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# Cultural Weapons:<sup>1</sup> Traditions and Inventions in the Transition to Democratic Governance in Metropolitan Durban<sup>2</sup>

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**Abstract:** Traditional leaders have a formal role in South Africa's post-apartheid local government, and in some cities in the country, notably in KwaZulu-Natal, their presence has presented some important political challenges. This paper explores the relationship between longstanding institutional arrangements which support chiefdoms and traditional authority control over land and development, and the emerging democratic local government in the municipality of eThekweni, which covers the Greater Durban Region. Partly a response to a situation of entrenched conflict, the inclusion of *amakhosi*, or traditional leaders, in local governance structures varies across different areas in the city. The potential for competition between elected councillors and *amakhosi* remains high, and there are ongoing disputes about their roles. Municipal spending has been directed to encouraging the participation of *amakhosi* in the formal systems of local government, and in places the *amakhosi* themselves have been significant agents of urban development. The continuing popular support for traditional leaders is explored, and the consequences of this for both democracy and for development are considered. The paper suggests that hybrid forms of political identity, incorporating both formal democracies and lively traditions, are emerging and suggests that urban political culture and institutions have been transformed not only at the ballot box or through development processes, but through actions, beliefs and practices of residents.

## **Introduction**

Flying in the face of Afro-pessimism, South Africa's first non-racial elections in 1994 heralded the end of apartheid and gave birth to a non-racial democracy. Despite a bloody transition, the subsequent embedding of liberal democratic institutions was relatively

peaceful, reinforced in the ensuing decade by two further national and two rounds of local government elections. All electoral processes were declared free and fair and early fears that the political conflict that accompanied the transition would persist were exaggerated. Ten years on, fears that violence would accompany the 2004 elections, while not totally without grounds, were largely unfounded. This was the case even in KwaZulu-Natal (KZN) where tensions between the African National Congress (ANC) and the ethnically mobilised Inkatha Freedom Party (IFP) had once assumed the proportions of a civil war. Hence South Africa has been held up as a celebrated and paradigmatic example of post-conflict transition, with far less bloodshed than was predicted by many and a reconciliation process that stands as a stellar example to other countries seeking to overcome a troubled political history. The reality, of course is more complex and securing the peace has involved a number of difficult political trade offs. One of these has been the negotiation of tradition and the role of chieftaincy in South Africa's new democracy.

South Africa has a difficult history of chieftaincy. Traditional leaders have been long involved in bureaucratic systems of administration and governance, tainted by the country's experience of colonialism and the legacy of apartheid. Additionally, the country's historic political transition occurred in the wake of a resurgence of traditional authority across the continent (Berry, 1993, 2001; Chabal and Daloz, 1999; Oomen, 2000). South Africa has not remained immune from this. Moreover, in the Southern African region as elsewhere, traditional leaders have been inventive in their efforts to adapt to change in order to hold on to power and influence (Hobsbawm and Ranger, 1983; Vail, 1989). Thus it was not particularly surprising when in South Africa they entered the post-apartheid era in vociferous mood, demanding an elevated status within the new governance structures that went way beyond a ceremonial role. It was not so readily foreseen that the ANC led government would adopt such a conciliatory approach towards traditional authority, apparently at the expense of hard won liberal democratic principles.

These issues are considered in the context of local government reform and the exercise of developmental local government by the eThekweni Metropolitan Municipal Council (hereafter the Metro) in Greater Durban. Here fifteen traditional authority areas and their leaders were incorporated into the city as a result of a demarcation process that redrew municipal for electoral purposes as well as distribution and development.<sup>3</sup> As a consequence of the decisions of the Demarcation Board South Africa's second largest city joined rural districts and small town municipalities in having to accommodate hereditary chiefs<sup>4</sup> alongside democratically elected councillors.<sup>5</sup> The research points to a number of issues militating against this encounter being an easy one in Durban. First, in KZN Province as a whole, many of the *amakhosi* (chiefs) and their *izinduna* (headmen) were implicated in the political violence between supporters of the IFP and the ANC in Durban from the late 1980s onwards. The resulting wounds have healed only slowly so their incorporation into urban politics has been complicated. Second, Durban has always been an ANC stronghold in a province that until recently was in the hands of the IFP, largely as a result of support from traditional leaders. Hence party politics has come to infuse *ubukhosi* (the institution of chieftaincy), which in turn constitutes a political faultline running through provincial and local government in KZN.

These issues are discussed drawing on research conducted in three of the fifteen traditional authority areas between 2001 and 2004, all located to the west and northwest of the city.<sup>61</sup> The field sites were purposely selected in order to get a balance between a rural area proximate to (and now within) the city, a peri-urban and a more urbanised area. They were also selected on the basis of political affiliation. Interviews were conducted with the *amakhosi*, *izinduna*, local municipal councillors and local key informants, while a household survey was conducted in each area in order to elicit the perspectives of the recently enfranchised citizens of eThekweni's periphery and their dual engagement with tradition and liberal democracy. Against a brief background of the history of chieftaincy in South Africa and of the more recent experience of political violence in the Province,

the cultural politics of contemporary Durban are explored in relation to eThekweni Metro's encounter with tradition.

### **Institutions, Social Change and the City**

Competing norms and values characterize political life and governance in contemporary KZN and it is important to understand how processes of institutional change are negotiated and meaning is created.<sup>7</sup> Giddens (1984, p. 25) traces the rooting of institutions through 'reproduced relations between actors or collectivities, organized as regular social practices' in the context of social systems. Douglas (1986) sees institutions becoming socially embedded by way of iterative cognitive processes, thus according more importance to issues of meaning and identity. Either way, institutions, like culture, are not static but evolve and mutate. Nevertheless, they are also inherently inert, configured by past processes and circumstances and never in full accord with the imperatives of the present (Veblen, 1902). As post-apartheid urban governance evolves in metropolitan Durban, different frames of meaning between and among citizens, bureaucrats and politicians of often at odds within a political system characterised by institutional multiplicity. Under such circumstances it is important to ask whether political interventions lead to the creation of new or the evolution of old institutions? Bates (1995) says that they do. If this is indeed the case then the question posed here is can *ubukhosi* adapt and democratise?

There is also a tradition in the urban studies literature that sees the city as a place of promise (Tajkakhsh, 2001), that reflects on 'the freedom of the city' to nourish 'modern experiences and values' (Berman, 1988, p. 318) and that links the city and citizenship (Harvey, 2000, p. 158). Lefebvre (1996) goes further asserting a universalised and mobile urbanism and a 'right to the city' beyond the spatial confines of urban boundaries, while the notion that '[T]he city is everywhere and in everything' (Amin and Thrift, 2002:1) persists. These arguments have been largely developed with regard to cities in industrialised countries of the North and there is a question as to whether they can be applied to cities of the South, let alone their peri-urban peripheries. Mamdani (1996)

would probably argue not. Writing just after political transition in South Africa his *Citizen and Subject* presented modern African politics as bifurcated along rural-urban lines, with rural 'subjects' continuing to be ruled by traditional authorities under a system of modified indirect rule that excluded them from citizenship. Urban 'citizens' by contrast he saw as being governed, through full incorporation into the electoral politics of the rational-individualist state. In South Africa he saw the colonial and apartheid states as having transplanted into the townships and migrant workers hostels, an extended system of indirect rule, making what he termed 'decentralised despotism' an urban affair. In this perspective there is little room for an ascendant progressive urban politics based on civic empowerment and participation. It is indeed the case that in the contemporary context, seemingly arcane systems of traditional governance are being upheld, including in an industrialised and commercial metropolitan centre of over three million people. Under such circumstances is 'decentralised despotism' destined to inform developmental local government, with the residents of Durban's urban periphery remaining 'subjects', or can a social and political urbanism emerge in Durban that eclipses the potential for urban tribalism, if not tradition?

### **The Political Evolution of Chieftaincy in South Africa**

Chieftaincy operates on principles that are antithetical to democratic ideals. Selection for the office of chief is not by popular vote but is hereditary and usually for life. Traditional authority structures are hierarchical and patriarchal.<sup>8</sup> Customary practices and laws are exclusionary and oppressive towards women. Under such a system, there are obvious limits to representation and downward accountability. Nevertheless, political pragmatism has demanded that a variety of African governments have sought co-existence with chieftaincy and the institution has endured. In many countries the power and influence of traditional authorities is such that politicians seeking elected office compete with them at their peril. However, to say traditional authorities are hardy perennials is only half the picture. The institution of chieftaincy across the continent bears the battle scars of adaptation and survival and this is as true for South Africa as elsewhere.

During the colonial period in South Africa, the British experimented with two contrasting systems for ruling the indigenous African population. The first was to try and weaken the institution of chieftainship and govern through the colonial bureaucracy. In South Africa this system was attempted, for example, in the Eastern Cape. The second system was to rely on local indigenous rulers to administer and control the local population in a system of 'indirect rule'. This was the system adopted in Colonial Natal by the Secretary for Native Affairs, Sir Theophilus Shepstone (1845-76). His approach to native administration, which became known as the 'Shepstone System', saw both appointed and hereditary chiefs becoming agents of the colonial government and totally dependent on it for resources. This engagement with colonialism significantly changed the nature of *ubukhosi* in the territory of present day KZN.

Customarily the relationship between an *inkosi* and his subjects was based not on coercive power but patronage, derived from ritual and symbolic power (Laband, 1995). This in turn was the outcome of negotiated processes at the local level, as Butler (2002, p. 6) explains:

Certainly the chief would have been looked to as the guarantor of tribal harmony (by playing a key role in conflict resolution); of economic viability of homesteads (by playing a key role in managing the allocation of land rights and land-use rights to households); and social and cultural coherence and continuity (by playing a key role in social and ritual aspects of tribal life).

To a considerable degree, these remain the core responsibilities of the *amkhosi* in KZN. However, this is by way of a turbulent history that significantly changed the texture, if not the basic functions, of *ubukhosi*. Shepstone augmented the position of the *amakhosi* by recognizing their right to allocate land held under communal tenure, a factor that did much to reinforce their authority. By the same token, he kept them on a tight rein, retaining the right to depose as well as appoint chiefs and dealing severely with any who were recalcitrant. Mamdani (1996, p. 63) has described the 'Shepstone System' as a 'regime of total control'. This is probably an exaggeration not least because the colonial

government did not have sufficient human and financial resources to make this so. Nevertheless, indirect rule had its effect and was ultimately entrenched in South Africa more widely under the Black Administration Act (No. 38 of 1927) that stripped traditional leaders of more of their autonomy and allowed the Governor-General of South Africa in addition to prescribe their duties, powers and conditions of service. The Nationalist Government that came to power in 1948 initially adopted a conciliatory stance towards traditional leaders as they fitted into their vision of 'separate development'. However, as Govan Mbeki (1964) concluded, they came to serve apartheid as 'baas boys',<sup>9</sup> trying and convicting in 'bush courts' those who fell foul of the regime's regulations. Consequently, in much of the country traditional authorities became estranged from their people as they colluded with and became increasingly indebted to the South African government, especially within the context of Bantustan system, which saw blacks being denied South African citizenship and being confined to so-called ethnic 'homelands'. This led to declining legitimacy and popularity for many traditional leaders and indeed the institution of chieftaincy itself (Beinart and Bundy, 1987).

In KwaZulu-Natal, however, the position was somewhat different. In order to understand the struggle over *ubukhosi* in KZN it is important to recognise that the former Chief Minister of the KwaZulu Legislative Assembly, Mangosuthu Gatsha Buthelezi, did not have exclusive purchase on the institution. In the first instance, the Zulu people have a monarchy and consider themselves a nation. Buthelezi is an *inkosi* himself and claims royal lineage in his own right, as the Zulu King Cetshwayo kaMpande was his maternal great grandfather. 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 (Maré and Hamilton, 1987, p. 15). Through these claims, at various times Buthelezi sought to eclipse the power of the Zulu monarch. During the transition from apartheid they stood steadfastly together, supported by the *amakhosi*, with the King even threatening to go to war in defence of the 'Zulu Kingdom', as a federal unit within or independent from an ANC governed South Africa. However, on 25<sup>th</sup> April 1994, one of the last official duties carried out by ex-resident F.W. de Klerk, was to sign into law the Ingonyama Trust Act, which effectively turned KwaZulu Bantustan land into a trust under the stewardship of

the King. This saw conflicts develop between ANC legislators and the *amakhosi*, as well as between Buthelezi and Zwelithini.<sup>10</sup> The simmering tensions between Buthelezi and the King bubbled over in the year of the first democratic elections, as Carolyn Hamilton (1998, p. 2) has described:

Things reached boiling-point when Zwelithini invited the new state president and ANC leader, Nelson Mandela, to attend the 1994 Shaka Day festivities in Stanger.<sup>11</sup> Buthelezi, alarmed at this sign of rapprochement between the two protagonists on whose supposed long-time rivalry his personal political success had flourished, objected to the invitation extended without his clearance and threatened darkly that Mandela's safety could not be guaranteed at the rally .... In a bid to defuse the situation, Mandela agreed not to attend the ceremonies. Zwelithini then cancelled all Shaka Day events. Nevertheless, Buthelezi and his supporters went ahead with certain rallies on Saturday, September 24, at which the king and his supporters were conspicuously absent.

Buthelezi was able to make this stand precisely because of his support base among KZN's *amakhosi* and their *izinduna* or headmen who had benefited through 'homeland' patronage and who bought into and gave credence to his use of Zulu ethnic identity for political purposes (Maré, 1992). As leader of the self-governing territory of KwaZulu, Buthelezi cleverly employed a strategy of what (Maré and Hamilton, 1997) called 'loyal resistance'. This involved pragmatic accommodation with apartheid state institutions, from within KwaZulu, which Buthelezi dubbed a 'liberated zone' (Maré and Hamilton, 1987, p. 195).

Combining the resources of office, with a political power base in the Inkatha movement, later the Inkatha Freedom Party, Buthelezi appropriated many of the symbols of Zulu culture.<sup>12</sup> In doing so he challenged not only the Zulu King but also the supremacy of the ANC in resistance politics at national level. He was able to mount a serious struggle for control of KwaZulu-Natal that never really extended beyond the regional level, despite his ambitions towards national politics, because of his support base among KZN's

*amakhosi* and *izinduna* who both bought into and gave credence to his use of Zulu ethnic identity for political purposes (Maré, 1992). In so doing he significantly raised the bar in terms of the politicisation of tradition.

As much as traditional authorities collaborated, in KwaZulu-Natal they were also closely associated with the liberation struggle. One of the ANC's early leaders, Chief Albert Luthuli was from north of Durban and the early ANC enjoyed considerable support from the *amakhosi*. When chieftaincy became subsumed within bantustan structures, however, the ANC explicitly associated traditional leadership with apartheid. As late as 1988 the organisation declared in its constitutional principles that chieftaincy was anachronistic to the ANC's modernist vision and that the organisation would abolish it with the advent of democracy (Jacobs 2000: 1). This did not stop the party re-appropriating traditional symbols and practices, evidenced, for example, by the regular employment of customary praise poets at official events. Moreover, the ANC position softened and at its 50th National Conference in 1997 it adopted a resolution on traditional leadership (Jacobs, 2000, p. 1). This was aimed at dissuading traditional leaders from participating in party politics, promising them consultation through the Congress of Traditional Leaders of South Africa (CONTRALESA) and a full role in processes local governance. While Buthelezi resisted seeing his power dissipated in a national organisation of traditional leaders, King Goodwill Zwelithini played a key role in the Congress during the run up to the 1994 elections. After the elections the ANC led government ratified a pre-election land deal that put large areas of KwaZulu-Natal under the direct control of the Zulu monarch. This freed Zwelithini from dependence on the provincial administration, headed by his great rival Buthelezi. This infuriated Buthelezi and knocked off-balance the *amakhosi*.

Beyond the political shenanigans in KZN, the most significant part of the negotiations between the ANC government and traditional authorities coalesced around their control over customary land and their involvement in local government. The White Paper on Local Government issued by the Ministry for Provincial Affairs and Constitutional Development in March 1998 saw traditional leaders playing an important developmental

role in local government, albeit under the ultimate rubric of the National Constitution, which upheld liberal democratic rights and with municipalities having final jurisdiction. This very much reflected the 1997 ANC position on traditional authorities. The White Paper states that on issues such as development, ‘a cooperative relationship will have to be developed’ and it generally presents an image of traditional leaders as benign overseers of local disputes, adjudicators of tradition and custom and facilitators on matters of development. Both the White Paper and the Municipal Structures Act (Act No. 117 of 1998) built in a consultative role for traditional authorities at the local level, especially on development issues. However, this did not constitute a direct role in decision-making. Hence the relationship between traditional leaders and their functions relative to elected councillors remained unclear. It has been argued that the Constitution was deliberately vague on their powers and functions because of ambivalence within the ANC itself over the future of traditional structures (Levy and Tapscott, 2001).

However, efforts by the post-apartheid government to confine the chiefs to a symbolic, advisory and developmental role have been consistently contested by traditional leaders and nowhere more vigorously than in KZN. This has seen the ANC government make significant concessions, often prior to elections, that have given rise to two pieces of legislation that has entrenched the power of the Chiefs. In 2004 the Traditional Leadership and Governance Framework Act (TLGFA) was passed providing for traditional councils to 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 are simply to be converted into traditional councils. What this means in effect is that legislation introduced in the 21<sup>st</sup> Century will give perpetual life to apartheid institutions created by the much-hated Bantu Authorities Act. When viewed in conjunction with the Communal Land Rights Act (CLRA) passed at the same time, the power of traditional authorities becomes more starkly evident. The CLRA protects the right of traditional authorities to control communal land tenure systems, through power

over communal land administration ceding to traditional councils (CLRA, Section 22(2)), thus entrenching the power of traditional authorities over their mainly rural subjects.

It is no coincidence that this legislation was rushed through on the eve of the 2004 general election given that on the eve of the 1995 local government elections the usually pro-ANC Congress of Traditional Leaders of South Africa (Contralesa) threatened to dissuade their subjects from participating after the government had sought to abolish headmen in the Eastern Cape. It was following this episode that the ANC recognised the power of chieftaincy (Jacobs, 2000, p. 1). Similarly, just before the 1999 general election the stipends and allowances of chiefs were raised as way of mollifying them. With regard to the 2004 legislation, veteran journalist Alistair Sparks advanced the following explanation (*Natal Witness*, 25<sup>th</sup> February 2004):

It is a sweetener to the traditional chiefs and headmen - either in the hope of winning them over in the ANC's bid to gain control of KwaZulu-Natal or, on a more charitable analysis, to prevent them instigating bloodshed during the election campaign .... The Deputy Minister of Land Affairs, Dirk du Toit, told a media briefing in Cape Town recently it was imperative that the bill be passed before the election. 'If we want to get security we must work with the traditional groups', he said.

However, the price to be paid for political expediency is very high. In addition to the fact that displeasing the chief could potentially render an individual or a family homeless and without a livelihood, and opportunities for patronage politics abound, women are particularly vulnerable under a customary system in which they have curtailed rights and no access to communal resources outside their relationship with their father or husband.

A lot of people in South Africa question the legitimacy of elevating traditional authorities in a modern democracy and many within the ANC believe that the chiefs cannot expect the same rights as democratically elected representatives. In KZN this position is opposed by the IFP but held by its traditional political ally, the Democratic Alliance (DA), which plays an important role in metropolitan local government in Durban. The DA like the

ANC holds that the *amakhosi* should not be allowed to hold a democratically elected government to ransom. However, there are many South Africans that support traditional systems of accountability, arguing that they have continued salience and have to be accommodated. For the traditional authorities themselves, it seems they will stop at nothing short of constitutional protection of their powers and functions. This is something that the Government has so far resisted, insisting that traditional authorities must work together with democratically elected bodies and in the interests of local development while transforming themselves to become more democratic within the framework of the Constitution. While recent national legislation has ceded a lot of ground, it is nevertheless in this broader context that the encounter between municipal and traditional councils has to be understood.

### **Negotiating Tradition in eThekweni Metro**

The Metropolitan Municipality of eThekweni is centred on the major port city of Durban and covers approximately 2300 km<sup>2</sup> comprising two per cent of the total land area of KZN. Africans are overwhelmingly isiZulu-speaking and account for 63 per cent of the metropolitan population.<sup>13</sup> eThekweni has been important in both defining and limiting the roles and functions of traditional authorities in urban centres. In 2000, the new Metro was established, uniting the seven former local councils responsible for administering the old Durban metropolitan area. The Demarcation Board extended the Metro's boundaries to include vast peri-urban areas so that within its current 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 (SACN, 2004). Initially the fifteen *amakhosi* who were incorporated through demarcation did not want to be part of eThekweni and negotiations with them were difficult. Although presented as a technical exercise the demarcation process was also intensely political.<sup>14</sup> Negotiations around the municipal enlargement of Durban were so volatile that sometimes meetings with the *amakhosi* and *izinduna* could only take place under the protection of the army (Mkhize, Sithole and Vawda, 2001, p. 45). 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 majority of councillors in the city were affiliated to the ANC. Second, they were concerned to clarify their actual roles, representation and remuneration in municipal structures. The remuneration of traditional leaders was finally set in 2001 at a rate that doubled the salary bill for traditional leaders across the country (Goodenough, 2002, p. 20).<sup>15</sup> However, this did not address the issue of representation and they threatened 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 and were eventually mollified when President Mbeki extended their presence in local government from a ten per cent representation on local elected councils to 20 per cent (Goodenough, 2002, pp.50-52).<sup>16</sup>

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 the eThekweni position on *ubukhosi* was in line with many voices within the ANC. However, as a loyalist with party ambitions the City Manager shifted his position and in his *Newsletter of the City Manager* on 18<sup>th</sup> March 2003 declared eThekweni as 'the first metropolitan area, and the first major municipality, to allow for traditional leaders to participate in the affairs of governance'. There are undoubtedly political agendas at work. The ANC desperately wanted to win KZN in the 2004 elections - which it narrowly did - and success in eThekweni was critical to achieving this. eThekweni Metro has thrown down the gauntlet to the *amakhosi*. The *amakhosi* are organized into a committee under the chairmanship of one of the councillors who negotiates with them in their areas and the Metro has introduced a Programme for *Amakhosi* Support and Rural Development. It has ring-fenced Council resources including access to rooms and buildings and an administrative assistant. A Trust has been

set up to access funds, including from overseas funders, geared towards supporting various projects, especially for peri-urban and tourism development.

Channeling of resources to eThekweni Municipality's traditional authority areas is designed not only to win over the *amakhosi* but also to win political favour in traditionally IFP supporting areas. This goal has also been pursued through more symbolic gestures. For example, Municipal Council meetings do not only take place at City Hall but also at times take the form of a travelling fair. Marquees are erected in former townships and in peri-urban settlements and music and food are provided. Traditional leaders and councillors mingle with local residents. Bizarrely, such events have seen urbane ANC councillors donning traditional dress by way of gaining popular appeal through demonstrating sympathy with traditional values (*Natal Mercury*, 18<sup>th</sup> April, 2003). By the same token traditional leaders arrive in four-wheel drive leisure vehicles and designer sunglasses. In this way and others the city is fiercely competing for the terrain of tradition and its adherents. For example the city posits itself as 'Gateway to the Kingdom of the Zulu' (Bass, 2002), while any perusal of its websites throws up an array of Zulu cultural motifs. These in turn are part of a vigorous marketing of the city and the province in terms of tourism.

The *amakhosi* are being encouraged to accommodate themselves to democratic processes and developmental local government and although they are denied voting rights and access to budget decisions, the Metro has been proactive in other ways. eThekweni is providing capital investment to the tune of R200 million (about £20 million) in the city's traditional authority areas.<sup>17</sup> However, sustained delivery of development will be difficult to achieve. Extending services to peri-urban areas in Durban is expensive not only because of the distances but also the topography, with much of the periphery of Durban characterized by hilly and rocky terrain. Moreover, economic decline and widespread unemployment in the city suggests that issues of maintenance will be difficult whether borne by the Metro or through user charges and cost sharing mechanisms. Lastly, if new services are provided at the expense of maintaining or improving existing service levels in former white, Indian and coloured areas as well as formal African townships, there is

the potential for political fall out. Hence strategies for wooing the *amakhosi* are fraught with risk. Nevertheless, for now the ANC now controls not only metropolitan government in Durban but since the 2004 elections, provincial government in KZN as well. The present research revealed that ANC supporting traditional authority areas showed evidence of investment and that before the election some among the *amakhosi* were questioning whether their loyalties might be better served by engagement with the ANC and the city rather than the IFP and the province.

For their part some of the *amakhosi* see the arrival of the Metro into traditional authority areas as yet one more in a continuous tradition of government structures that have sought to strip them of land, authority and responsibility. However, they are not a homogeneous group and others are more enthusiastic about working with elected government, while a number have actively cooperated in joint forums with councilors and other elected representatives and engaged with democratic processes. Priorities differed from one area to another and some have seen more development investment than others, this being closely related to political incentives and rewards. All of the *amakhosi* interviewed saw development as important and not the sole responsibility of elected councillors. One *inkosi* said indignantly that he had been chairing development committees for years and did not need the tutelage of the Metro in this. However, he reported an improving relationship with municipal officials and the Municipality, assisted by the fact that he received complimentary tickets to national soccer matches. A number of the *amakhosi* are very concerned with traditional customs and form. One *inkosi* told us that elected councillors did not follow protocol and thus undermined his authority. However, he expressed pleasure that the mayor was encouraging the *amakhosi* to attend council meetings themselves rather than sending delegates and explained the importance of the *amakhosi* being represented at all levels of local government. The research also covered an ANC supporting traditional authority area where the *inkosi* was strident on the issue of development, saying that for years the *amakhosi* had neglected their people, not least because they had unhelpfully spent their time embroiled in political conflict. In this area development is driven by well-organized structures that involve both traditional authorities and elected representatives working together.

Unsurprisingly, relations between the *inkosi*, the *izinduna* and the elected councillor in this particular area are good. The councillor described the process of community level decision making 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.

Elsewhere, however, relations range from being politely cordial to decidedly hostile. Another councillor described his situation thus:

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 working 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 .... 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.

In terms of his own position this councillor expressed considerable frustration, associated not least of all with the fact that he like other elected leaders face five year terms and are expected to ‘perform miracles’ within them in a context where people do not openly criticise traditional authorities and where failure gets attributed to elected leaders. The following section allows the residents of Durban’s traditional authority areas to adjudicate, drawing primarily on responses to a household survey conducted across three of the fifteen traditional authority areas.<sup>18</sup>

#### **‘Ubukhosi helps us get development in our community’<sup>19</sup>**

The research areas presented a picture of step migration, from rural to peri-urban residence, with about a third of households reporting having migrated to the city’s borders from other parts of rural KZN, over half having lived in the same place all their lives and the remainder having moved within Greater Durban. Rural-to-urban migrants favour the opportunity of combining job seeking in the city with subsistence crop production. Hence land is a key asset to them and they are reliant on traditional authorities to allow them access to communal land. Kinship and hometown networks assist in such shifts, often negotiated through the *izinduna* and *amakhosi*. There were some differences between the three areas. In the rural area of Maphephetheni 62% of the population had been born in the area and in the peri-urban area of Ngcolosi 60%, reflecting more stability. In the more urbanised traditional authority area of KwaXimba 63% of the population came from outside its borders, reflecting its origins as a peripheral settlement for migrant workers employed in nearby industrial areas. It also attracted outsiders because it is more developed and because there is also rental accommodation for lodgers on offer.

All three areas suffer from chronic levels of unemployment, which stood at a staggering 67% compared to 40% nationally.<sup>20</sup> Again there were differences between the three areas

with a relatively healthy 25% in regular paid employment in peri-urban Ngcolosi, which abuts the Hillcrest commercial hub and high-income residential area, where many of the women are employed as domestic workers. This is compared to only 11% of informants in the more urbanised KwaXimba and 7% in the more rural area of Maphephetheni. Self-employment is also higher in Ngcolosi – 16% compared to 10% and 12% for KwaXimba and Maphephetheni respectively, suggesting greater opportunities and more ready markets for the activities and outputs of micro-entrepreneurs and market gardeners. A quarter of respondents reported pensions as their main source of income, while 36.3% were reliant on other household members. This suggests a high dependency ratio in households that were mostly between six and ten members. Over four fifths (85%) of the population earned less than R1000 per month (US\$100) and 45% earned less than R500 (US\$50). Taken together, these three areas are marginal, disadvantaged and income poor. KwaXimba is the most income poor (90% earning under R1000), followed by Maphephetheni (88%) and Ngcolosi (76%). Moreover, supplementing consumption through cultivation of fields is also most difficult in KwaXimba (only 34%) compared to Maphephetheni (56%) and Ngcolosi (57%).

In terms of assets, 96.3% of households had their own houses on communal land. Typically these are self-built or informally constructed wattle and daub structures so that access to land remains more critical than housing. At present land is allocated by traditional authorities: 55.7% said their land had been allocated by the *inkosi* and 23% had land allocated by their *induna*. While the vast majority of respondents had no wish for this practice to change – 79% of respondents said the traditional authorities should allocate land – they expressed a desire that it be converted into a guarantee of secure tenure. Two thirds of respondents did not know what a title deed was although when it was explained 69% said that they would like one. Government came out as insignificant in terms of land and housing and there was no evidence of a formal market in either. Hence a critical characteristic of urbanisation remains absent in these three traditional authority areas at least, urban development through land and housing markets although it is likely that informal market relations characterise some land transactions and aspects of traditional patronage. Problems may well emerge when a private land market develops as

*amakhosi* may capitalise on their control over communal land as has happened elsewhere, particularly in relation to tourism development. The potential for this in the context of urban property development is particularly great and the impact on ordinary people could be devastating.

Metropolitan government is not very well known at all, despite their association with infrastructure development and services. Durban Water and Waste has a long history of delivery in the area and the people know that because their trucks are often seen around the areas. However, they do not associate this with city government and usually see development being won for the community by their *inkosi*. As one person put it, 'our *inkosi* is at the centre of all development'. In the survey the majority of respondents thought that the *amakhosi* was best equipped to deliver services, followed by the Metro and then provincial government. Interestingly all services – including water, waste, electricity and transport – were thought to have improved since the apartheid era. However, this improvement was not directly associated with city government or the arrival on the scene of elected councillors but was ultimately accredited to cooperation with the *amakhosi*. This is not necessarily surprising given that liberal democracy in local governance is relatively new, and the *amakhosi* were those who delivered 'separate development' under apartheid. Clearly the eThekweni Metropolitan Council suffers from a recognition problem and 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, suggesting that when development takes place it is associated with the *inkosi*. This conclusion is supported by analysis of who respondents saw as responsible for individual services such as housing, water, electricity and so on.

This picture explains in part why it has been so difficult to break the political power of the *amakhosi* as metropolitan local government as yet has little to offer peri-urban residents and what it has is not accredited to them. They are not in urgent need of housing support as in the former townships and access to land is already catered for through traditional structures. What people said they did need was public safety and jobs, both

national government competencies and issues not yet addressed with much success. In terms of attitudes to the *amakhosi* a massive 83% answered in the affirmative to the question ‘do you support your *inkosi*?’ When asked why, typical responses were: ‘he brings services our community by bringing roads, electricity and water to our area’; ‘he is providing for our needs’; and ‘he attends to all of the matters of the community without focusing on your political affiliation’. However, others were more ambivalent, saying for example that ‘the *inkosi* is not always with us especially in the important community gatherings where we decide on critical issues’. Others were more negative in their assessment: ‘he is not looking after the needs of the community’; ‘there is no help from him, as we are unemployed’;<sup>21</sup> ‘the *inkosi* agreed to have buses to the area then refused to have them because the taxi owners paid him’; and ‘I have no comment of my own but what I hear from the men is that he does not respond to the matters of the community’.

Given the widespread support for individual *amakhosi* and the institution of *ubukhosi* itself (77%) it might be seen as surprising that 61 per cent of respondents said they did not attend the *imbizo* (a forum called by the *inkosi*) even though it is supposed to be compulsory. However, this can be explained by the fact that half our sample was women and these meetings are male affairs. The highest reported attendance was in KwaXimba (50%) 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. Even when support for the *amakhosi* was expressed, there was dissatisfaction over gender discrimination on the part of women respondents: ‘it is mainly the men who decide on the critical issues and the *inkosi* is not working with the views of the women’; ‘the women have no say in the affairs of the community’; ‘even if the women have better ideas they are discriminated against because of their gender’; ‘they are suppressed by the traditional belief that all *amakhosi* should be men’; and ‘there are boundaries for women – they are treated as children’. Nevertheless, some respondents, including women were accepting of this, mainly on the grounds of culture and tradition: ‘it is not discrimination because according to the Zulu culture the women are not allowed to say anything’; ‘*ubukhosi* does not discriminate because women are working within the community’; ‘I was born with the

ubukhosi so have learnt to accept it'; and 'I cannot describe it as discrimination as it is a custom'. This suggests that there is room for manoeuvre in terms of democratising and engendering traditional practice, even if taking on the *amakhosi* politically may not be strategic for the Metro at this stage. However, this is predicated on women's organisations robustly taking up the role of traditional authorities in relation to local governance and land rights and this is by no means guaranteed (Beall, 2005).

Politics were generally viewed with suspicion and indeed fear, given that many people had experienced or witnessed high levels of political violence in recent memory. Across the three areas 52.3% said they supported the ANC, most of these being from the ANC supporting area. Those supporting the IFP stood at 13.7% with 27.3% saying they did not know. This confirms the significant number of floating voters who were successfully wooed by the ANC in the 2004 general election. Civic organizations and NGOs were not particularly highly rated either, with real frustration expressed when they became politicised, as frequently happens. When asked who should bring democracy to their area the largest group of people (35.7%) thought that a non-elected form of leadership had the greatest potential, naming traditional leaders. Even in the ANC supporting area, 28% still thought that the *amakhosi* or the *izinduna* were most likely to bring accountable governance to local communities. Moreover, traditional leaders led significantly over other options, including political parties (6%), national government (6%), provincial governments (24%), civic organisations (14%) and the eThekweni Metropolitan Council itself (16%). That said, an overwhelming majority thought that there should be co-operation between the Metro and traditional leaders. As one respondent put it: 'the *amakhosi* and elected government should not be distant'.

However, it is not straight sailing for the *amakhosi*. The survey asked people to choose from a list the three most important functions performed by their *inkosi*. Their role in presiding over disputes came out top (53%), second the allocation of land (20%) and joint third fostering community participation (16%) and the organization of virginity testing (16%). The latter is an old practice that had fallen into disuse but which has been recently revived in association with efforts to use traditional authorities in HIV/AIDS prevention.

A high level of concern about HIV/AIDS was expressed. For example it was frequently mentioned alongside unemployment and public safety, when people were asked about what things had got worse post-apartheid. However, the impact on gender relations and the contradictions in relation to the gender equality asserted by South Africa's liberal democratic institutions are stark and it is not surprising that gender relations were the area of most blatant criticism in terms of *ubukhosi*, bolstered perhaps by the confidence afforded women by the non-sexist Constitution and accompanying discourse. An area of friction anticipated in the research was the practice of people paying tribute to their *inkosi* and the questionnaire asked whether people did this. Interestingly 67.3% said they did not because tribute has fallen into disuse now that the *amakhosi* are paid by central government, with over 80% answering in the affirmative that the *amakhosi* should be paid because people were no longer required to pay levies, reflecting a level of awareness and expectation in respect of democratic accountability.

People are very clear about the demarcated roles of traditional leaders, which they see as circumscribed. As shown above, the *amakhosi* and *izinduna* are valued primarily in their role representing the views and needs of communities: 'the *amakhosi* should understand what affects the people by working closely with them'; 'he must be respected and he should solve the problems of the community'; 'he must listen to the people and their problems and try to solve them'; and 'the *amakhosi* must communicate the needs of the people to the government'. This is a different role from that accorded to the Zulu monarch who was regarded primarily as a ceremonial figure who was tasked with retaining traditional Zulu values and customary practises and as someone who might potentially keep the *amakhosi* under control: 'he should work together with the government to promote democracy in our country'; 'the king should motivate the *inkosi* to provide for the needs of the people'; 'his role is to control the *amakhosi* and make sure they are serving the community properly'. On the other hand, the king was associated with a paternalist ethic and Zulu nationalist sentiments: 'he must take care of all the people especially the Zulu nation being the father of that nation'; 'I respect him; he should look after us'; 'the king is very important; he tells the nation how to operate'; 'he is the great one; he should look after all the people under him'; and 'the Zulu monarch

must fight for peace and make sure that the Zulu nation is not left out in [South Africa's] development'. Very few spoke out against the king although some were vague or indifferent: 'he doesn't mean anything because he's pursuing the traditional style of living'; 'I can't really say what he means to me but he does help the old people with pension funds'; and 'he's respectable and a person with dignity but that is all I can say about him'.

In this and other assessments, adherence to tradition implies neither that people are 'rational fools' nor 'cultural dopes' (Kabeer, 2000, p. 16). As shown above, people are very clear about why traditional authorities are important to them. This is often because they associate them with material delivery and development. In part this is due to their historical role in indirect rule and as the arms and legs of apartheid and bantustan administration and in part because this function has been extended through the role accorded to traditional authorities in developmental local government by the White Paper on Local Government, reinforced by the Traditional Leadership and Governance Framework and the Communal Land Rights Acts in 2004. In part adherence to tradition is because its institutions spell some kind of certainty in a still turbulent local political environment. Further, much of the adherence to traditional authority stems from the customary roles of the *amakhosi*, for example in dispute resolution. When asked if people had taken disputes or issues to a traditional and/or magistrates' court 85% answered yes to both. However, they took different issues to each. Asked to choose from a list people of issues they took to their *inkosi*, people said they were most likely to take witchcraft allegations (80%), family disputes (67%), land disputes (57%), faction fights (56%), assaults and small thefts (35% each). People were most likely to go to the magistrate's court in cases of rape (87%), with other issues taken to the magistrate including maintenance (69%), marriage problems (60%) and cases of large theft (59%) and assault (51%). People go to the appropriate body for different matters suggesting that they are well aware or well advised on how and where to resolve particular problems. Both systems of adjudication command moral authority but not always in the same areas.

## Conclusion

There is little doubt that the incorporation of traditional authorities into contemporary developmental local government has strong echoes of indirect rule. Bureaucratically involving the *amakhosi* in local government provides structures and processes where previously there were none, especially in black rural areas where traditional authorities constituted the only form of local government under apartheid. Economically, it allows for decentralised development on the cheap as it precludes having to set up new and expensive structures and relies heavily on traditional leaders to negotiate, manage and maintain the delivery of infrastructure and services. As such, the revitalization of tradition in South Africa is a profoundly pragmatic step and would support Mamdani's plea for an historical understanding of the long-term entrenchment of indirect rule in Africa. Moreover, in contemporary Durban the city commands both greater legitimacy and far more resources than ever did Shepstone in the 19<sup>th</sup> Century, thus coming closer to 'a regime of total control' (Mamdani, 1996) than ever he did. However, the contemporary situation falls short of Mamdani's notion of 'decentralised despotism' precisely because the residents of Durban are citizens.

It is suggested here that Mamdani's dichotomised world of urban citizens and rural subjects does not apply in Durban today. People live their lives between city and countryside (both literally and figuratively) and this influences not only social meaning but also permeates local level political engagement. Within a context of rapid political change the ordinary residents of the city, including those living under chieftaincy, negotiate their historical and spatial identities in the context of institutional pluralism and flux, participating in turn in the construction of a hybrid urban political culture. In their citizen-subject identity it is neither traditional nor liberal democracy that people seem to resist but rather the politicisation of all aspects of their lives, a resistance often generated by a fear of returning the political violence of the transition. Suspicion of party politics extends both to the *amakhosi* and to councillors although of course it is more of a terminal disease for the latter. This stands as a potential threat to democracy in Durban if distaste for 'big P' or party politics filters into a wariness of the 'small p' politics of

engaged citizenship. While social acceptance of *ubukhosi* and attachment to custom does not have to stand as a brake on the democratisation of local governance, political manipulation of the institution, whether by the IFP or the ANC, may well affect whether people are willing and able to exercise political voice within or in opposition to it.

Can customary institutions be democratised and is the city a factor? The *amakhosi* are used to being first among equals but in the context of metropolitan governance they are required to engage as one interest group among many. This is something to which most are adapting only with difficulty. There is some brinkmanship between officials and representatives of the city and the chiefs with each controlling access to critical development resources – for example money and land – and both using them to enhance their bargaining position. Nevertheless, there are changes afoot. The involvement of people in participatory forums alongside councillors and traditional leaders has begun and is an important way of ensuring community level democracy prevails. Encouraging the *amakhosi* to attend municipal council meetings and bringing council meetings to the people are all ways of extending this to the city level. There are also certain indicators that suggest citizenship is taking hold on Durban's periphery, seen in people's embracing of the new democracy; expectations that they be consulted in development; expectations that the *amakhosi* should be involved in delivery; and the overwhelming belief that traditional authorities and councillors should work together. Bates (1995) has pointed to how we often under-estimate the extent to which political settlements can lead to institutional change. Nowhere is this more evident than in the experience of South Africa writ large. However, the experience of Durban reveals that institutional change is not always coherent and cannot necessarily be predetermined. The challenge for the Metro is to recognise and accommodate the institution of chieftaincy in ways that neither destabilise its attributes of stability and cohesion nor undermine the hard-won rights of the city's newly enfranchised citizens. It is also to allow that urban political culture is not only fashioned at the ballot box or even in community development forums. The promise of the city requires too that people become and feel part of the urban fabric and in turn shape the institutions of the city.

## Notes

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<sup>1</sup> The Goldstone Commission of Enquiry on Public Violence and Intimidation, which reported in 1994, recommended during the course of its investigation a total ban on the carrying of dangerous weapons. The apartheid government implemented this, leading to objections from Chief Mangosuthu Gatsha Buthelezi, leader of the Inkatha Freedom Party. He vigorously defended the right to carry 'cultural weapons' such as spears and sticks, despite the numerous violent incidents involving these weapons. Eventually the government did prohibit the public display of 'cultural weapons' although the ban was defied and never properly enforced. In its report the Goldstone Commission confirmed what many African National Congress supporters knew; namely that members of the Inkatha Freedom Party augmented a "third force" element within the apartheid security service that was responsible for the death of thousands.

<sup>2</sup> The research for this paper would not have been possible without the support of Sibongiseni Mkhize, currently Director of the Market Theatre in Johannesburg and Shahid Vawda from the University of KwaZulu-Natal in Durban.

<sup>3</sup> The Demarcation Board was set up under the Municipal Demarcation Act (Act No. 27 of 1998) and reduced the number of municipalities from 843 to 284 (Goodenough, 2002:40). These boundaries were used for the second local government elections in 2000.

<sup>4</sup> It is recognized that the terminology around chieftaincy and traditional authorities is contentious and that the use of terms such as traditional leaders and chiefs have been questioned and debated within South Africa. In KZN the vernacular Zulu terms *inkosi* (chief) and *amakhosi* (chiefs) are used. However, the terms traditional authorities and chieftaincy are also used, stripped of any pejorative connotations, particularly when the discussion is not focused exclusively on KwaZulu-Natal.

<sup>5</sup> The only other metropolitan municipality to incorporate traditional authority areas was Tshwane/Pretoria.

<sup>6</sup> 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.

<sup>7</sup> Institutions are understood as the norms, values and humanly devised patterns of repeated interaction that drive and affect all aspects of social existence from political decision making to the rules governing economic relationships.

<sup>8</sup> There are a few women chiefs or regents in KZN and sometimes women close to traditional leaders have influence.

<sup>9</sup> Yes men or 'Uncle Toms'.

<sup>10</sup> I am grateful to an anonymous reviewer for helping clarify these relationships.

<sup>11</sup> Shaka was the first Zulu King and Stanger the site of his capital.

<sup>12</sup> The appropriation of symbols extended to national resistance culture so that the yellow, green and black colours of the ANC were also the colours of Inkatha, while the Zulu shield was the symbol of *Umkonto weSizwe*, the armed wing of the ANC, as well as Inkatha.

<sup>13</sup> 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.

<sup>14</sup> Demarcation aimed at introducing uniformity in local government structures on the basis of cohesive physical and environmental areas; the potential for sustainable service delivery; financial viability within functional boundaries and administrations; political acceptability and the potential for redistribution of functions and resources.

<sup>15</sup> They were recognized as full time employees but disallowed from double claiming if they held more than one public office (e.g. IFP MP and *Inkosi*), being paid only the salary of the office for which the highest income is earned.

<sup>16</sup> He resisted giving into their demand for a 50:50 split between traditional leaders and elected representatives.

<sup>17</sup> City Manager, personal communication, April 2003.

<sup>18</sup> 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

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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. In terms of demographics, more women (53.7%) than men (46.3%) 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 had some years of secondary school (35.7%). However, very worrying was the very high illiteracy rate, with 34.7% who had no education at all.

<sup>19</sup> Statement made during interview by an eThekweni resident in one of the former traditional authority areas where fieldwork was conducted.

<sup>20</sup> 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'.

<sup>21</sup> This response refers specifically to the fairly widespread practice of traditional leaders negotiating employment and skills training for people in their areas in the context of local economic and development projects.

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