

# **The Relationship between Traditional Leadership and Local Government on Land Allocation: A Case of Thulamela Local Municipality, South Africa**

**Justice Makhanikhe**

**ORCID iD:** <https://orcid.org/0000-0001-7226-1582>

**Vhonani Olive Netshandama**

**ORCID iD:** <https://orcid.org/0000-0002-2466-6099>

**Pfarelo Matshidze**

## **Abstract**

Traditional leadership and local governments are expected to provide co-leadership in same areas of jurisdiction, in South Africa, without much guidance on how that should be done. As a result, there is constant tension in the relationship and questioning between the two centers of power; tensions, such as those that largely exist around issues of land allocation. This paper was aimed at exploring the relationship between traditional leadership and local governments with regards to land allocation in Thulamela Local Municipality. The paper used explorative qualitative design. Snowball and purposive sampling were used to select participants for this study. The paper was theoretically grounded by the Afrocentricity theory. Data was collected using semi-structured interviews and focus group discussions. The data was then analyzed using thematic data analysis. The study found that the relationship between traditional leadership and local governments on land allocation in Thulamela Local Municipality is largely conflictual rather than complementary. The conflictual relations largely emanate from the lack of clarification regarding each group's distinctive roles regarding land allocation

and greediness by traditional leader. The researcher recommends the adoption of ubuntu principles by both institutions of leadership and the establishment of clear and definitive roles for both institutions of leadership to play a decisive role in land allocation.

**Keywords:** Traditional leadership, local government, land allocation, inter-play, conflictual, complementary, Thulamela municipality

## **Introduction**

In 2018, the Limpopo Mirror covered a story in which hundreds of land seekers at Dzwerani Mvelaphanda in the Lwamondo Traditional Council area were likely to lose thousands of rands after buying land from the Traditional Council, which allegedly had already been allocated to other occupants. The case was presented as follows:

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

*transaction. This is just one example of the many land fights among traditional leaders where, in some cases, the buyers of the land end up as losers (Tshikhudo 2018).*

The case cited above is an indication that land allocation is a significant social issue, not only in Thulamela Municipality but in South Africa as a whole. This may result in potential unmanageable conflict such as the one reported above in the Limpopo Mirror if it is not managed properly. The ‘way traditional leaders love money and care very little if at all about their subjects its painful’ – argues one study participant (Community member Rofhiwa). Nevertheless, the action of the Municipality equally leaves much to be desired with regards to land allocation in South Africa – as in most cases they tend to bypass the traditional authority who are custodians of our cultural and traditional values within the societies they operate. However, the case presented above shows that some traditional authorities do not respect, engage or comply with local government practices and bylaws. This results in a conflictual and perhaps complementary interpretation of the relationship between traditional authorities and local governments on issues of land allocation. The objectives of this paper were to capture and analyse the relationship between traditional leaders and local governments in aspects like service delivery, developmental issues and participation in the governance structures of the local municipality. The other objective was to zoom into the nature of the relationship between traditional leadership and local governments on land allocation.

## **Literature Review**

This section focuses on literature about the interplay between traditional leadership and local government. Williams (2010:3) argues that the recognition and protection of traditional leadership in the Constitution of the Republic of South Africa 1996, has created confusion between the institution of traditional leadership and the State over who controls the people and land. To resolve this, there may be a need for reaching consensus on joint policy implementation. It may be assumed that it was in the quest to resolve this purported confusion that the White Paper on Local Government 1998, granted traditional authorities a role to play in local government, while the Municipal Structures Act 1998, also requires them to attend and participate in the local council meetings. The same Act also demands that traditional leaders should participate in Integrated Development Plan (IDP) and policy implementation.

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The 2003 Traditional Leadership and Governance Framework (TLGF) Act, which is a direct result of the White Paper on Traditional Leadership and Governance, opened a window of opportunity for municipalities and traditional councils to work together in the spirit of cooperative governance (South Africa 2003a). This Act has been described as 'the most significant document that deals with traditional leadership after 1994' (Tshehla 2005: 2). The Act goes further than any others that preceded it, by obligating the state to protect and promote the institution of traditional leadership. It is interesting to observe that the Act provides for a partnership between traditional leadership and local government, but the same Act does not explain the power dynamics between these two institutions of leadership. The Act does not clearly define the roles and responsibilities of these two institutions of leadership, hence, they are always at loggerheads, especially on land ownership and allocation issues. The study, therefore, sought to explore the nature of the relationship between traditional leadership and local government on land allocation in the absence of clearly-defined roles and responsibilities of these two institutions of leadership in rural communities.

According to Lutabingwa, Sabela and Mbatha (2006) the 2003 Traditional Leadership and Governance Framework Act is a strong policy statement indicating that the developers of rural communities cannot ignore traditional leaders. However, the Act does not indicate how traditional leaders are to be engaged and what role they should play in the development of rural communities. Lutabingwa, Sabela and Mbatha added that development in areas controlled by traditional leaders would not occur without their full support and participation. This line of thinking was also supported by Phathekile Holomisa (a traditional leader) who indicated that the experience of local government teaches its practitioners that traditional leaders are crucial to successful rural development (Holomisa 2004, 4).

In addition, Holomisa argued that traditional leaders are cultural symbols of the people and they own the land, therefore, this puts them in a better position to promote or impede development depending on how one deals with them (Holomisa 2004: 4). To support this sentiment, elected local government leaders (at the time) such as, Mayor Bhekisisa V. Mthethwa of the uThungulu Municipal District in KwaZulu-Natal stated that Amakhosi are the custodians of our culture, land and history. It is, therefore, clear that they must participate fully in developing their land. Mthethwa (2003) indicated that efforts to improve the relationship between elected and traditional leadership, to improve the delivery of public service and cooperation amongst the partners

and key development players, are critical.

Nyanga Ngubane, the then KwaZulu-Natal Minister of Traditional Affairs, Safety and Security, and Local Government, (who is a traditional leader) observed that:

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

Undoubtedly, these discussions call for shared governance between traditional leaders and local governments. Some cases indicate that efforts towards shared governance are already underway at the local level, but it should be noted that this is happening at a very slow pace. Some examples of these efforts include, the Bafokeng case, Mbonambi and eThekweni. On 12 January 2003, Bafokeng took the historic step of signing the first formal agreement between a community with traditional leadership in the North-West Province and the local municipal government to cooperate on development initiatives (Molotlegi 2003). The researcher chose to use case law in this study because these laws are widely known as illustrations of something or a principle. In this study, case laws illustrate a principle of and efforts towards cooperation between communities led by traditional leaders and the local government.

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

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infrastructural and social facilities within their municipal boundaries including in areas that are led by traditional leaders.

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

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

Mhlanga (2012) noted that traditional leaders feel that their role is purely ceremonial and limited only to public ceremonies. This was supported by Shembe (2014:15) who contend that traditional leaders are not allowed to actively participate in council meetings as they do not have voting rights. In addition, Traditional leaders are also of the view that the present democratic government has given too much power to the ward councillors in most of the development programmes. Traditional leaders complain about the lack of proper consultation with them by either local government officials, municipalities or ward councillors before any development is done in their areas, despite the development project being implemented in their areas of jurisdiction.

They further lament that ward councillors and other politicians have no recognition for traditional leaders. Traditional leaders added that municipal officials, particularly, councillors are biased in their efforts to deliver services to the communities; they give preferences to those affiliated to the same political organisation as they are. Meaning that if the councillors come from the ANC, he/she gives services to ANC members that are known to him/her and neglect the rest of the community members. Traditional leaders indicated that these are some of the reasons that causes them to lose interest in working

with local municipalities (local government) (Mhlanga 2012).

Mkhabela (2017:49) after examining the relationship between traditional leadership and local government noticed that some of the traditional leaders, have difficulties in making peace with the clear fact that ward councillors exist and that they have been assigned responsibilities of providing service delivery on behalf of the municipalities as they are representatives of municipalities within communities. Perhaps it is because traditional leaders are still living in the past where they ruled their people alone without interferences. Although the Traditional Leadership and Governance Framework Act 2003 (Act 41 of 2003) provides that traditional leaders should play a primary role of supporting municipalities, they remain unhappy that municipalities provide services without involving them. All these factors must be considered when one is analysing the relationship between traditional leaders and local government, especially, in South Africa.

Bikam and Chakwizira (2014) looked at the interaction between traditional leadership and local government focusing on the Involvement of Traditional Leadership in Land Use Planning and Development Projects in South Africa. They argued that The Municipal Structures Act of 2000 does not provide a clearly defined role for traditional leader in land use planning and development projects. They also argued that traditional leaders and local government officials works together in some instances but in most cases traditional leaders have no decision-making mandate in the process. This led to traditional leaders voicing a concern that they were given a back-seat role of only public participation and not those related to decision making regarding land use planning in their areas of jurisdiction. As a result, the relationship between traditional leaders and local government officials is characterised by conflicts more often than co-operation. To address this matter, Ramolobe (2023) stated that, the institution of the traditional leadership ought to be allowed to lead in cultural and customary practices, and government structures must support it. This was also supported by Koenane (2017) who suggested that political leaders' attitudes should change, which would result in clearer policies promoting rather than marginalising traditional leaders. The above-mentioned study is very important to this paper as it examines the relationship between traditional leadership and local government in land use and planning. However, it is different to mine because mine explores the relations between these two institutions of leadership regarding land allocation and not their roles on land use. This literature is evidence enough to demonstrate that the relationship between traditional leadership and local government have been studied

before. However, majority of studies have been focusing on how these two institutions have effects on each other, the legislative framework that governs one of each or both, how they relate of matters of municipal council, land use and management, their roles on service delivery, leaving a gap on the nature of relationship between these two powers on land allocation which this study is filling. The paper also contributes to the available literature about traditional leadership in general, local government as well as the relationship between these two institutions of leadership.

## **Theoretical Framework**

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

## **Research Methods Adopted**

The paper adopted an explorative qualitative approach, focusing on the perceptions and opinions of 27 participants who were selected using purposive and snowball sampling techniques to gather the views of the people most knowledgeable about the situation regarding the relationship between

traditional leaders and local government in Thulamela local municipality in as far as land allocation is concern (Grinnel & Unrau 2008:153).

It is important to note that Thulamela local municipality was established in the year 2000 in terms of the provision of the Local Government Municipality Structures Act, 117 of 1998 Section 12. The administrative offices of the municipality are in Thohoyandou. The Thulamela local municipality falls under category B of municipalities under the Municipal Structure Act 1998 (Act 117 of 1998). According to the Thulamela municipality's IDP Review (2012/2013), this municipality covers a density of 103.3 Km<sup>2</sup> (268 square miles). The Thulamela local municipality falls under The Vhembe District Municipality in the Limpopo Province, South Africa. The greater part of this municipality is rural, meaning that the municipality governs where there is traditional leadership, and the people must cooperate with these leaders for better service delivery in these areas. Based on the currently available data from Stas SA, the Thulamela local municipality has a total number of 497237 residents of this number 493780 are black Africans, 2479 are Indians/Asians, coloureds are 749 and whites are 229. To break this population further, 168496 of the total population are children between the ages of 0-14, youth of 15-34 are 192769, whereas adults of 35-64 are 102497, and elderly of ages between 65 and above are 33475 in total (Stats SA; Community Survey 2016). It should be noted that the situation could be slightly different now in 2024 and the next Stats SA.

People who participated were traditional leaders, local government officials who works on land matters and community members who have knowledge and understanding on land allocation issues. participants were engaged through semi-structured interviews and focus group discussions. People who took part in interviews were 7 traditional leaders, 3 municipal officials who work on land issues and 3 community members. On the other hand, those who took part in focus group discussions were 7 traditional leaders and 7 community members. Meaning that there were two sets of focus group discussions with 7 people each. Ethically, participants were informed about the tittle, aims, objectives of the study and that their participation should be voluntary and informed consent forms were filled and signed by participants (Vanderstoep & Johnston 2009). For confidentiality, participants were told that their real names will not be used but pseudonyms will be used instead. This means that names that are appearing in the fining and discussion section are pseudonyms of the participants and not their real names. Data was analysed using thematic data analysis and the results of the study are discussed and

analysed below using themes that emanated from the data (Namey *et al.* 2008).

## **Findings and Discussion**

The paper unveiled that the relationship between these two institutions of leadership on land allocation is conflictual but partly complementary. This section starts by summarising firstly the findings on conflictual relations then complementary relations.

### ***Conflictual Relations***

The study revealed that the relationship between traditional leadership and local government on land allocation in Thulamela local municipality is conflictual rather than complementarity. According to Matsiliza (2024) It is a fact that traditional leaders in both South Africa and Botswana experience tensions with the local government because they are sharing power in the same space of local communities. Most participants view this relationship as one of the unhealthiest relations they have ever witnessed between institutions of leadership. Participants gave various reasons to support their views, and all those views are presented and discussed below, using sub-sub-topics.

- **Lack of Role Clarification**

Participants indicated that there is lack of clarity regarding roles, particularly of the traditional leaders in local communities. This is like the Traditional Leadership and Governance Framework Amendment Act 23 of 2009 which does not clearly specify roles and responsibility of traditional leaders on land allocation (TLGFA 2009). The views of the participants are that it is not clear as to which institution between the traditional leadership and local government has the legislative responsibility of allocating land and this is causing these two centres of power to fight against each other, as both want to allocate land in rural communities and sometimes in urban areas. The following views are directly those of the participants' and the interpretation and analysis of these views will come after the quotations.

One participant who works at the local municipality Ms. Rosina indicated that:

*the absence or clear definitive roles that clarify the roles of traditional*

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

Traditional leader Mr. Rudzani also opined that:

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

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

The White Paper says nothing about land allocation, therefore, does not allocate any responsibility of allocating land to any sector, including traditional leaders. Lack of clearly defined roles for both traditional leaders and local government when it comes to land allocation issues remains challenging

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and a breeding ground for conflict between the two sectors of power in Thulamela Local Municipality, and possibly, throughout the country. This lack of clarity regarding to the responsibility of land allocation leads to different understanding about land.

For Africans land is life because there cannot be life without the earth, but most importantly land is viewed as life because every aspect of human life is dependent on land to survive. Amodu (2021) argued that land is neither a commodity nor an individual possession. This means that according to Africans understanding of land, land cannot be bought, sold or inherited. Advocates of Afrocentricity such as (Quan, Tan & Toulmin 2019) indicated that land does not belong to humans but is a gift from Nature to existence. This was supported by Jacka (2001), mentioned that Africans see land as an inalienable gift embedded in social relations and ritual values, Land is understood by Africans as embracing the ecological, cultural, cosmological, social and the (religion tools) with spiritual function as dual entity within existence and nature. Africans in all ethnic groupings share common philosophical understanding of land and its nature. In addition, Africans also see land as a means of identity.

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

### ***Traditional Leaders Lacking Respect for the Municipality***

An overwhelming majority of community members and municipal official who participated in this study were of the view that some of the traditional leader's lack respect for the municipality and this is one of the factors contributing to conflict in the relationship between traditional leadership and local government on land allocation matter. A community member, Fhumulani stated,

*One of the participants said that ‘in many areas in Thulamela local municipality, the municipality have a formal plan that are surveyed and approved for settlement and business purposes, but traditional leadership goes to those areas and start giving people stands without consulting the municipality as they say it is their area which is a clear act of undermining the municipality in my view. As a result, you will find that people are allocated land that the municipality reserved for building facilities such as parks or schools or any other uses’.*

After going through the transcripts, it became clear that there are some traditional leaders who lack respect for the municipality. These are some of the issues raised that causes the conflict between traditional leadership and local government in Thulamela local municipality regarding land allocation. For the traditional leadership to allocate land without consulting the municipality who are responsible for planning, surveying the land is a clear sign that some of the traditional leaders in Thulamela does not have respect for the municipality and it leads to many service delivery challenges. Baloyi (2016) supported these views by indicating that land allocation by traditional leaders, in certain rural areas, without the involvement of the municipality, also gives rise to unwarranted conflict between these two centres of power.

The implications of this are very serious, for instance, some children walk long distances to go to school and to access sports facilities because there are no schools nearby due to lack of proper planning for the villages which resulted from some traditional leadership lacking respect for the municipality and not consulting its officials when they do their land allocation in the village. In some areas it is difficult for the municipality to deliver services, such as water and roads because people are allocated rocky places and uphill places, hence, the delivery of such services to such places becomes extremely expensive. Although not disputing that there might be other causes, all these challenges are sometimes experienced because certain traditional leaders lack respect for the municipality.

This undermining of local government officials by some of the traditional leaders is perhaps influenced by traditional leaders understanding of their role which is also backed by the supporters of the Afrocentricity theory. One of the proponents of Afrocentricity Mulemfo (2000) believed that leaders in Africa are facilitators as well as servants to the community and not that community members are the servants of the leaders. It is within this context that leader expected to promote the common good, and to safeguard justice and

peace within the communities they lead. In Africa, leadership is about consensus democracy and people mobilisation (Mbigi 2000). African leadership is the one that consult and engage community members in all issues that affects them and mobilise community towards the promotion of common good.

### ***Undermining the Role of Traditional Leadership Structures***

Some participants are of the opinion that there are elements of undermining the role of traditional leadership structures, especially, by the municipal official and the government at large in South Africa.

Community member, Ms. Tshinakaho clearly stated that,

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

These views indicate that one can be allocated land in Thulamela Local Municipality without the involvement of the traditional leadership. Meaning that, there is no need to respect the chief because in the municipality one does not need ‘vhamusanda’ to abide by the rules. It implies that in some areas where there is involvement of the municipality, a person can get a stand without traditional leaders and in that regard traditional leaders’ positions are unimportant with regard to land allocation. The community members and traditional leaders indicated that the constant interference of the municipality on land allocation even in the rural areas continue to undermine the role of traditional leadership structure on land allocation. Traditional leaders believe that land is theirs and it has been theirs since time immemorial and the fact that local governments were introduced recently and were given powers to allocate land in certain areas can be seen as an effort to undermine the role of traditional leadership structure in Thulamela Local Municipality. According to Matsiliza (2024) It is a fact that traditional leaders in both South Africa and Botswana experience tensions with the local government because they are sharing power

in the same space of local communities. Proponents of Afrocentricity are calling for African researchers and historians to write African history from the perspectives of Africans mainly because, European historians and researchers in South Africa have tirelessly and consistently tried, though so far unsuccessfully, to paint a picture that tells a story of a country that has been unoccupied before colonialism (Marks 2014). This implies that land allocation should be understood from the perspectives of Africans including traditional leadership and the involvement of traditional leadership on land allocation issues becomes crucial.

Where the municipality allocates land without involving the traditional leadership, no questions asked provided those who want to be allocated land can pay for it. The buyer could stay anywhere, they want. On the other hand, where traditional leaders allocate land, they do investigations prior allocating it to strangers. They ask the person who is looking for land questions like; who they are, where they come from, why they are coming to stay here and most importantly why they are leaving their former place. They also send someone to the areas where the person is coming from to get more information about that person before the land is allocated to them. This was done as a security measure to ensure that people who come and stay in their areas are credible and good citizens and not criminals to guarantee the safety of their subjects. Some rifts occur where the municipality allocate land between traditional leaders and local government in Thulamela local municipality as traditional leaders blames local government officials for criminal activities that take place in such areas.

The above information demonstrates that traditional leaders lead within the context of Ubuntu principles because they need to be secured just like they want to be. The Ubuntu philosophy allows leaders to see themselves within the context of the society they lead. Thus, they lead with compassion, love and. Meaning that they lead in a way that they would like to be led. Leaders are bound to be transparent and accountable because of the philosophy of Ubuntu inherent within them. They understand that they lead people, and they account to them, and this makes them to lead in a transparent manner.

### ***Complementary Relations***

The study revealed that although the relationship between traditional leadership and local government, is mainly conflictual, it is also complementary in some respects. This section presents a summary of finding regarding

the complementary nature of the relationship between traditional leaders and local government on land allocation in Thulamela Local Municipality. The summary discussions are guided by the themes that emerged during data analysis.

- **Established System on Land Allocation**

The study unveiled that traditional leaders and local government do cooperate with each other on land allocation processes. Major cooperation occasions between the two institutions on land issues are recorded in the allocation of land for business purposes. A participant voiced that.

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

It is commonly understood that people who are need land for business purposes, should start from the headman in the village and pay ‘*Nduvho*’ after which they are given letters to take to the chief. The chief will then demand a certain amount of money in the name of ‘*Nduvho*’ and after that the chief will provide another letter to the person who wants land, to take to the municipality. These are the letters that a person must take to the local municipality to register the land after paying what is prescribed by the municipality. Participants were aware that failure to pay ‘*Nduvho*’ to both the headman and the chief means no letter issued for the businessperson take to the municipality. This means should a person from the village go to the municipality to register land for business purpose, without a letter from the chief, he/she would not be assisted. Similarly, if a person brings a letter from the chief and the that person does not pay is the fee prescribed by the municipality, the stand will not be registered in his/her name until such payment s done. This is one area where a good working relationship exists between the traditional leadership and Thulamela local municipality.

There are some headmen and chiefs who do not want to follow this

process. However, they know about it and agree that it is the way things should be done. Both institutions have established these kinds of process to avoid unnecessary conflicts between the two institutions. This process established different roles and responsibilities for the traditional leadership and local government regarding land allocation. about the concern is that these processes, are not written anywhere and they are not guided by any legislation in the country or anywhere else. They are, therefore, prone to manipulation and violation as they do not bind anyone legally because they are just verbal agreements known to only traditional leadership and local government in Thulamela Local Municipality, and they might not apply in other local municipalities in South Africa.

## **Conclusion**

It is evident that the relationship between traditional leadership and local government regarding land allocation in Thulamela local municipality is more conflictual than complementary. Although there are legislations developed by the democratic government in South Africa, there is no clarity on the roles and responsibilities of traditional leaders and local government officials on land allocation throughout the country. Many participants registered this as a major source of conflicts between the two institutions of leadership.

The study also concluded that lack of respect between traditional leaders and local government officials is also a source of conflict between the two powers in Thulamela local municipality especially regarding land allocation. At times traditional leaders are found to be selling land without consulting the municipality even in rocky, wetlands and mountainous places. This makes it difficult for the municipality to provide services such as water, electricity, sanitation, housing and roads this causes a serious rift between traditional leaders and local government in Thulamela local municipality. The study recommends that there should be clearly defined roles between traditional leadership and local government on land allocation and conflicts will be minimised. The study further suggests that traditional leaders and local government should respect each other and adopt Ubuntu principles with each other and when dealing with the communities they lead.

In places where the municipality allocate land without the involvement of the traditional leadership there were no questions asked provided the buyer has money, he/she can stay anywhere, they want. On the other, hand, where traditional leaders allocate land, they do investigations first before they allocate

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land to strangers. They ask the person who is looking for land questions like, who they are, where they come from and why they are coming to stay here and most importantly why they are leaving their former place. They also go beyond asking the person concerned but also send someone to the areas where the person is coming from to get more information about that person before the land is allocated to his/her. This was done as a security measure to make sure that people who come and stay in their areas are credible and good citizens and not criminals for the safety of their subjects. The fact that this does not happen where the municipality allocate land causes some rifts between traditional leaders and local government in Thulamela local municipality as traditional leaders blames local government officials for criminal activities that take place in such areas.

The above information demonstrates that traditional leaders lead within the context of Ubuntu principles because they want people they need to be secured as they themselves would like to be. The Ubuntu philosophy allows leaders to see themselves within the context of the society they lead. Thus, they lead with compassion, love and respect to the people they lead. Meaning that they lead in a way that they would like to be led. are leaders because. Again, leaders are bound to be transparent and accountable because of the philosophy of Ubuntu inherent within them. They understand that they lead people, and they account to them, and this makes them to lead in a transparent manner.

In summation, it is evident from the study that the relationship between traditional leadership and local government regarding land allocation in Thulamela local municipality is more conflictual than complementary. Although there are legislations developed by the democratic government in South Africa, the lack clarity on the roles and responsibilities of both traditional leaders and local government officials on land allocation not just in Thulamela local municipality but throughout the country. This has been seen by many participants as a major source of conflicts between the two institutions of leadership.

The study also concluded that lack of respect between traditional leaders and local government officials is also a source of conflict between the two powers in Thulamela local municipality especially regarding land allocation. At times traditional leaders are found to be selling the land without consulting the municipality and in rocky, wetlands and in mountainous places. This makes it difficult for the municipality to provide service delivery such as water, electricity, sanitation, housing and roads to be delivered and these causes a serious rift between traditional leaders and local government in

Thulamela local municipality. The study recommends that there should be clearly defined roles between traditional leadership and local government on land allocation and conflicts will be minimised. Again, the study suggest that traditional leaders and local government should respect each other and adopt Ubuntu principles in their relationship with each other and when dealing with the communities they lead.

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Dr. T.J. Makhanikhe

Senior lecturer

Department of Indigenous Knowledge Systems and Heritage Studies

Faculty of Humanities Social Sciences and Education

University of Venda

Tohoyandou

[justice.makhanikhe@univen.ac.za](mailto:justice.makhanikhe@univen.ac.za)

Professor Vhonani Olive Netshandama

Director of Community Engagement

University of Venda

Tohoyandou

[Vhonani.netshandama@univen.ac.za](mailto:Vhonani.netshandama@univen.ac.za)

Adv. Dr. Pfarelo Matshidze

Senior Lecturer, and

Deputy Dean Teaching and Learning

University of Venda

Tohoyandou

[Pfarelo.Matshidze@univen.ac.za](mailto:Pfarelo.Matshidze@univen.ac.za)