintenance and delivery and I have a microcosm of the problem in my constituency but to be fair to the governing party [the ANC] are aware of it.

Noyce says she cooperates with *Inkosi* Bhengu and that they get on well together although they have issues. She describes Bhengu as "feeling very strongly about the office of the

chief”, and the respect it should be accorded and feels uncomfortable with what she perceives as his authoritarianism and lack of concern for his people:

He holds the floor and speaks in Zulu so I cannot understand it. He goes to Ngcolosi every Tuesday and holds tribal court and they go in their numbers and they wait in long queues and then he simply walks out at 3.30 in the afternoon leaving them waiting till next week.

Nevertheless, she described how she and Bhengu jointly held community workshops during the Integrated Development Planning (IDP) process where communities were asked to identify and prioritise their needs, and said “if you want to see democracy in action you see it when you run these workshops”. Concluding on the issue of traditional authorities she saw it as “one of the most vexed questions in South Africa”, not least because “an area’s development is only as good as an individual chief”.

The demarcation process saw part of the traditional authority area falling into Ward Nine with the other part falling in Ward Eight, with grave consequences for redistribution according to Noyce:

We in the DA looked to where we could win. Mine was a marginal area but after we won it my heart went out to those black people who found themselves through no fault of their own, lying on the wrong side of a line on a map where they are not going to get so many services as if they were in an ANC area. Bhengu says we must be patient and it will come to us in time.

She was consequently sympathetic towards the Africans in her area and works with the Councillor in Ward Eight, Stephen Pheta “because we are both responsible for this valley” to ensure development is extended to the sections falling in Ward Nine. She had less success in cooperating with the ANC proportional representation list councillor, Longi Cele, the wife of Bheki Cele a big ANC player in provincial politics, who actively works in her ward. According to Noyce:

[T]here are lots of lovely people in the communities who wish there could be no politics and who want Longi Cele and Margaret Noyce to work together but the ANC cannot be seen to be cooperating with the DA.

She was dismal about the prospects for deracialisation, and thought that the greatest tragedy of post-apartheid local government was that it had become so politicised. Some of this relates to factionalism within the ANC as much as competition between the IFP/DA alliance and the ANC.

The *amakhosi* see the councillors as transitory people who are elected for a five-year term, whereas they argue that they are there for the long haul. They are also very conscious of the greater security this gives them. They flout their power, for example in giving PTOs for land for development, although some saw the *amakhosi* in terms of the ‘emperor’s new clothes’. Nevertheless, with councillors controlling access to the metropolitan purse strings and the *amakhosi* controlling access to land, the two groups are learning to live with each other, some more uneasily than others. Some traditional leaders remain hostile, welcoming development but grumbling about the neglect of customary protocol and respect in their dealings with the municipality. Some councillors resent the patronage and rent seeking of some of the *amakhosi* or their involvement in party politics. There was an overwhelming sense on both sides that their relationship remains tainted by party politics, which continues to be a critical feature of

local governance and development and one that could undermine the respect accorded to *ubukhosi* over the longer-term.

“The Amakhosi and Elected Government Should not be Distant”⁵³

The perspectives of the people living in the three traditional authority areas were derived from the household survey.⁵⁴ In terms of demographics, more women (53.7 per cent) than men (46.3 per cent) were interviewed, and most respondents were in the 20 to 30 year age group. The main educational band was of people who had attended between Standard Six and Standard Ten: that is, having some years of secondary school (35.7 per cent). However, very worrying was the very high illiteracy rate, with 34.7 per cent who had no education at all. An overwhelming majority of households spoke Zulu. About a third of households reported having migrated to the city’s borders from other parts of rural KZN. Just over half had lived in the same place all their lives. This suggests a picture of step migration from rural, to peri-urban to urban residence. Rural-urban migrants often favour the opportunity of combining job seeking in the city with subsistence crop production, so land is a key asset to them. Rural-urban networks across families, clan and among *izinduna* and *amakhosi* assist such shifts. Nevertheless, there are some differences between the three areas. KwaXimba had 63 per cent of its population coming from outside its borders, reflecting its origins as a peripheral settlement for migrant workers employed in the nearby industrial areas of Hammarsdale, Cato Ridge, Pietermaritzburg and Pinetown. It may also have attracted outsiders more recently because it is more developed and provides the opportunity for sub-letting rooms or dwellings to tenants. In Maphephetheni 62 per cent of the population was born in the area; and in Ngcolosi 60 per cent, reflecting more stable rural and peri-urban traditional authority areas respectively.

All three areas suffer from chronic levels of unemployment, which stood at a staggering 67 per cent compared to 40 per cent nationally.⁵⁵ Again there were differences between the three areas, with a healthy 25 per cent in employment in peri-urban Ngcolosi abutting the Hillcrest commercial hub and high-income residential area. This is compared to only eleven per cent in the more urbanised KwaXimba and seven per cent for deep rural Maphephetheni. Self-employment is also higher in Ngcolosi – 16 per cent compared to ten per cent and twelve per cent for KwaXimba and Maphephetheni respectively, suggesting greater opportunities and more ready markets for micro-entrepreneurs and market gardeners. A quarter of respondents reported pensions as their main source of income, and 36.3 per cent a reliance on other household members, suggesting a high dependency ratio in households that were invariably of between six and ten members. Over four fifths (85 per cent) of the population earn less than R1,000 per month (US\$100), and 45 per cent earn less than R500 (US\$50). Hence the overall characteristic of these three areas is marginal, disadvantaged and income poor. There are some differences among areas, with KwaXimba being the most income poor (90 per cent

⁵³ Statement made during interview by an eThekweni resident in one of the former traditional authority areas where fieldwork was conducted.

⁵⁴ The survey was conducted in 2002/3. In each area 100 households were surveyed. Within each of the three areas sub-areas were purposively chosen in order to cover zones that where appropriate were rural, peri-urban and urban or alternatively closer to and further from the commercial centre, government offices and/or *inkosi*’s office or the main road. An attempt was made to get a balance between men and women. Only in the most rural and patriarchal area were more men than women interviewed. Other biases may have resulted from interviews being conducted during the day for reasons of safety.

⁵⁵ This figure comprises 39.3% who said they ‘stayed at home’, 22% who described themselves as ‘unemployed’ and 6% who said they had ‘never worked’. This figure probably disguises subsistence or home-based activities and under-employment, but it is still significant that only 27% described themselves as ‘working’.

earning under R1000), followed by Maphephetheni (88 per cent) and Ngcolosi (76 per cent). Supplementing consumption through cultivation of fields is also most difficult in KwaXimba (only 34 per cent) compared to Maphephetheni (56 per cent) and Ngcolosi (57 per cent).

In terms of assets, 96.3 per cent own their own dwelling. Typically this would be a thatched *rondavel*, or wattle and daub hut, in the more rural areas, or two-roomed house in peri-urban or urbanized areas. Most people have security of tenure on what is communal land, but 66.7 per cent did not know what a title deed was. Nevertheless, when described and asked about it, 68.7 per cent said that they would like a title deed as it would give them security. At present land is allocated by traditional authorities: 55.7 per cent said their land had been allocated by the *inkosi* and 23 per cent had land allocated by their *induna* or headman. They had no wish for this practice to be discontinued, but expressed a desire that it be converted into a guarantee of secure tenure. When asked who should allocate land, 79 per cent of respondents said the traditional authorities. Only 6 per cent identify the metropolitan municipality as having any role in the allocation of land. Government at any level was also insignificant in terms of housing, as 83 per cent of people built their own house while 13.7 per cent lived in a house that came with the land.

In terms of local or metropolitan government, all they have to offer is infrastructure and services. Durban Water and Waste has a long history of delivery in the area and the people know that. Their trucks are often seen around the areas, and to a lesser extent electricity. However, when questioned about who is responsible for and best equipped to deliver services, again the traditional authorities scored highest, followed by the Metro and then the province. All services were seen as having improved, including water, waste, electricity and transport but they were not associated with city government. Asked whether they thought becoming part of eThekweni Metropolitan Municipality had improved their situation, 44.6 per cent said their situation was better as a result of this and 33.7 per cent that it was the same. Consequently almost four-fifths of respondents were enthusiastic or neutral about democratisation and what it brought, even if they credited the *amakhosi* with the resultant service delivery.

Clearly the eThekweni Metropolitan Council suffers from a recognition problem. Although people were aware of their councillors and kept abreast of development initiatives, they did not always attribute them to the Metro. When asked if they knew about the Council, 65 per cent said not. This suggests that when development takes place it is either associated directly with the councillor or with the *inkosi*, a conclusion supported by analysis of who respondents saw as responsible for individual services such as housing, water, electricity and so on. As most people continue to live in self-built traditional wattle and daub structures, land remains more critical than housing, so that these three traditional authority areas at least, do not exhibit a key feature of urban life: urban development through land and housing markets. If and when this takes off – and it could in the context of local tourism development on which the *amakhosi* may astutely capitalise –⁵⁶ the impact on ordinary people could be devastating. In the meantime, this picture explains why politically it has been so difficult to break the power of the *amakhosi* as democratic government has nothing to offer people. They do not need housing and land is already catered for. What they do need is public safety and jobs, neither of which national and provincial government respectively have been very successful in providing. Critical urban issues that remain high in the popular imagination include transport as people are vitally dependent on private taxis to get to work and commercial areas

⁵⁶ In rural areas there is ample evidence of *amakhosi* entering into property deals and turning communal lands into game parks and recreation areas from which they profit.

in the city, giving the well-organised and connected taxi associations huge bargaining power in the development forums.

In terms of attitudes to the *amakhosi*, a massive 83 per cent answered in the affirmative to the question “do you support your *inkosi*?” Only 77.3 per cent said they were in favour of the institution of *ubukhosi* itself, while only 61 per cent said that they did not attend the *imbizo* (a forum called by the *inkosi*), although it is supposed to be compulsory.⁵⁷ The highest attendance was in KwaXimba (50 per cent), where the political affiliations of the residents and the traditional leaders coincide and where the *imbizo* is combined with discussions about development issues that are open to all residents so women would be more readily included. When compared with over half of respondents reporting attending religious meetings or ceremonies (predominantly Christian) on a weekly basis, this suggests that religion plays an important part in people’s lives.

Politics were generally viewed with suspicion and indeed feared in areas that had experienced a lot of political violence over recent decades. Across the three areas 52.3 per cent said they supported the ANC, most of these being from KwaXimba. Those supporting the IFP stood at 13.7 per cent, with a large 27.3 per cent said they did not know. This suggests either reluctance to express political affiliation or a genuine proportion of floating voters. This group was nevertheless successfully targeted and wooed by the ANC in the 2004 general election. Civic organisations and NGOs were not particularly highly rated either, with real frustration at their frequent politicisation. By contrast, the traditional authorities continue to rank highly. When asked who should bring democracy to their area the largest group of people (35.7 per cent) said the *amakhosi*. In the case of Maphephetheni and Ngcolosi, which have only recently been incorporated into metropolitan Durban, 42 per cent and 37 per cent respectively thought that a non-elected form of leadership had the greatest potential to bring democracy to the areas in which they lived. Even in KwaXimba, which had been part of the city for six years at the time of the survey and which enjoyed a close and cooperative relationship between the Metro, the *inkosi* and the *izinduna*, 28 per cent still thought that traditional leaders were the instrument to bring democratic and accountable government to local communities: this in an area that has been through two local government elections. Moreover, traditional leaders led significantly over other options, including political parties (6 per cent), national government (6 per cent), provincial governments (24 per cent), civic organisations (14 per cent) and the eThekweni Metropolitan Council (16 per cent). Moreover 70 per cent thought they had a say in decision-making. This suggests a population in which some form of democracy has taken root, even if their voice is expressed through the *imbizo*.

However, it is not all straightforward for the *amakhosi*. People were asked to choose from a list the most important three functions performed by their *inkosi*. Most important was seen to be their role in presiding over disputes (53 per cent of people mentioned this) and second the allocation of land (20 per cent). Joint third came engendering community participation (16 per cent) and quite horrifyingly, the organisation of virginity testing (16 per cent). This is an old practice that has been recently revived with its renewed popularity most likely associated with efforts to use traditional authorities in HIV/AIDS education. This suggests a high level of concern about HIV/AIDS at grassroots level and that people are casting about for solutions in the absence of a lead from government (certainly at the time the survey was conducted). However, the impact on gender relations and the contradictions in relation to the assertions of gender equality from the institutions of liberal democracy in South Africa are stark.

⁵⁷ As half our sample was women this could explain the high figure as these meetings are male affairs and women do not usually attend.

In rural areas it is very common for people to pay tribute to their *inkosi* and the questionnaire asked whether people did this. Interestingly 67.3 per cent said they did not. This may reflect that tribute has fallen into disuse because the *amakhosi* are now paid by central government for their role in local government and are not pushing it. Alternatively it could mean that what they pay to their *inkosi* they do not regard as tribute, something that was pointed to in conversational interviews. It reflects a level of democratic awareness and accountability if people have negotiated non-payment and indeed, in answer to a follow up question as to whether the *amakhosi* should be paid, over 80 per cent said yes because people no longer had to pay levies.

When asked if people had taken disputes or issues to a traditional and/or a magistrates' court and for what, 85 per cent answered yes to both. However, they took different issues to each. From a list people said they were most likely to take to their *inkosi* witchcraft allegations (80 per cent), family disputes (67 per cent), land disputes (57 per cent), faction fights (56 per cent), assaults and small thefts (35 per cent each). People were most likely to go to the magistrate's court in cases of rape (87 per cent), maintenance (69 per cent), marriage problems (60 per cent) and cases of large theft (59 per cent) and assault (51 per cent). Perhaps not surprisingly people go to the appropriate adjudicating body for the appropriate matter, suggesting that they are aware of how to resolve their problems or are well advised. Where a choice exists as to where they might take a case, both courts share a fairly even moral authority. In the case of large land disputes, these have to go to the magistrate's court and findings suggest that most are resolved at the tribal court without having to do so. This also reinforces the idea that land markets are not widely operative and individual property rights do not prevail.

For the most part then, the tribal and magistrate's courts have clear jurisdictions, people are aware of them and work the system intelligently. The exception is in relation to issues involving gender relations. With regard to rape this seems not to be an issue that is taken to an *inkosi*, even though virginity testing is seen as an important function by a significant minority of respondents. This suggests that gender relations constitute a real faultline running through the institution of *ubukhosi*.⁵⁸ Although we have not yet disaggregated the findings it is possible from the way in which respondents used the tribal and magistrates' courts respectively that women may be more suspicious of putting their fate in the hands of the *amakhosi*. Both were used and both have moral authority but they were used for different things. These patterns confirm how it is difficult for the Metropolitan Council to ignore the *amakhosi* politically and in terms of development and why they are trying to work with them. The challenge for the Metro is not to fall into an anti-politics trajectory but to seek ways by which the institution can be democratised if not circumvented.

Conclusions

In what ways and under what circumstances do people in Metropolitan Durban exercise exit, voice and loyalty when different organisations of local governance develop slack or fail to be accountable, when they neglect to inform, consult or deliver services? How do people on the urban periphery of eThekweni navigate between two systems of governance in a context of institutional plurality? In the wake of war and political transition, exit does not appear to be a preferred option, either in the case of the liberal democratic Metro Council or with regard to

⁵⁸ It is important that aspects of the household survey are disaggregated on the basis of sex.

traditional authority institutions. In terms of the former, people have voted in three general and two local elections since the end of apartheid and have exercised a fair degree of political choice. However, particularly in the bright headlights of non-racial national democratic politics and where there is suspicion of local councillors, voice has not been widely exercised much beyond the ballot box in the context of liberal democracy at the local level. An exception is KwaXimba where people participate quite actively in development forums attended by both councillors and traditional leaders.

In terms of traditional authorities, loyalty allows people to exercise voice in the *imbizo*, and for those with access in interpersonal contacts with an *inkosi* or *induna*. The longevity of *ubukhosi* and the tenacity of the *amakhosi* suggests that for many this remains an appropriate, if not always an effective, vehicle for the expression of concern or dissatisfaction. Under such circumstances, as Hirschman has suggested, while voice constitutes dissent it also implies acceptance of the broader structures within which it is exercised. This is amply reflected in the results of the survey. At this point, local elected councillors have not proved to be real competitors to the *amakhosi* in terms of loyalty and voice, although there is no evidence that there is exit from and rejection of the broader structures in which either of them operate.

What we are observing in Greater Durban is an on-going political battle for loyalty on the part of the ANC-dominated Metropolitan Council and the IFP for the loyalty of the *amakhosi*, who have traditionally been loyal to but who are increasingly being wooed by the ANC and the closely aligned Contralesa. This is being accompanied by efforts to win over the loyalty of their supporters, both as citizens and subjects. To the extent that local government in Durban has played any role here, we see progress in terms of the Metro Council taking local government to the people, demonstrating (albeit somewhat opportunistic) respect for customary practices, as well as increased service delivery to the city's periphery. Hence the ANC-dominated Metropolitan Council is showing evidence of being able to discern people's frustrations and respond. We have seen experimentation on the part of the council, with local councillors feeling their way, and all this suggests a healthy and relatively accountable organisation. Although the majority of people have attributed much of their success in obtaining services to the initiative or solicitations of their *inkosi*, it is likely that in some cases at least, they recognise that this has been in negotiation or cooperation with local government, particularly where development forums are active.

Are traditional authorities as proactive? Loyalty appears to be retarding exit and as such it could well prove to be the best option for holding traditional authorities to account. It also appears that whilst much can be attributed to inertia, in the case of those with access to traditional leaders, voice does play something of a role. Of course loyalty breathes vitality into the institution of *ubukhosi* to the extent that the *amakhosi* remain responsive and continue to wield some power. This is at the crux of the history of chieftaincy over centuries in KZN and elsewhere. It has been infinitely flexible and adaptable while being tenacious and uncompromising in terms of a circumscribed range of powers and the limited property rights over which they have jurisdiction. It appears that for the moment that this continues to be the case. As Hirschman argues, some slack in the political system is not a bad thing because a level of apathy provides stability. In the case of KZN this has also given rise to a fragile peace in the wake of a civil war. Moreover, loyalty leaves something to be mobilised at times of crisis through the assertion of voice at a critical moment and the future possibility of exit. Thus far the residents of Durban's periphery have not experienced sufficient dissatisfaction or found the critical moment to assert their voice *en masse*. Individuals who are dissatisfied with their *inkosi* or with *ubukhosi* have chosen exit. They simply no longer engage with traditional

structures, which they see as baldly irrelevant. These people are currently in a minority, but there may be greater drift out of tradition if the benefits of loyalty to royalty decline, something that depends on the power of the *amakhosi* over the lives of everyday people being increasingly eclipsed.

Hirschman suggests that when there is an evident choice, people usually choose exit over voice because it involves less uncertainty and investment, requiring only the search for a better alternative. Loyalty in the form of inertia is often more likely when the cost of exit is high. In the wake of civil war and with the fear of renewed violent conflict remaining the costs may indeed be perceived as high. Moreover, fear may be a factor under some *amakhosi* and *izinduna*, particularly where witchcraft allegations and other patterns of social control falling under their auspices are rife. For some subjects and notably women, despite their oppression under *ubukhosi* the costs of exit from the tutelage of traditional authorities may remain high. However, even for women it appears that doing nothing is not simply inertia, although there is undoubtedly something of that as well. It appears from the survey that loyalty is also the result of astute calculation, with people working out which individuals or institutions might best cater to specific needs and interests. However, it is unlikely that loyalty to tradition is simply a matter of rational choice. Just as most of the people of Britain do not feel they need to exit from their attachment to the Royal House of Windsor in order to exercise their vote, rationally or otherwise, so the residents of traditional authority areas in Greater Durban have embraced South Africa's non-racial liberal democracy without feeling they need to abandon loyalty to royal tradition, for the moment at least.

For the ANC accommodation of chieftaincy means it does not have to take on the powerful lobby of traditional leaders. Bureaucratically involving the *amakhosi* in developmental local government helps provide structures and processes where previously there were none, at least for rural black South Africans, and economically it provides rural local government on the relative cheap. Having them along for the ride in metropolitan government is slightly inconvenient, but demarcation has allowed for winning over a province that was formerly in the hands of the IFP and for the distribution of resources more widely among the poor living in or accessing the city. Socially, acceptance of *ubukhosi* accommodates those who remain attached to custom, while the opportunity still exists for the powers and functions of difficult individual *inkosi* to be curtailed, while avoiding antagonising those who are more attached to cooperating with representative democracy. As such, the revitalisation of tradition in South Africa is a profoundly pragmatic political step and a useful one in terms of delivering development. The advent of democracy in South Africa has not led to an exit from tradition. Rather the residents of Greater Durban have negotiated a tentative path between traditional forms of accountability and liberal democratic forms of representation in ways that have allowed them voice in both arenas. Neither does this preclude them subsequent choice. Hirschman assumed choice – whether exit, voice or loyalty – to be something of a once and for all matter. However, for the peri-urban residents of Greater Durban at least, it seems that they have retained the prerogative to change their minds, both as citizens and subjects. However, while engagement with a social and political system characterised by institutional multiplicity provides the stability of 'slack', its normative impact on social democracy is more ambiguous.

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