

Helping or hindering? Traditional leaders and water delivery in rural KwaZulu Natal



Traditional authorities, local government and
rural economic development summit, Durban

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Outline

- Service delivery in traditional areas
- Historic transitions in responsibility; who has been responsible?
- What statutory role is there for traditional authorities?
- What are the existing priorities in traditional rule?
- The KwaZulu-Natal context
- Where are the key blockages in service delivery?
- What openings are there for participation in IDPs?
- An examination of case studies
- Some conclusions



Service delivery in traditional areas

- Service delivery particularly in water services in rural traditional areas of KwaZulu Natal tends to be very low
- “Service delivery” initially based around mission stations
- Hospitals and Schools
- Emphasis on hygiene: pit latrines and safe water supply
- “Healthy minds, healthy bodies”
- Current examples Hlabisa and Benedictine hospital providing for surrounding area in Nongoma LM
- Charles Johnson Memorial Hospital in Nquthu
- Mseleni Hospital the Mseleni community in Umhlabuyalingana LM
- Other examples Montebello Mission Hospital, Montobello leading to Emayalisweni project in Ilembe Municipality
- Service delivery later associated with betterment areas
- Traditional leaders not always focused on service delivery; elders at times opposed to releasing women from service e.g. Zwelibomvu



Historic transitions

- The responsibility for water supply and the systems themselves have been transferred to municipalities, as specified in the Water Services Act.
- pre 1994: homeland administrations and RSC/JSBs
- post 1994: Department of Water Affairs and Forestry (DWAF)
- post 2000: Municipalities as Water Service Authorities largely appointing themselves as Water Service Providers
- Post 2001: transfer of water projects made from DWAF to local municipalities.

- The institutions responsible for delivery have been in flux. Now delivery depends on a local government system that is new to rural areas and itself lacks capacity.



New views: white paper 2002

- “The institution has a place in our democracy....and in the reconstruction and development of the country, especially in rural areas.
- “It is also important that conditions for democratic governance and stability in rural areas are created so that accelerated service delivery and sustainable development can be achieved.”
- Department of Provincial and Local Government. 29 October 2002. Draft White Paper on Traditional Leadership and Governance. Government Gazette, Notice 2103 of 2002.



Current situation

- A large number of people reside in communal areas.
- About 14 million people live in areas falling under the jurisdiction of traditional leaders.
- “It is primarily in these areas where people live in abject poverty and conditions of underdevelopment, and where there is a lack of access to economic opportunities, poor infrastructure and lack of access to basic services.”
- “This is the result of the legacy of colonialism and policies and measures that had the effect of systematically consigning a large majority of African people to conditions of perpetual underdevelopment.”



The legacy of underdevelopment

- Nongoma Local Municipality, 2001, Place of the Zulu King: 27,491 out of 31,679 households (87%) have access below RDP level;
- Separate water service provided for the King
- Ulundi Local Municipality, 2001, Centre of KwaZulu Government: 26,090 out of 37,515 households (70%) have access to water below the RDP level.
- Mahlabathini, place of the Chief Minister of KwaZulu, 46% of households access water at RDP level.
- Eastern Cape, Great Place great place of Kaiser Matanzima, Qamata in Cofimvaba 134 out of 293 households (46%) of have service below RDP level.



What statutory role? 1

- Traditional Authorities can participate through their role in municipalities-- comprising no more than 20 percent of the total number of councillors as specified in the Municipal Structures Act no. 117 of 1998.
- The code of conduct in the Traditional Leadership and Governance Framework Act no.41 of 2003 states that traditional leaders must “foster good relations with the organs of the state with whom he or she interacts”.
- Traditional Authorities are largely outside of the Integrated Development Plan framework.



What statutory role? 2

- Traditional authorities have no direct role in service delivery, but their roles do include health, economic development, environment, and the management of natural resources, which are all related to water supply. (ch 5 of the Traditional Leadership and Governance Framework Act no.41 of 2003)
- “A traditional council may enter into a service delivery agreement with a municipality in accordance with the Municipal Systems Act no.32 of 2000 and any other applicable legislation.” Traditional Leadership and Governance Framework Act no.41 of 2003.



Stabilisation in rural local government

- Conference in Ulundi October 1994: Amakhosi “remain the primary administrators of traditional communities exercising in such communities any relevant power of local government by means of Traditional Councils.”
- With participation by IFP in local government elections the local government has stabilised but conflicts remain in some cases.
- Amakhosi generally place emphasis on tribal courts, culture, and Land allocation rather than on service delivery
- Service delivery matters are in a sense have been ‘delegated’ to civil organisation



Community development through Project Steering Committees

- Water committees have typically been treated as sub-committees of wider development committees that were formed and operate with the full support of Traditional Authorities
- Past model of service delivery that of DWAF (or Mvula Trust and implementing agencies) interacting with Project Steering Committees



Municipalities and Amakosi: Conflict and cooperation

- The transition to modern local government is increasingly accepted but conflicts remain:
- The Project Steering Committees and Water Committees agreed to by Amakhosi in a previous period have largely been dissolved;
- Some competition from councilors who want to be seen to provide benefits directly to the people;
- Three scenarios:
 - alienation from local government,
 - encouragement of civil society to engage;
 - participation in dialogue with councilors



The prior context, 1994-2000

- Implementing agencies approach traditional leadership before development projects start;
- Project Steering Committees elected and provide a form of civil control;
- Amakhosi give blessing to process and request information but are not directly involved;
- Generally amakhosi are apportioned tap or yard connection to their home;
- Plan by Provincial Government to provide houses, electricity and water separately from community for traditional leaders (Sunday Tribune, 23 April 2006)



Key blockages in delivery?

- Significant lags in service delivery particularly in the most remote rural communities;
- Municipalities argue that there is insufficient funding to provide comprehensive service delivery;
- The National Treasury is unsure whether funding is spent efficiently and effectively;
- MIG (Municipal Infrastructure Grant) officials have priority of ensuring sustainable projects and services.

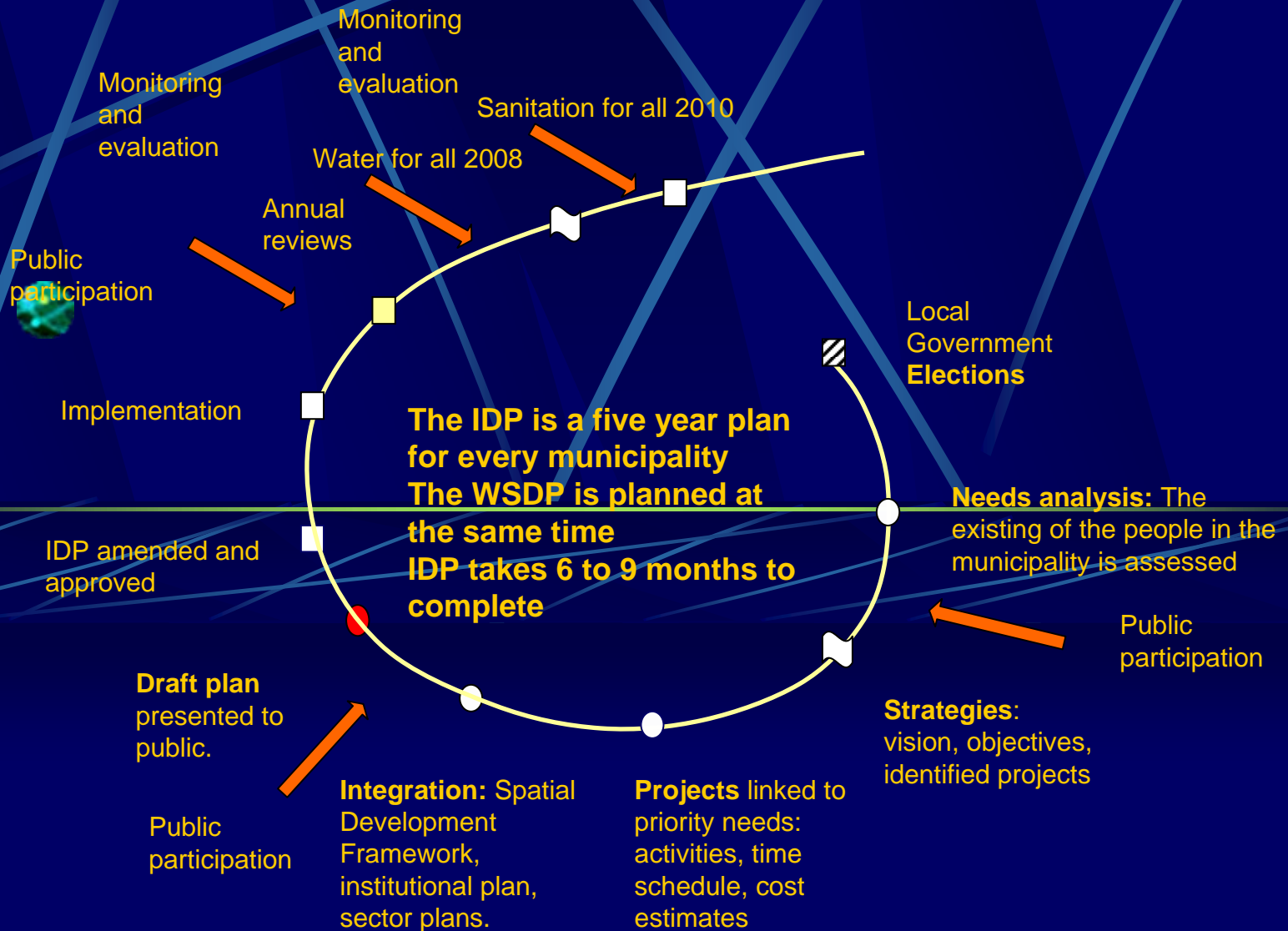


What openings are there for participation in IDPs?

- More organised participation in IDPs rather than pleading for development could achieve greater efficiency and effectiveness;
- There is an important role for traditional leaders in putting their authority behind the people's aspiration for universal service as promised in the Constitution;
- People's participation in municipal planning has to be better organised and articulated at the various stages of planning



Integrated Development Planning



Land restitution and service delivery

- The amaHlubi Traditional Authority has been dominant and worked with community leaders to get their land back.
- The municipality has dissolved the original water committee and water systems no longer function in many areas.
- The problem does not appear to be related to Traditional Authority issues but to the poor capacity and disinterest of the local municipality and its desire to assert itself.

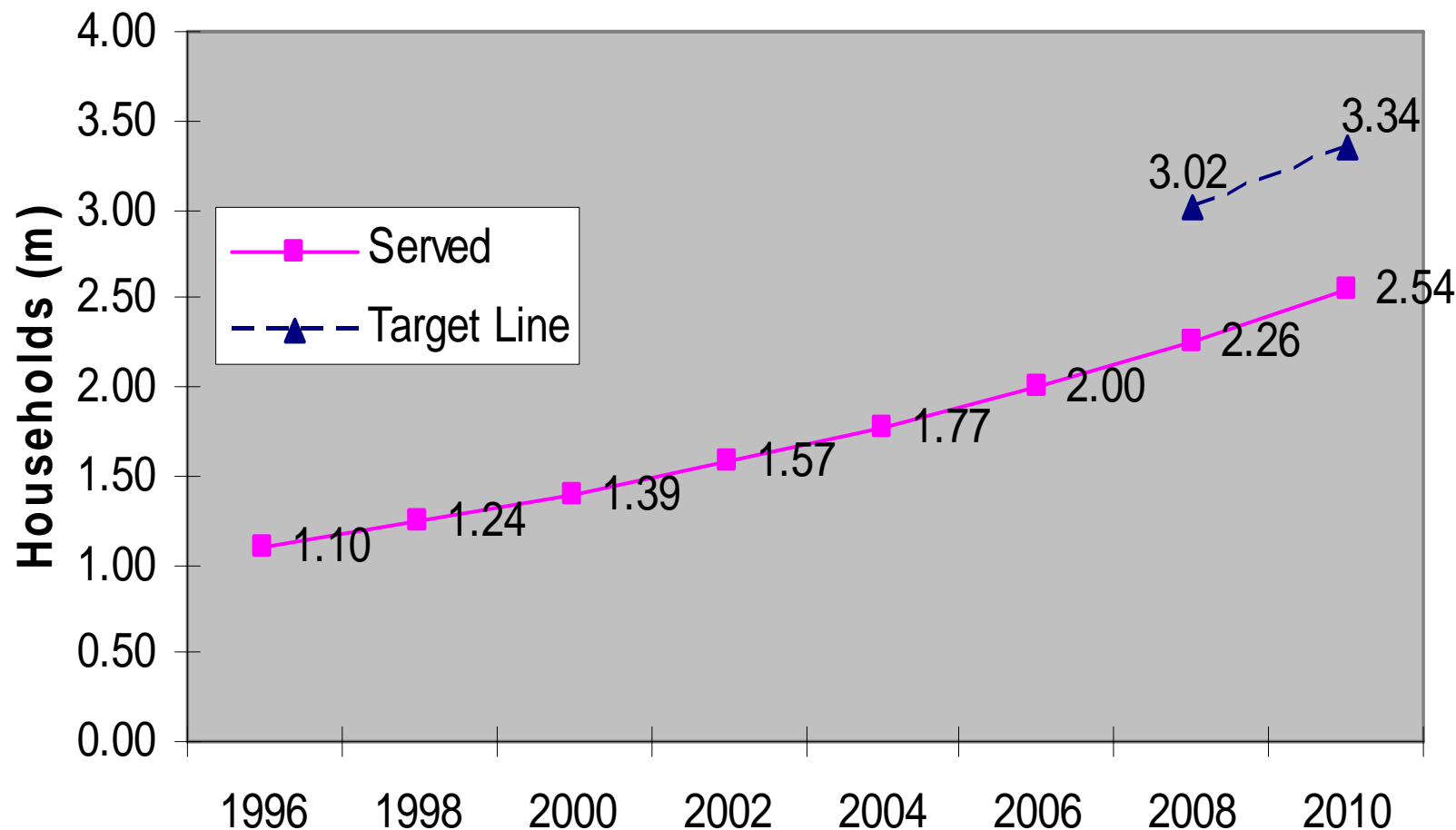


Examples of cooperation and development

- Mvuzane (Zamimpilo), the local government councilor works closely with the Inkosi and cooperates around all aspects of development. Although civil society is not strong and the water committee exists but is not active, people have benefited with water supply and roads.
- In Mbazwana, the municipality has become dominant through the town committee, with the support of the Inkosi. As a result, the small town has boomed with roads and housing projects.



Delivery short of water target



Some conclusions

- In KwaZulu-Natal local government is increasingly stabilised and new system of representation and planning are emerging;
- Service delivery in water and sanitation is increasing but will not meet national and provincial targets;
- Better planning is needed: “people’s planning” with support and encouragement of traditional leadership
- Greater financial commitment needed;
- Traditional authorities could be more active in planning local development to encourage people’s planning and support the conclusions of participatory engagements.



The right to water is the right to life

