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Indigenous Institutions, Traditional Leaders & Developmental Coalitions: The Case of Greater Durban, South Africa

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Executive Summary

South Africa was not atypical in having to accommodate indigenous institutions in its new political order when the country made its transition from minority rule to a non-racial democracy in 1994. In many parts of the world, and especially post-colonial states, customary forms of governance remain salient, being deeply rooted in local institutions. Indigenous institutions¹ are not immutable and have connected with and been engaged by colonial powers and western states in a range of ways and to varying effect over many decades. Yet it is increasingly recognised that institutional multiplicity and competing claims to social and political legitimacy need to be taken seriously within hybrid political orders.

State-making and peace-building in post-Apartheid South Africa was made possible by the creation of an administrative machinery that could contain customary authority structures within a broader polity, political structures and processes that channelled the ambitions and grievances of traditional leaders, and a system of local government that drew on the presence and experience of chieftaincies to bring development to hard-to-reach areas. This was a contested process that is by no means over and with mixed results. Yet pockets of success have emerged out of the transitional period, especially in the city of Durban, giving rise to progressive developmental coalitions promoting economic growth, inclusive governance and social development.

The key ingredient for success was the determination and commitment to development of influential political leaders with local links into *ubukhosi*, the institution of chieftaincy, as well as strong connections to the ruling African National Congress (ANC) both locally and nationally. From this core they were able to forge broader coalitions that included traditional leaders, elected councillors, businessmen, social activists and the church. In some instances they were successful in breaking down political boundaries and antagonisms in the interest of inclusive strategies. This paper explores how these leaders emerged, what they did differently from those who remained confined within narrower and more inward looking coalitions of interest and the role of inclusive political settlements and development coalitions in consolidating and scaling-out these local success stories into broad-based development strategies.

This paper examines the incorporation of indigenous institutions into the newly democratised eThekweni Metropolitan Municipality (the Metro) in Durban, South Africa, profiling examples of better and worse

¹ A number of terms used in this paper are contentious, including the concepts 'indigenous institutions' and 'traditional leaders' that appear in the title. In using this nomenclature I recognize that 'traditional' can imply stasis when in fact the people and processes I am describing are often adaptive and dynamic. Nevertheless, the term is widely used in South Africa, both in common parlance and official documentation and by traditional leaders themselves. Similarly, by using the term 'indigenous' I am not suggesting that the institutions I thus describe are somehow more authentic or legitimate than those that come later or that are introduced from the outside. Rather the idea advanced here is that they have some degree of domestic rootedness that is recognizable and accepted within prevailing political norms, bureaucratic standards and social practices. When using these terms, therefore, I avoid repeated caveats or the cumbersome insertion of inverted commas in the text. Also contentious are the variety of racial categories that pertained during the colonial period, the segregationist period, under apartheid and in the post apartheid period. Here too I recognize that terms such as 'native' and 'Bantu' are anachronistic and may be pejorative. They are reproduced in the text only when they appear in the title of legislation or when quoted in secondary sources.

practice both at provincial level in KwaZulu-Natal and in the context of metropolitan governance and how, in the process, old political settlements and coalitions were broken and new ones constructed. The paper concludes that success is predicated on accommodating institutional multiplicity within a hybrid political order, in which leaders work on premises of the need for trade-offs and least worst option and as a result engage in inclusive processes, which in turn facilitate developmental coalitions.

1.0

Introduction

In many parts of the world and especially in post-colonial states, customary institutions remain important. The tendency in the past was to see 'traditional' and 'modern' forms of social organisation as distinctly separate, and 'development' as the transition from the former to the latter. Even fairly recently it has been argued that the failure to reform customary institutions in many countries in Africa has led to the division of populations into 'citizens and subjects' in the context of bifurcated states (Mamdani, 1996). Yet indigenous institutions, while deeply rooted and resistant to change, are not immutable. They have adapted to colonial systems of governance in the past and have been engaged by a variety of states over many years and in a range of ways. Traditional leaders have been inventive in their efforts to adapt and thrive and their own legacies are ambiguous and historically layered (Hobsbawm & Ranger, 1983; Vail, 1989). Neither are contemporary political systems necessarily coherent. State and society are not always hermetically sealed from one another and in many contexts indigenous institutions co-exist or compete with other forms of social and political organisation. This has given rise to the kind of institutional multiplicity that configures the political order that characterises many post-colonial states today.

In Sub-Saharan Africa chieftaincy is one such indigenous institution. It remains salient and in a number of African countries it has been incorporated into formal governance structures and systems. A recent turn in the literature suggests that chieftaincy in Africa is undergoing a revival and that there is a return to tradition across the continent. It is argued that this reflects misgivings about poor government, state unravelling, often as a result of local and regional conflicts, or the upheavals associated with political transition (Berry, 2001; Chabal & Daloz, 1999; Nugent, 2004; Oomen, 2005; van Kessel & Oomen, 1997). These arguments miss the fact that indigenous and other leaders have long coexisted in the context of diverse institutions and political logics.

The theoretical literature assumes that institutions evolve in enduringly stable contexts in which the 'rules of the game' are clearly understood and applied (North, 1990).² Yet under conditions of fragility or in transitional political contexts the institutional environment is not necessarily stable or indeed legible. Under such circumstances leaders and the elite coalitions of which they are a part become particularly important in determining the way in which old institutions evolve and new ones emerge. The present exploration of indigenous institutions and traditional leadership investigates the reasons why and the circumstances under which divisions between so-called modern and traditional institutions are emphatically asserted and when institutional multiplicity is accommodated within a hybrid political order. Examining the role played by traditional leaders in the Greater Durban area of KwaZulu-Natal (KZN) province, the research posed the following questions: During the political transition and early years of democratic consolidation why did some traditional leaders more than others successfully participate in developmental coalitions? What role was played by institutional arrangements, critical

² Institutions, understood as the humanly devised rules that constrain or enable individual and collective behaviour, comprise formal and informal rules, norms and values and the enforcement characteristics of both.

junctures and leadership coalitions in facilitating inclusive elite settlements involving traditional leaders and other political actors?³

After a review of the institutional arrangements accommodating chieftaincy in parts of Africa and South Africa, and against a background of political change, particularly as it affected KZN province, the elite bargains that took place in Greater Durban are explored, highlighting both successful and failed developmental outcomes. The analysis shows that institutional arrangements and critical junctures provided necessary but insufficient conditions for inclusive political settlements and developmental coalitions to evolve. An additional and critical ingredient was the role played by politically astute and committed leaders. Among the traditional leaders studied, those who failed to effect or participate in elite coalitions with developmental outcomes were part of bargains based on exclusive, hermetically sealed and largely horizontal coalitions. By contrast, leaders who were part of vertical and horizontal networks were able to incorporate traditional leaders and indigenous institutions into elite pacts that at first forged a peaceful political settlement and later inclusive developmental coalitions.

³ The paper draws on over six years of historical and contemporary research on *ubukosi* or chieftaincy in KwaZulu-Natal and eThekweni Metro as well as documentary and field research undertaken specifically for this paper. The methodologies employed have included archival and documentary work, oral history, semi-structured key informant and conversational interviews, surveys and some observational work in three of the sixteen former traditional authority areas (TAAs).

2.0

Debating Traditional Leadership

South Africa was not atypical in having to accommodate indigenous institutions in its new political order when the country made its transition from minority rule to a non-racial democracy in 1994. In many parts of the world accommodation of customary forms of governance continues. This holds as much for royalty in the United Kingdom as for First Nation people in Canada. How to effectively accommodate aboriginal populations and indigenous institutions in formal democratic governance structures is a question that has vexed successive administrations in countries as different as Australia and India, so Africa is not exceptional in this regard. In Africa chieftaincy has survived huge social and political change and remains important both as a socio-cultural and political system, having salience beyond the actual and presumed successes and failures of individual chiefs (Comaroff, 1978). Yet in the early years of South Africa's transition chieftaincy was hotly debated and the role of traditional leadership remains a matter of contention. Popular opinion divided into two broad viewpoints: the first was that chieftaincy operates as a brake on South Africa's hard won democracy and on processes of democratic consolidation. The second was that traditional authority is integral to African culture and constitutes a different, even a unique form of democracy. In between were pragmatists who believed chieftaincy should be accommodated because it was part of the institutional fabric of the country.

In some sense these positions were mirrored in academic debates. The antagonists are best represented by Mahmood Mamdani. In *Citizen and Subject* he posited that the colonial period forged a 'specifically African form of state' (Mamdani, 1996: 286). Based on a system of indirect rule that relied on the 'authoritarian possibilities in native culture' the post-colonial African state was bifurcated along rural and urban lines, between citizens in the towns and cities and an excluded population of rural subjects governed by a system he described as 'decentralised despotism' (*Ibid.*: 21). Mamdani characterized South Africa as an exaggerated case of the generalized pattern he identified for Africa more broadly, which saw the apartheid regime 'keep apart forcibly that which socioeconomic processes tend to bring together freely: the urban and the rural, one ethnicity and another' (*Ibid.*: 32). He predicted that in rural areas indirect rule would be left intact. Mamdani's seminal book gave rise to extensive debate and a fair share of critique, heralding a number of important studies on chieftaincy and state policy in South Africa.⁴

The antagonists' argument, broadly cast, was that traditional leadership was manipulated under colonial rule, was used to legitimize separate development under apartheid, and should not be relied upon and

⁴ See the special Review Symposium on 'Mahmood Mamdani and the Analysis of African Society', (1997) *African Sociological Review*, Vol. 1, No. 2, pp. 96-144; Henry Bernstein (1996) 'South Africa's Agrarian Question: Extreme and Exceptional?', *Journal of Peasant Studies*, Vol. 23, No. 2/3, pp. 1-52; Gavin Capps (2009) 'Tribal Landed Property and the Platinum Mining Industry in BaFokeng, South Africa', Draft PhD Thesis, London School of Economics and Political Science; Lionel Cliffe (2000) 'Land Reform in South Africa', *Review of African Political Economy*, No. 84, pp. 273-286; Gillian Hart (2002) *Disabling Globalization: Places of Power in Post-Apartheid South Africa*, Berkeley: University of California Press; Lungisile Ntsebeza (1999) 'Land Tenure Reform, Traditional Authorities and Rural Local Government in Post-Apartheid South Africa: Case Studies from the Eastern Cape', Cape Town: Programme for Land and Agrarian Studies (PLAAS) School of Government, University of the Western Cape; Bridget O'Laughlin (2000) 'Class and the Customary: The Ambiguous Legacy of the Indigenato in Mozambique', *African Affairs*, No. 99, pp. 5-42.

sustained by a country espousing liberal democracy (see for example Koelble, 2005; Ntsebeza, 2006). The position of the protagonists was that 'traditional leadership yields a legitimacy that is rooted in culture and tradition' (Oomen, 2005: 28). In this view traditional leadership need not be seen as an anomaly, a compromise of democracy or a contradiction that exists within a more legitimate modern democracy. On the contrary, it is suggested that traditional leaders have social and moral obligations towards people under their jurisdiction, in a cultural context that bears shared responsibility: 'that would be vulgarized as nepotism in Western contexts' (Sithole, 2005; see also Sithole & Mbele, 2008: 12). Bound together by ties of kinship, marriage and patronage, traditional leaders are said to derive their authority from the earned allegiance of subjects and not from coercive power. It is certainly the case that traditional authorities have endured and have been taken as seriously as they deserved. Hence any *renewed* recognition of the customary is generally in the eye of the beholder rather than the observed.

Pragmatists are concerned with how real and actually existing indigenous institutions can be worked with and accommodated in ways that best serve contemporary imperatives, including democratisation. Sara Berry's study of colonial Asante in Ghana offers a good example of a pragmatic analysis, throwing up a contradictory picture of a system of governance that opened up new spaces for chiefly power and ambition in a context of greater reciprocity and mutual benefit than antagonists might allow (Berry, 2001). Sometimes what masquerades as pragmatism is in fact instrumentalism, for example, when chieftaincy is used to extend the reach of government in ways akin to indirect rule under colonialism (Beall *et al.*, 2005). Indeed, Whitehead and Tsikata have suggested that the '(re)turn to the customary' serves a present-day preoccupation with decentralized models of governance and devolving resource management and service delivery to local communities (Whitehead & Tsikata, 2003). In South Africa much of the scholarship on chieftaincy has struck a pragmatic note, lulled by the assumption that indigenous institutions will be accommodated and contained by the liberal democratic constitution (Beall, 2006; Cousins & Claassens, 2004).

This was certainly the position of the African National Congress (ANC) when it assumed the reins of government although it was not always thus. During much of the anti-apartheid struggle the ANC leadership anticipated that chieftaincy would disappear with apartheid. The view was that an institution based on hereditary and patriarchal principles was antithetical to democratic ideals. Moreover, traditional leaders had been heavily implicated in colonial, segregationist and apartheid rule. As late as 1988 the ANC declared in its constitutional principles that the institution was an anachronism and would be abolished with the advent of democracy (Jacobs, 2000). However, opinion on the role of chieftaincy varied within the ANC and among its allies, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU). While many thought traditional leaders were either fickle or likely to support alternative political parties, such as the ethnically mobilised Inkatha Freedom Party (IFP) in KZN Province, others believed that chiefs commanded considerable support in rural areas and hoped to win them over as a way of the ANC reaching out to rural populations from their predominantly urban-bases. So began negotiations among those in the ANC, COSATU and SACP alliance that were against and in favour of an elite bargain that included traditional leaders.

Those in favour of inclusion pointed to the fact that from the time of its foundation in 1912 the ANC had enjoyed support from many of the chiefs not least because of the way they were affected by the Native Lands Act of 1913.⁵ However, when the ANC failed to win back the land, their involvement with the Congress mostly waned. Nevertheless, the movement has boasted a number of high profile traditional authorities among its leadership over the years. A notable early leader, Chief Albert Luthuli, said in his address on receipt of the Nobel Peace Prize in 1961 that: 'Our history is one of opposition

5 The 1913 Land Act confined the majority of black South Africans to the 'native reserves' that later became apartheid's self-governing 'homelands'.

to domination, of protest and refusal to submit to tyranny ... Great chieftains resisted manfully white intrusion' (Lithuli, 1977). This stance increasingly came to dominate ANC discourse on chieftaincy, particularly as articulated by another well known ANC traditional leader and Nobel Prize winner, Nelson Mandela. By the time of its 50th National Conference in 1997 the ANC adopted a resolution promising traditional leaders a full consultative role in governance alongside an active role in local development matters (*ibid.*). In coming to this accommodation and in looking to establish formal institutional arrangements for traditional authorities, the new ruling party in South Africa drew on different models of governance and experiences from across the continent.

3.0

Indigenous Institutions, Traditional Leaders and Post-Colonial Governance

States are defined by a unique combination of political, economic and social institutions. The form they take, the way they interact, the organisations they produce and the incentives they create, help define the potential for creative political settlements and development. How leaders engage in these is conditioned in part by the existing institutional context but they can also exercise individual agency and promote collective action that influences processes of institutional change. As such leaders are potentially influential in the configuration of existing and new institutional arrangements. These include the formal organisational structures and relationships as well as the informal rules, norms and values that infuse them, and the enforcement characteristics of both. Based on the premise that appropriate institutions are crucial to the success of development efforts (Harriss et al., 1995), this section explores the formal organisational structures incorporating traditional leaders in selected African countries and a review of how these influenced the South Africa at the time of transition and during the early post-apartheid decades. It then considers the malleability of indigenous institutions and how they engaged historically and in the contemporary period in South Africa with other institutional arenas.

3.1 Formal Organisational Structures

In looking at how to incorporate traditional authorities into South Africa's new governance structures, experiences from elsewhere in Africa strongly informed the ANC as it prepared for government. The apartheid homelands or Bantustans had to be dismantled but getting rid of the traditional authorities that had governed them was simply not an option. In the rural areas of former homelands they were often the only form of government. Customary leaders had a vested interest in perpetuating their role in governance and chieftaincy remained important for many people. One possible model to follow was Ghana, the Anglophone African country best known for the resilience of its chiefs. Here traditional authorities constitute a parallel power to the state, claiming to derive their legitimacy from different sources. At national level the 1992 Constitution entrenched earlier practice by creating a National House of Chiefs, although it has no executive or legislative functions and is confined to matters affecting chieftaincy. In terms of local government the postindependence government of Kwame Nkrumah (1957-1966) encouraged centralised authority and the fragmentation of local government units. This was in order to disengage the chiefs from politics and the formal structures of the state. Both approaches were followed in South Africa as demonstrated below.

The official rationale was that although all organs of government had to be fully democratised, the dignity and prestige of traditional authorities could be best maintained by excluding the institution of chieftaincy from the messy compromises of government (Arhin, 1993). As a result at independence the new local and district councils comprised wholly elected members and no seats were reserved for the chiefs. This changed during the 1980s in the context of the decentralisation reforms implemented

by the Provisional National Defence Council under Rawlings. In 1989 District Assemblies (DAs) were introduced and a place was set aside for chiefs within local government structures. Under the 1992 Constitution in addition to the elected members Article 242 provided that there should be other members, comprising not more than 30 per cent of the DA, appointed by the President in consultation with traditional authorities and other interested groups in the district. As demonstrated below, similar policy adaptations ensued in South Africa. Although Ghana's Constitution does not mention chiefs directly this provision has been utilised to nominate them to membership (Kodzo Paaku Kludze, 2000). This constitutional provision strikes a balance between adherence to democratic electoral principles and recognising the customary role of chiefs in local affairs and their cohesive attributes. Yet whenever traditional leaders are seen to compete with the state for sovereignty, the government of the day moved in to limit their power.

Closer to home in Southern Africa, Botswana incorporated traditional authorities into a government system based on the Westminster model. Botswana was never colonised and the chiefs were involved in governance under its protectorate status. After its victory in 1966 the Botswana Democratic Party (BDP) instituted a House of Chiefs as the upper house of the legislature. Under the leadership of Seretse Khama, who became the first president of the Republic of Botswana and who himself was heir to the Bamangwato throne, this was part of an effort to limit the power of traditional authorities and the House of Chiefs was confined to an advisory role (Parsons, 1990). It provided a valuable means by which the government could get expert advice about tribal institutions from the chiefs who had considerable influence in the rural areas and it was hoped that their engagement in the new state structures would convince them to adapt and accept democratic rule (Procter, 1968).

In 1987 the chiefs were placed under the Minister of Local Government, Lands and Housing. This reinforced their power at the local level where they presided over the 12 district Kgotla or traditional assemblies. Their functions include public consultation, disseminating government information and acting as a judicial institution in cases relating to traditional and modern law. The Judiciary in Botswana is independent with two branches and citizens can choose in which branch they wish their cases to be heard. The popularity of indigenous institutions is clear, with almost 70 per cent of cases being brought before the *kgotla*, which is less expensive than the regular state courts, uses the codified customary law and operates in Tswana, the main indigenous language of Botswana. As will become evident, the Botswana model also influenced South African institutional reform.

2

During the civil war in present-day Zimbabwe, Ian Smith's Rhodesian Front strongly believed that the chiefs would help combat the nationalist guerrillas, an assumption based on a long history of collusion with colonial administrations. Some did but not all acquiesced and the Zimbabwean African National Liberation Army (ZANLA) had positive experiences working with indigenous leaders including chiefs and spirit mediums. The latter spoke for the ancestors and provided legitimacy to the institution of chieftaincy. ZANLA convinced the Zimbabwe National Union (ZANU) leadership to recruit traditional leaders who opposed the colonial state and many made an important contribution to Zimbabwe's struggle for independence (Lan, 1985: 208). Consequently in the postcolonial period they could not be overlooked and following ZANU's electoral victory in 1980 the Zimbabwe Constitution reserved ten seats for chiefs in its unicameral parliament. They were elected to this office by members of the council of Chiefs comprising traditional leaders from each province. From the start they came under strong presidential control and as a result chieftaincy in Zimbabwe lost some of the legitimacy it commanded based on its public accountability function (Peel & Ranger, 1983).

In terms of local governance, in 1981 the Customary Law and Primary Courts Act replaced the courts of chiefs and headmen with elected presiding officers. In 1982 the Communal Lands Act gave district

councils authority over land allocation, removing in the process the Tribal Land Authorities' powers. In 1984 elected village and ward committees were instituted although concessions were made to chiefs in relation to courts in the run up to the 1985 elections. By the late 1980s the government had established democratic channels for popular participation, planning and policy that stretched from the village to provincial level. Although seemingly progressive the strategy was deeply influenced by the top down approach to community development that had prevailed in Rhodesia, in which participation really meant compliance (Alexander, 1996). Over the first decade of independence, therefore, there were a number of developments that appeared both to woo and then to undermined the authority of chiefs in authoritarian and contradictory ways, leading them to attack unpopular post-independence interventions using the language of tradition to legitimise their opposition. Although South Africa did not adopt the Zimbabwean institutional model it learned from the experience of its northern neighbour that the loyalty of traditional leaders was not to be trifled with and could not be guaranteed

Mozambique offered yet other lessons. Frelimo had very little contact with large swathes of the rural population in the chaos that characterised the aftermath of the independence war and managed to alienate traditional authorities. Anxious to assert control in the countryside, the ruling party abolished traditional authority and moved rural populations into communal villages, which were constructed out of the hated *aldeamentos* (strategic villages) set up by the Portuguese. This caused grave discontent among the peasantry into which the opposition party, Renamo, was able to tap. This is well illustrated by Christian Geffray's case study of the Erati district of Nampula Province, which shows how villagisation led to large numbers of people having to cohabit who were not used to living together. One lineage that dominated the local Frelimo hierarchy took control of the land, leading to resentment among newcomers and disadvantaged groups such as the Makua. When Renamo came into the area during the civil war it reinstated the traditional leaders and protected those who chose to go back to their scattered hamlets, leading many local people to greet them as liberators, initially at least, although as Renamo's taxes became increasingly onerous support waned (Geffray, 1991 cited in Sumich & Honwana, 2007). This was not the response all over the country. For example, Frelimo's modernising agenda was welcomed in the southern province of Gaza, while in the northern province of Cabo Delgado the effects were contradictory and many people were simply caught up in the political conflict (West, 1997). Ultimately, however, opposition was sufficiently strong that Frelimo had to reintroduce traditional leadership in Mozambique (Buur & Kyed, 2005). Once again, the country's large and dominant southern neighbour looked on and learnt.

3.2 How Indigenous is Traditional Authority in South Africa?

As was the case elsewhere in Africa, traditional authority was not unscathed by the colonial encounter. 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 chieftaincy and govern through the colonial bureaucracy, a system that was attempted in the Eastern Cape. The second was to rely on local indigenous rulers to administer and control the local population in a system of 'indirect rule'. This system adopted in colonial Natal by the Secretary for Native Affairs, Sir Theophilus Shepstone (1845-76) became known as the 'Shepstone System'.⁶ His approach to 'native administration' saw the chiefs become agents of the colonial government and largely dependent on it for resources. Shepstone himself appointed and deposed traditional leaders and hence engagement with colonialism irrevocably changed the nature of chieftaincy in the region.

Following the Union of South Africa in 1910 indirect rule was extended and entrenched across the

⁶ The Shepstone System was not dissimilar to indirect rule practiced by the colonial administrations of Lugard in Northern Nigeria and Cameron in British East Africa.

country and chiefs became increasingly dependent on government for resources and power. The Black Administration Act (No. 38 of 1927) stripped traditional leaders of much of their autonomy and the Governor-General of South Africa prescribed their duties, powers and conditions of service. For their part traditional authorities colluded in the segregationist policies of the South African government under the Union Government and when the Nationalist Government came to power in 1948, introducing almost half a century of apartheid rule, chieftaincy fitted comfortably into its vision of 'separate development'. In 1951 the Bantu Authorities Act was passed, making chiefs the administrative agents of the apartheid state in the 'reserves' beginning a process of strengthening or setting up new separate political institutions for the African population. This was reinforced by the Promotion of Bantu Self-Government Act in 1959, which provided for the establishment of eight (two more were added later) self-governing 'homelands' or Bantustans. Here Africans who were denied South African nationality could exercise citizenship rights within a territorial authority where the ethnically defined administrative system was based on tribal authority. This brief history points to how a number of critical junctures in the political arena and the development of national policy had profound consequences for the institution of chieftaincy in South Africa. It also demonstrates the mutability of indigenous institutions.

3.3 Accommodating Indigenous Institutions in Post-Apartheid South Africa

Vacillation on the part of the ANC over the powers and functions of customary authority systems persisted leading to the observation that: 'Perhaps the most neglected contradiction in South Africa's quest for transformation is the ambiguous status and powers conferred on "traditional" authority systems' (Marais, 2001: 303). The 1996 Constitution while formally recognising chieftaincy left a number of questions unanswered. These have been usefully summarised as follows:

"[H]ow would 'customary law' be defined and by whom? What would be the specific powers of chieftaincy? Which institutions or practices would be abolished because they were not consistent with 'customary law' or consistent with other provisions of the constitution? In addition, Chapter 12 [of the Constitution] did not repeal any of the apartheid legislation concerning chieftaincy..." (Williams, 2009: 194).

Some argue that the Constitution was deliberately vague on powers and functions because of ambivalence within the ANC itself over the future of traditional structures (Levy & Tapscott, 2001; see also Sithole, 2008). In fact, Section 211(1) of the Constitution is clear. It recognises the 'status and role of traditional leadership, according to customary law, subject to the Constitution', while Section 211(2) confines them to the realm of custom, seeing them as dealing with 'matters relating to traditional leadership, the role of traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law'.⁷ How these general principles would translate into policy was far from clear. An advisory role was assumed and to the extent that a more engaged role for traditional leaders was defined at all it was in relation to local government, as is the case in many other parts of Africa.

Traditional leaders themselves had other ideas, although opinion amongst them was not uniform. Those who saw themselves as progressive or modernising chiefs became part of the Congress of Traditional Leaders of South Africa (Contralesa), which was formed in September 1987 and affiliated to the United Democratic Front (UDF), the umbrella organisation of the mass democratic movement inside the country.⁸ When a couple of years later the ANC and other political organisations were

⁷ See the Constitution of the Republic of South Africa, which was approved by the Constitutional Court on 4th December 1996 and took effect on 4th February 1997.

⁸ The Congress movement, reflecting the challenges of political organisation under apartheid, comprised not only the ANC but also Congress organisations representing other racial groups, such as the Natal Indian Congress and the Congress of Democrats for

unbanned and exiles were allowed back into the country, Contralesa declared itself allied to the ANC and prepared to work with it to recruit members in the rural areas. However, other traditional authorities, particularly those who had benefited from the Bantustan system, were reluctant to give up their regional power bases and were suspicious of the intentions of the ANC. This was especially the case in the former Ciskei and Bophuthatswana, which had been declared 'independent' under apartheid, as well as the self-governing homeland of KwaZulu under its maverick leader Chief Mangosuthu Gatsha Buthelezi. As a result of these countervailing forces, Contralesa failed to become an encompassing organisation and the more truculent chiefs pursued their interests through other organisational structures, within and outside of government, most notably the National House of Traditional Leaders, set up to represent traditional authorities at national level, while a Provincial House of Traditional Leaders was established in each of the six out of nine provinces where traditional authorities preside.⁹ Through these institutions efforts to confine customary authorities to an advisory role or to matters of customary law and practice have been constantly contested. Traditional leaders: 'have waged concerted campaigns and lobbied government . . . to ensure a place in the emerging South African democracy' (Ntsebeza, 2006: 289). Even Contralesa threatened to dissuade its people from participating in the 1995 local government elections if they were not taken more seriously.

Local level reform was relatively neglected during the negotiated settlement and when it was addressed it became a fiercely contested terrain and the site on which the last remnants of existing privilege were most robustly defended (Robinson, 1996: 211). Among the contenders seeking to protect the *status quo* were traditional leaders who had already been disappointed about the limits to their power nationally and were alert to any efforts to curtail their authority at the local level. Along similar lines to Ghana the ANC tried to dissuade them from participating in party politics by promising them a prominent role in developmental local government. The White Paper on Local Government issued by the Ministry for Provincial Affairs and Constitutional Development in March 1998 stated that on issues such as development, 'a cooperative relationship will have to be developed' and offered an image of traditional leaders as benign overseers of local disputes, adjudicators of custom and facilitators on matters of delivery. Yet both the White Paper and the Municipal Structures Act (Act No. 117 of 1998) continued to deny the chiefs any privileged role in decision-making.¹⁰ Traditional leaders vociferously held out for more and just before the 1999 general election their stipends and allowances were raised in an effort to pacify them, effectively doubling the salary bill for traditional leaders across the country (Goodenough, 2002: 20).

Ahead of the 2004 elections efforts to mollify traditional leaders went even further with the passing of the Traditional Leadership and Governance Framework Act (TLGFA) in 2003. This endorsed the operation of traditional councils alongside other local government structures. Section Three of the Act states that 'traditional communities' must establish these councils, which in turn should comprise 'traditional leaders and members of the traditional community selected by the principal traditional leader concerned in terms of custom'. Where old tribal authorities existed, established in terms of the Bantu Authorities Act of 1951, they were simply converted into traditional councils. The Act significantly entrenched the authority of traditional leaders and constituted a real victory for them, particularly when viewed alongside the Communal Land Rights Act (CLRA) of 2005, which provided for the transfer of ownership of communal land in the former homelands from the state to communities resident there. The CLRA accords a central role to 'traditional councils' in the allocation of this land,

whites. It adhered to the Freedom Charter which was adopted following extensive national level consultation, at the Congress of the People in 1955. The UDF, which was formed as an umbrella organisation in the mid-1980s also espoused Congress principles and acted as the legal internal arm of the ANC during the transitional period.

9 KwaZulu-Natal, Eastern Cape, Free State, Mpumalanga, North West Province and Limpopo.

10 The Municipal Structures Act (Act No. 117 of 1998) served to entrench the focus on the role of traditional authorities in local development, but still firmly under the authority of municipal councils.

which assuaged the anxieties of traditional leaders about losing control over this key source of power and influence, although it raised anxieties among those who saw it as deeply retrogressive and a problematic obstacle to the advancement of property rights.

Hence the South African state has made consistent and significant concessions to traditional authorities over its first decade in power. The then Minister of Provincial and Local Government, Sydney Mufamadi wrote in the foreword to the Draft White Paper on Traditional Leadership and Governance in 2002 that:

It is the Department's considered view that the institution has a place in our democracy, and has a potential to transform and contribute enormously towards the restoration of the moral fibre of our society 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. This will only be possible if measures are taken to ensure that people in rural areas shape the character and form of the institution of traditional leadership at a local level, inform how it operates and hold it accountable (Department of Provincial and Local Government, 2000: 4).

This accommodation might seem to reinforce Mamdani's argument that the system of indirect rule has been left largely intact in the post-apartheid period. However, there are four important caveats to this claim. First, as implied in Mufamadi's foreword, the Constitution trumps other legislation and so the rights enshrined in it remain protected in constitutional law at least.

Second, the TLGFA provides for incremental change. For example, Section Two of the Act states that a traditional council should comprise forty per cent democratically elected members of the traditional community, defined as any community which 'is subject to a system of traditional leadership in terms of that community's customs', and that 'at least a third of the members of the council must be women'.¹¹ Gender scholars and feminists have been dismissive of the changes, arguing that female relatives of traditional leaders are put in place to fulfil the quota requirements on traditional councils and that nothing much has changed on the ground (Beall, 2005; Bentley, 2004; Mbatha, 2003). These critiques have validity and women's access to and control over land will not be guaranteed until formal property rights replace practices that lend themselves to patronage, clientelism and gender discrimination, yet although substantive reform remains a long way off, in some parts of the country effective leadership has increased the room for manoeuvre created by incremental legislation.

A third limitation of Mamdani's argument is that it ignores those aspects of institutional change that go beyond policy, legislation and formal organisational structures and that involve instead, gradual cognitive shifts, iterative processes of social interaction and the slow embedding of changing norms, values and practices (Douglas, 1986). Configured by past circumstances and social conflict, these more informal institutions are characteristically inert and never in full accord with the requirements of the present and so there is inevitably a lag. However, institutional change can be hastened by astute leaders taking advantage of historical conjuncture to fast track elite bargains and developmental coalition, as happened in Greater Durban. Lastly Mamdani treats traditional leaders as an undifferentiated group, which is wrong. While some leaders conformed quite exactly to his expectations, others did not, becoming part not of a bifurcated state but rather a political settlement that was the product of elite bargains and that gave rise to inclusive developmental coalitions.

¹¹ The Traditional Leadership and Governance Framework Act of 2003.

4.0

Violent Conflict and Political Settlement in KZN

After South Africa's industrial heartland in Gauteng, the Province of KwaZulu-Natal, KZN is the second most densely populated province in South Africa. It has the country's biggest and most homogenous population of any single province in South Africa, comprising around nine million people or 21 per cent of the national population, almost 85 per cent of which is African, of which about 80 per cent is Zulu. Mobilised along ethnic lines by the Inkatha Freedom Party (IFP) KZN posed a potent political threat during the transitional period and at times during negotiated settlement it was feared that the region would pursue a separatist agenda, going against the ANC's preference for centralised government. While the ANC position ultimately prevailed it was not without a political battle in the troubled province of KZN that was characterised by severe violence that reached civil war proportions.

Traditional leaders in KZN were deeply embroiled in the political violence that swept through the region during the 1980s and 1990s. Being more numerous and having greater salience than in many other parts of the country they held a large degree of authority, particularly in rural areas.¹² This section describes the destructive effect of political violence, the agile political manoeuvres that broke the IFP's exclusive hold on the chiefs or *amakhosi*, and the critical junctures that were used to ensure a stable transition in the region and nationally.

4.1 Political Violence and the Struggle for KZN

The politics of tradition in KZN were firmly mediated by the Chief (*Inkosi*) Mangosuthu Gatsha Buthelezi who in addition to having been premier of the KwaZulu Legislative Assembly and the leader of Inkatha, is himself a traditional leader (Marks, 1986). He claims royal lineage through his maternal great-grandfather who was King Cetshwayo kaMpande. On his father's side he asserts that his paternal great-grandfather served the same king in the role of prime minister and was a commander-in-chief of the Zulu army (Maré & Hamilton, 1987: 15). As premier of the KwaZulu homeland he cleverly combined the resources of administrative office with his power base in the IFP, employing a strategy of 'loyal resistance' that involved pragmatic accommodation with the apartheid state institutions from within KwaZulu, dubbed by Buthelezi a 'liberated zone' (*Ibid.*: 195). Inkatha began as a cultural movement but was subsequently built up by Buthelezi to the status of a political party, which for a while challenged the supremacy of the ANC in national resistance politics, at regional level at least. In this Buthelezi owed much of his success to his support base among KZN's chiefs or *amakhosi* and their headmen or *izinduna* who bought into and gave credence to his use of Zulu ethnic identity for political purposes (Maré, 1992).

¹² In KwaZulu-Natal *amakhosi* comprise a king, 277 chiefs, 8 deputy chiefs, 10 000 headmen who together have jurisdiction over 23 regional authorities and four community authorities.

Up until the late 1970s relations between Buthelezi and the ANC had been good, with the ANC-in-exile hoping that he would play a key role in delivering the large isiZulu-speaking rural constituency into an ANC-led national liberation movement. However, they fell out and this triggered decades of animosity and political competition that culminated in a decade of violence that began in the mid-1980s in the townships of Durban where ANC support was strongest and spread up the peri-urban corridor to Pietermaritzburg, now Msunduzi. Here the battle for political support between the ANC and IFP was most ferociously fought with the violence spreading from urban and peri-urban settlements to deep rural areas across Natal and KwaZulu, leaving few places untouched (Freund, 1996). During the 1985-1990 state of emergency government repression increased with both the police and army deployed in the townships. While there was evident culpability on all sides, the IFP benefited from collusion and support from the apartheid state and the so-called 'Inkathagate' scandal of July 1991 revealed that the shadier elements of the apartheid regime and its security forces were funding the IFP (Freund, 1996; Kentridge, 1990).

Amakhosi and their *izinduna* called on people under their jurisdiction in the traditional authority areas and in the migrant workers' hostels in Durban to take up the fight against ANC supporters, exacting 'their traditional rights from farmers and homesteaders in the form of military duty', which though not a legal obligation, was 'a difficult summons to resist nonetheless' (Kentridge, 1990: 52). In the process 20,000 lives were lost across the province, while conservative estimate, calculated from the number of houses known to have been destroyed between 1987 and 1989, suggested that at least a further 100,000 people must have been displaced from their homes during that period alone (Jeffrey, 1997). A more recent estimate is that between 200,000 and 500,000 refugees fled political conflict in KZN in the period from 1984 to 1994 (Mariño, 1994). To put this in perspective, more people died in KZN in a decade of conflict than in 20 years of fighting in Northern Ireland (Taylor, 2002). Understanding the legacy of these events is important in explaining why the threat of resumed violence continues to haunt KZN, particularly at election times, and why the fear of a resumption of hostilities in the province sometimes spills over into anti-politics sentiment.

4.2 The Role of Central Leadership in Breaking and Building Coalitions in KZN

That a peace was forged in KZN was predicated on the ground level work undertaken by brave and imaginative leaders, of which more in the following section. However, important too was the decisive action during the negotiating process taken by national leaders who were to make up the government of national unity. One clever political manoeuvre was to break the alliance between Buthelezi and the Zulu King, Goodwill Zwelithini. During the transitional period they stood steadfastly together, supported by *amakhosi*, despite the fact that at various times in the past they had clashed and Buthelezi had sought to eclipse the power of the monarch.

Nevertheless, on 25th April 1994 at the instigation of Nelson Mandela and the ANC, one of the last official duties carried out by ex-president F.W. de Klerk on the eve of the historic elections was to sign into law the Ingonyama Trust Act. This effectively put all communal land that had fallen under the KwaZulu Legislature into a trust under the stewardship of the king. Goodwill Zwelithini became the sole trustee of some 2.8 million hectares of former 'tribal land' in KZN province, which could only be accessed, allocated or alienated by *amakhosi* and *isinduna* with his blessing. This master stroke bought the king's loyalty and created a schism between Buthelezi and himself, while at the same time rupturing Inkatha's claims to being the only representative of the indigenous institutions of KwaZulu.

The simmering tensions between Buthelezi and Zwelithini bubbled over in 1994, the year of the first democratic elections. Zwelithini invited the ANC leader and new state president, Nelson Mandela, to

attend the 1994 uShaka Day festivities in Stanger.¹³

“Buthelezi, alarmed at this sign of rapprochement between the two protagonists on whose suppose 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” (Hamilton, 1998: 2).

Hoping to defuse things Mandela decided not to attend the ceremony and Zwelithini cancelled all events. However, Buthelezi bullishly went ahead with his own uShaka day celebrations but knowing that the ANC and its negotiating partners were prepared to compete with him for the political support of traditional leaders.

In the event, while the ANC was able to celebrate an unequivocal victory at national level it lost KZN to the IFP, which asserted itself at the helm of the new KwaZulu-Natal Provincial Legislature. In doing so it sought to appeal to the interests of traditional leaders, for example by claiming that KwaZulu Legislature’s *Amakhosi* and *Iziphakanyisa* Act (Act No. 9 of 1990) and its various amendments had been more permissive than the new national legislation in respect of traditional authorities.¹⁴ In the same vein the KZN Legislature also proposed a Provincial Constitution that increased the power of *amakhosi* while curtailing the power of the king, now aligned to the ANC. This move was ultimately disallowed by the Constitutional Court, pointing to the importance not only of a strong national leadership but also of robust overarching instruments such as the Constitution. These are particularly important in contexts of institutional multiplicity and political flux.

The ANC was only to win KZN Province in the 2004 elections.¹⁵ Here again they benefited from the broader efforts by central government to win over traditional leaders in South Africa, detailed above. Accommodation of their demands generally occurred ahead of elections. For example, veteran journalist Alistair Sparks said of the legislative process ahead of the 2004 elections that led to the TLGFA and the CLRA: ‘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’ (Natal Witness, 2004).

In the 2009 elections the ANC won overwhelming support in KZN. There was once again a hike in the stipends and attendance allowances of traditional leaders at the rate of 11 per cent, with the salaries of South Africa’s royal families and senior traditional leaders costing the taxpayer around R140 million per annum, excluding sessional allowances and perks. The 11 kings, including Zwelithini, saw their earnings rise from R600,000 to R800,000 a year, while Buthelezi receives R853,000 a year as leader of a minority party, R144,000 a year as a senior traditional leader, and a daily allowance as part-time Chair of the KZN Provincial House of Traditional Leaders when it is sitting of R1000 per day in addition to being afforded a car (Pressly, 2008). Equally important, however, were changes in political leadership within the ANC itself and a shift in government priorities.

Former President Thabo Mbeki did appeal to indigenous authorities, describing the ANC as ‘an organisation established by the kings of the country, the Bafokeng, the Swazi and others’ and asking on this basis, ‘how can we become enemies of traditional leaders?’ (Mbeki, 2003, cited in Williams, 2009). Yet in this regard he was thoroughly eclipsed by his successor. Mbeki’s fall from grace and Jacob Zuma’s election to the presidency of the ANC at its 52nd National Congress at Polokwane on the 16th

¹³ uShaka was the first Zulu king and Stanger was the site of his capital.

¹⁴ There were subsequent amendments: KwaZulu Amakhosi and Iziphakanyiswa Amendment Act, No. 9 of 1991; KwaZulu Amakhosi and Iziphakanyiswa Amendment Act, No. 3 of 1992; KwaZulu Amakhosi and Iziphakanyiswa Amendment Act, No. 7 of 1993; and KwaZulu Amakhosi and Iziphakanyiswa Amendment Act, No. 19 of 1993 (Goodenough, 2002: 30).

¹⁵ In the 1999 elections, neither the IFP nor the ANC won a clear majority in KZN and a coalition government was formed on the back of a shaky truce. In 2004 the ANC won a narrow majority, with 46.98 per cent of the vote over the IFP’s 36.82 per cent, and was able to govern in alliance with smaller parties.

December 2007 signalled that while Mbeki's political agenda might have struck a nerve among South Africa's growing black economic elite, including some senior traditional authorities, it had had little resonance with ordinary people. By contrast Zuma, who became national president in April 2009, embraced power not only as an ANC stalwart but as a champion of the poor and a traditionalist. Claiming to represent the interests of people whose mothers, like his own, were domestic workers, he is an unapologetic polygamist who takes as much pride in his humble origins as a herd boy in rural KZN as in the valuable herd of indigenous Nguni cattle he now owns (Gordin, 2008).

The ANC's 2009 electoral victory in KZN was undoubtedly assisted by the fact that Zuma is isiZulu-speaking and, like Buthelezi, he appreciated the mobilising power of ethnic symbolism, indigenous rituals and customary authority. He also recognised that popular support for traditional authorities was likely to be greater when ordinary people were neglected by other spheres of governance. Indeed, the political defeat of Thabo Mbeki the moderniser by Jacob Zuma the traditionalist might have less to do with tradition per se and more with how indigenous institutions, for better or worse, substituted for the failure of the ANC under Mbeki's watch to pay sufficient heed to the country's perpetually disadvantaged. To some degree Zuma learned from Inkatha's appeal but a major difference between Zuma and Buthelezi was that Zuma was supported by both regional and national coalitions. This allowed him not only to defeat Mbeki's ANC nationally but to ensure that the ANC trounced the IFP in KZN.

In addition to coalitions that reached from the local to the national, unlike Buthelezi, Zuma's ANC understood the importance of generational politics. Buthelezi has found it difficult to relinquish control and the IFP's lack of succession planning has led to the Inkatha youth yapping at his heels (Business Day, 2009). Zuma, by contrast, has embraced the younger generation. Julius Malema, President of the ANC Youth League may be outrageous and 'mouthy' but is likely to be better managed inside the tent. So while Buthelezi and the IFP have persisted with narrow agendas and exclusive coalitions, the ANC has prevailed through a more inclusive and encompassing approach. This inclusiveness extends beyond its engagement in KwaZulu-Natal or with the 'traditional' sector but also characterises the ANC's engagement with white business, capital and other powerful interests from the *ancien regime*.

Contrasting the trajectories of Buthelezi, Mbeki and Zuma is revealing in other ways as well. Buthelezi is the ultimate home-grown politician who knew and fed off his local constituency, for a time with the support of the apartheid state. To his ultimate cost he failed to retain his links with the broader national liberation movement so that Inkatha ended up as a purely regional party that was ultimately out on a limb. Mbeki enjoyed the support of a wide waterfront of people in the alliance as well as 'right minded' groups and governments in the international community that opposed apartheid and upholding human rights. However, he was never able to cultivate a natural local constituency. Years in exile combined with a scholarly disposition meant that in South Africa he was perceived as aloof and disconnected and he ultimately isolated himself ever further from critique (Gevisser, 2007). Zuma by contrast has been able to combine a personal history in exile with perceptive engagement with a varied range of local constituencies.

In KZN Zuma was also astute in recognising that there was little appetite for further political violence and played an important role in brokering the peace in the Province during the 1980s and 1990s, a role he has continued to play up until the present. Political violence flared up again in the run up to the 2009 elections, including the murder of an ANC *inkosi* Mbongeleni Zondi in KZN, leading Zuma to initiate a meeting with Buthelezi to head off an escalation of hostilities. After what was described as a 'frank but cordial and friendly meeting' Zuma and Buthelezi issued a joint declaration condemning political intolerance, affirming the right of all parties to campaign without hindrance and calling on their supporters to 'exercise restraint and tolerance throughout the election period and beyond' (Harper,

2009). In these and other responses Zuma's ANC has demonstrated the value of listening to the local branches of the ANC and the rank and file of the tripartite alliance. It is to the local level that the paper now turns with the aim of demonstrating similar patterns in achieving political settlements and development coalitions in the metropolitan region of Greater Durban.

5.0

Leaders, Elite Settlements and Developmental Coalitions in Greater Durban

Local government reform got off to a relatively late start compared to other spheres of government but once underway involved a process of reconstruction that sought to create unified municipalities out of the old apartheid structures that were institutionally coherent and able to address a mandate of comprehensive service delivery. This was not simple and in KZN protracted negotiations with the IFP meant that the Province did not vote in the first round of local government elections in 1995, only going to the polls the following year. Resistance continued, in particular to the Municipal Demarcation Board that was set up by the Municipal Demarcation Act (No. 27 of 1998) and tasked with redrawing municipal boundaries across the country.¹⁶

The intention was in part redistributive with the new boundaries binding together former white and black areas and their associated fiscal capacities but there was also an element of gerrymandering that ruffled IFP feathers. *Amakhosi* were particularly hostile to demarcation, including in Greater Durban, because some of the new metropolitan boundaries cut right across former tribal authority areas. This they saw as disrespectful and a threat to the future of the institution of *ubukhosi*, or chieftaincy, and were worried it would curtail the authority of *amakhosi* in local governance (Mkhize *et al.*, 2001). Nevertheless, following the 2000 elections the newly formed eThekweni Municipal Authority (hereafter the Metro or EMA) united the seven former local councils responsible for administering the old Durban metropolitan area and incorporated 16 former traditional authority areas (Stats South Africa, 2001). Today the Metro has a population of over three million people, almost a third of the total provincial population of nearly ten million. At the stroke of a pen one of the largest metropolitan authorities in the country came to include vast peri-urban areas in which 60,000 households still lived in traditional rural style dwellings and only 35 per cent of people lived in areas that could be described as characteristically urban (South African Cities Network, 2004).

Throughout the battle for control of KZN Province, the city of Durban remained dominated by the ANC. Building on this strong political foundation the post-apartheid metropolitan government used its emerging interaction with traditional authorities to demonstrate the benefits of being aligned to the ANC rather than the IFP. The development and governance challenges were immense and required concerted effort on the part of the city's multifaceted leadership. This section analyses the political settlements reached with traditional authorities and why the efforts of some leaders were more successful than others in forging inclusive developmental coalitions on Durban's peri-urban fringe.

¹⁶ It reduced the number of municipalities from 843 to 284.

TRADITIONAL AUTHORITIES
WITHIN THE ETHEKWINI MUNICIPALITY AREA

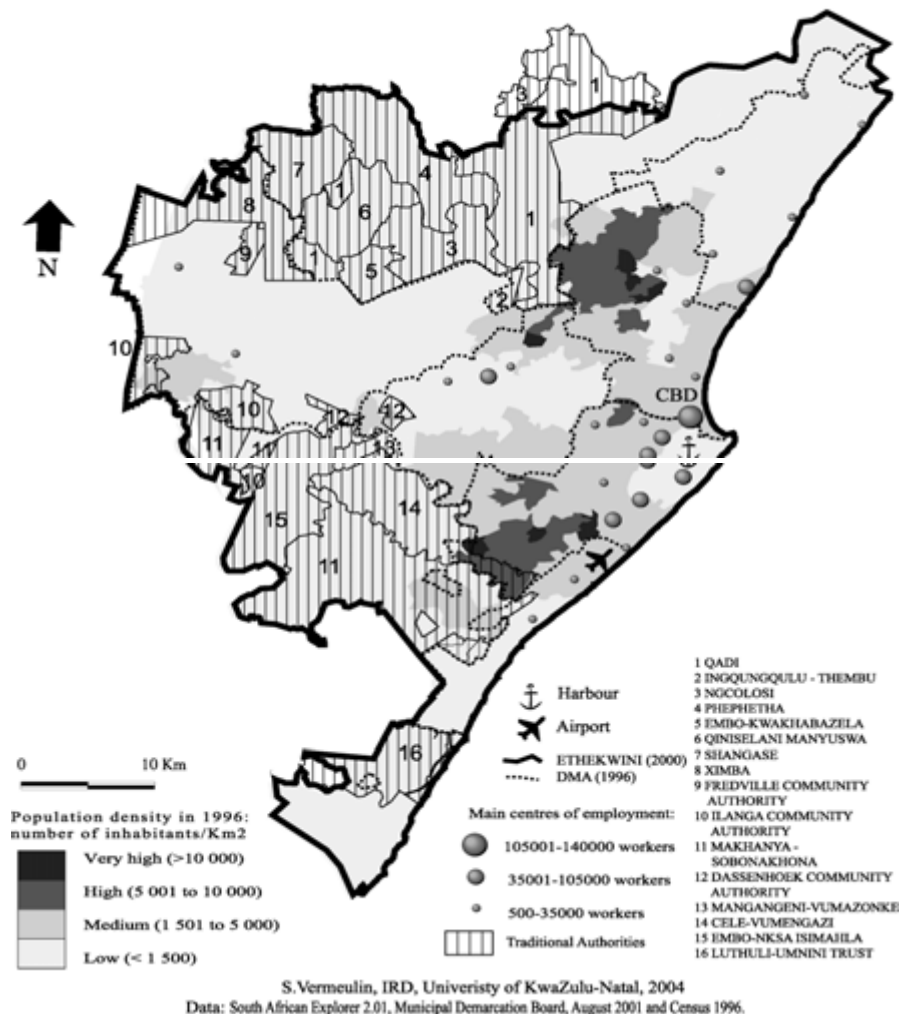


Plate I: Map of TAs within EMA¹⁷

Source: Map eThekweni Municipal Authority

5.1 Inclusive Settlements and Development Coalitions in eThekweni

Any examination of political settlements undertaken by eThekweni Metro in greater Durban has to assess the pre-2000 and post-2000 periods differently. The year 2000 was when the new local government arrangements came into effect and the EMA was formed. Before then (1996-2000) there had been interim arrangements in the context of a political climate when the IFP had considerable electoral power and were allied with the majority of *amakhozi* in greater Durban, which meant they had sway in trying to regulate what should and should not happen in terms of local governance reform. After 2000 the ANC began to achieve greater electoral power at the provincial level and the influence of the municipality was growing. As such the IFP was consigned the status of a much smaller party and had to negotiate more than it had in the past.

Important in negotiating eThekweni Metro's political settlement was Obed Mlaba, Durban's mayor

since 1996 and mayor of eThekweni Metro following the 2000 local government elections that ushered in the new local government dispensation. Mlaba is the son of a migrant worker who resided in an all male workers' hostel in Durban. He was politicised by the experience of visiting his father at this hostel, together with his observation of battles between the Government and the independent-minded Roman Catholic teachers who ran the Inchanga Combined School he attended. He retains a firm belief in the value of education, recalling Reverend Mavundla, one of his teachers as saying 'the country shall be free one day and shall need you guys' (EMA, 2006). His father was keen on education and Obed received a Bachelor of Social Science in Social Work from the University of Zululand, which prepared him for a career both as a professional community development worker and as a civic activist. Later, after attaining an MBA degree from the United Kingdom he started working in business, first for the large KwaZulu-Natal sugar corporation, Hulett's, then for South African Breweries and later the national electricity parastatal, Eskom.

Mlaba was supported in his efforts to reach out to traditional authorities by Durban's City Manager, Mike Sutcliffe. Formerly an academic planner at one of Durban's universities and an ANC loyalist with struggle credentials earned during the anti-apartheid era, Sutcliffe along with Mlaba has been criticised, and not without some foundation, for becoming too cosy with commerce and industry at the expense of less well off citizens.¹⁸ Sutcliffe also chaired the controversial Demarcation Board, responsible for realigning municipal boundaries across the country and for incorporating traditional authority areas. It was in this role that he earned the particular opprobrium of many traditional leaders in eThekweni. Formerly they were part of the KZN Bantustan and had fallen within Ilembe Regional Council over which they had significant control. They resented being within the jurisdiction of eThekweni Metro and under the leadership of an executive that included the man responsible for demarcation. This association, reinforced by the bitter legacy of a consultation process over boundaries so volatile that sometimes meetings with traditional leaders could only take place under the protection of the army, meant that Sutcliffe could have been a dubious ally. However, in addition to being loyal to the ANC he was also a canny operator and played a critical role in making the resources available and putting the institutional mechanisms in place to create a place for traditional authorities in metropolitan governance and organisational structures (Beall *et al.*, 2005; Beall, 2006).

Their approach initially aimed for a loose governance arrangement built on the ANC's terms and on the assumption that there was no great rush to try and formalise arrangements, given that the majority of *amakhosi* showed strong opposition to the ANC prior to 2000. The ANC then wanted to demonstrate that while traditional authorities were free to do what they wished in their own areas, if they cooperated with the city there would be an open door to development. However, Sutcliffe and Mlaba needed to develop networks and mechanisms to engage *amakhosi* and *izinduna* now falling within the Metro's borders. Here Mlaba was able to call on his brother, *Inkosi* Zibuse Mlaba who was the regent chief of the AmaXimba people at the time. Their grandfather, Manzolwandle Mlaba had played a critical role in the establishment of the area now known as KwaXimba.¹⁹ When he died in 1975 his sons were still young and so a senior *induna* acted as regent until his eldest son, Msinga Mlaba, could take over in 1984. Not long afterwards in 1988, *Inkosi* Msinga Mlaba was killed in a politically motivated massacre. As an ANC supporter he had refused incorporation into the KwaZulu homeland, while for their part the IFP accused him of not being 'a real Zulu' given his Sotho roots. As a result the KwaXimba area did not benefit from any development during the apartheid era. Today *Inkosi* Msinga Mlaba is affectionately remembered for the spirit of self-reliance he inculcated in his people and his belief in education. In 1988 Msinga Mlaba's younger brother Zibuse Mlaba took over as regent leader of the amaXimba and

¹⁸ Among their critics are StreetNet, which represents informal traders and the shack dwellers' organization, Abahlali.

¹⁹ Originally from Lesotho – the AmaXimba are said to have accompanied Shaka following his military campaign against Moshoeshoe and the Lesotho Kingdom – they heralded from near Ulundi in Northern Zululand but migrated South during the political upheaval under Dingane. They were further dispersed in their encounter with British colonists, eventually settling in the area they currently inhabit to the west of Durban.

held this role until July 2008 when his nephew and the present chief, Simingaye Mlaba, was old enough to assume the mantle as *inkosi*.

Inkosi Zibuse Mlaba like others in his family was allied to the ANC yet cognisant and respectful of tradition:

“Like other young Chiefs, Zibuse had been to the Bhekuzulu College for the Sons of Chiefs and Headmen that groomed them to operate as instruments of the apartheid system and had an anti-ANC agenda. But the ANC infiltrated the school with two teachers, who, undercover, gave the students a more realistic picture of SA politics, and when the student uprising against apartheid-education broke out in 1976, the school was almost closed as students rioted and identified with the struggles of black SA youth. Zibuse and many others could not complete their schooling and were forced to flee, fearing arrest. Already enlightened by his family history, this sad and angry experience propelled him into an underground political career that lasted years” (Ntshangase, 2003: 3).

Ultimately *Inkosi* Zibuse Mlaba openly declared his support for the ANC and, following Mandela’s release in 1990, returned to KwaXimba. It took him time to win people over and he was often controversial but the more the IFP railed against him so his support grew (*ibid.*). In KwaXimba itself he had successfully used development activities as a vehicle for negotiating a dialogue between the youth and the elders, a process which also helped bring peace to the area. This in turn honed his conflict resolution skills and prepared him well for a broader role as peacemaker and broker between *amakhosi* and eThekweni Metro during the post-apartheid era.

Inkosi Zibuse Mlaba’s role and approach is well illustrated by the description of a meeting with *Inkosi* Bhekisisa Bhengu of KwaNgqolosi, another of the traditional authority areas incorporated into eThekweni following demarcation and abutting KwaXimba. He was an IFP supporter and in 2000 undertook a course in local government, demonstrating a level of commitment that attracted Mlaba’s attention. Bhengu describes their first meeting as follows:

“I had worked in the past for six years in Ulundi.²⁰ When all this was happening [demarcation and local government reform] I looked into the idea of contacting other *amakhosi* to discuss our dissatisfaction and a way forward about the manner things were being handled. While I was contemplating this *Inkosi* Zibuse Mlaba who was at the time avowedly ANC and a member of the provincial parliament, and was regent in KwaXimba, contacted me. He suggested a meeting and said he would come to my tribal court at KwaNgqolosi for a meeting. I was not sure if his coming to my office – given that I had worked in Ulundi for some years – was a good idea at all but he did not seem to be bothered by these concerns. We had the meeting. We realised while we came from different political spectrums there was a lot that we agreed with. We decided to contact other *amakhosi*, including *Inkosi* Luthuli of Umbumbulu.²¹ There were still tensions and I had to deal with some sceptical people in Ulundi and IFP chiefs in the provincial parliament. This was 2001, 2002, 2003” (Bhengu, 2008).

The significance of Zibuse Mlaba paying court to Bhengu cannot be under-estimated as it signalled that shared custom trumped political differences and denoted a level of deference and respect to the older *Inkosi* on the part of a younger regent. This began a process in which Bhengu was coaxed into an inclusive developmental coalition in which he played a growing leadership role, fully supported by shifts in metropolitan government in eThekweni.

20 Ulundi was the capital of the former KwaZulu homeland government and remains very much associated with IFP politics. It was one of the places that experienced political violence during the run up to the 2009 elections.

21 *Inkosi* Luthuli is one of the *amakhosi* located in Greater Durban who remains avowedly IFP and has stayed outside of Metro development processes.

After their initial demonstration of power following the 2000 elections, the ANC-led Metro also began to move towards a more reconciliatory approach, having more regular interaction with *amakhosi* and beginning to discuss the nuts and bolts of engagement. This followed the post-2000 integrated development planning (IDP) process when a hundred community level meetings were held across eThekweni, involving *amakhosi* alongside ward councillors, elected representatives and members of the community. It was tense as a consultant academic who had been a municipal official at the time described:

“[There were] lots of postponed meetings because there hadn't been permission to hold them; this or that hadn't been approved. Ward councillors were rushing back and forth between the traditional authorities and bureaucrats to negotiate the space for engagement. There wasn't widespread violence but there were definitely areas where people felt threatened by the tensions. But the ANC took a view that they were not going to be subject to this continued non-cooperation of the chiefs anymore” (Dobson, 2008).

In this the ANC was assisted by its growing power in the province. Prior to 2000 the *amakhosi* had a route by which they could by-pass the Metro and could get what they wanted from the IFP dominated Provincial government. After 2000 they were almost entirely dependent on the Metro apart from social development spending which came under an IFP Member of the Executive Committee of the Provincial government. In addition, the city followed national trends and eThekweni made way for greater formal participation by *amakhosi* in metropolitan governance, as signalled in one of Mike Sutcliffe's newsletters:

“17 March 2003 will go down in history as a day of significance for developing broad-based institutions of governance in eThekweni and South Africa. In the eThekweni Council meeting of that date, Council agreed that those traditional leaders with jurisdiction within the boundaries of eThekweni should be invited to participate in municipal affairs ... [T]hat decision of Council will go a long way to restoring our sense of who we are and where we have come from” (eThekweni Metro, 2003).

This declaration was followed up with the Metro providing modest resources and support, as well as *amakhosi* receiving 20 per cent representation and voting rights on the eThekweni Metro Council. At the time that the new legislation went through around the 2004 elections and that traditional councils were established in rural areas, eThekweni became the first and only metropolitan authority to establish a separate chamber for *amakhosi*. Strategically *Inkosi* Bhengu was asked to lead this and is now centrally involved in the creation of a Local House of Traditional Leaders.

In 2003 a Section 21 company called *Isengwakazi*²² was also established and began trading as the *Amakhosi* Support Office (ASO). The ASO operated out of an office provided by eThekweni Metro and received equipment and human resource support from the Valley Trust, a local non-governmental organization (NGO) that had worked in the traditional authority areas to the west of Durban over many decades remaining politically non-aligned and securing trust on both sides. One of their staff members, Victor Mkhize, now runs the office and organizes workshops in association with the Valley Trust. The Valley Trust has organized various programmes for *amakhosi*, run by people involved in adult education. These have included leadership training, local government, and development and advocacy workshops in support of cooperation with municipal councillors (Mazibuko, 2008). This in turn fed into eThekweni Metro's consultation process in relation to the IDPs, which feed into and inform metropolitan planning. Although initially seen as an additional encumbrance in the consultation process, resistance waned and as one Metro official involved in development put it: “It makes a lot of sense... as hereditary leaders usually stay in office much longer than elected councilors” (van de Heever, 2008). In this arena too, KwaXimba played an important role in terms of demonstration effect, as *Inkosi* Zibuse Mlaba and

²² *Isengwakazi* is an isiZulu word meaning 'a cow with lots of milk'.

the ANC councillor, Simon Ngubane, cooperated closely together, co-hosting community meetings and events and taking joint responsibility and credit for development interventions. For example, the sports centre built in KwaXimba and named after the late Inkosi Msinga Mlaba was built on customary land provided by the *inkosi* and *induna*, with Ngubane playing a major role in its functioning (Ntuli, 2008).

The effect of this cooperation within KwaXimba and the willingness of its leaders in the area to create bridges to the city (and vice versa) have been starkly visible, as described by a former Metro official:

“Certainly they [traditional authorities] have seen their power waning in real terms under the ANC but they have also seen delivery picking up. It is so marked. If you go to the border of KwaXimba and Umbumbulu and on the one side of the river are these VIPs²³, roads, etcetera and on the other side, no electricity, hardly any water; and people use that to mobilise” (Dobson, 2008).

KwaXimba has benefited not only from development funded by the Municipal Infrastructure Grant (MIG) and channelled through the Metro, but also from eThekweni’s rural Area Based Management (ABM) programme funded in part by the government and in part by the European Union (EU). Moreover, the KwaXimba Development Trust is a co-beneficiary of a number of commercial projects, such as the Engen service station located near KwaXimba on the N3 highway to Durban. *Inkosi* Zibuse Mlaba has actively courted a wide range of stakeholders. He is a well known figure and regularly participates in the locally well-known Duzi Canoe Marathon – the Duzi River passes through KwaXimba – and gets sponsorship and benefits for his community through such activities.

In mid-2008 Zibuse Mlaba handed over to his nephew Inkosi Simingaye Mlaba. The timing was conditioned in part because *Inkosi* Simingaye had by now completed his studies at a local technical college, and in part because Zibuse Mlaba wanted to continue as an ANC member of parliament and saw that increasingly he could no longer play and get paid for both roles. The Mlaba succession was both a matter for the KwaXimba people and something of relevance to the broader political settlement and developmental coalition of which it formed a part. While Zibuse Mlaba played a critical role in building transitional and post-apartheid coalitions, the young *Inkosi* is critical to managing the tensions that characterise the region and indeed the country today. Crucial among these in terms of post-Polokwane politics is the fault line between those who have benefited post-apartheid and those who have not, overlaid on which is the critical generational divide. This is in stark contrast to the IFP where Buthelezi is unwilling to retire and has no firm plans for succession and where support for the IFP Youth League has dwindled (Xaba, 2008). The ANC by contrast has seen the shift from Mbeki to Zuma accompanied by a greater inclusiveness at national level that embraces and tolerates the youth. This is mirrored at the micro-level in KwaXimba where *Inkosi* Simingaye, who is a member of the SACP, has rallied the younger generation and has been supportive of workers in their negotiations with the local factory employing them over health and safety issues.

5.2 Non-encompassing Coalitions and Anti-Development in KZN

The last section of the paper turns to the problems that arise from development initiatives that reflect narrow interests and give rise to exclusive coalitions. In extolling the virtues of KwaXimba it is important to acknowledge that governance in the area is not without problems and to highlight some of the difficulties experienced there. As one municipal official reflected on his experience of working in KwaXimba:

“There was an element of ruthlessness among the *isinduna* who often get chopped and changed ... then if there was an *induna* who seemed to make too much of himself, he wouldn’t be there

²³ Ventilation improved pit latrines.

the next year, he may be shifted on because the chief has huge power in appointing his council of advisors and determining what money they get and what role they play in various structures. In theory it is consultative with local people but that rarely happens" (Anonymous, 2008).

In similar vein the regional head of the large Nazareth Baptist or Shembe Church criticised the *inkosi* and others driving development in KwaXimba for putting too much emphasis on political structures and ignoring religious leaders despite their huge following in the KwaXimba area (Ngubane, 2008). It is also clear that the communal land alienated by successive *amakhosi*, including the development-oriented self-styled moderniser, Inkosi Zibuse Mlaba, has not only gone to development initiatives but also landed up in private hands, something that is increasingly common as *amakhosi* get involved with developers.

Moreover, a number of development initiatives initiated by *amakhosi* and involving the city have been flawed. Most notorious was the Namibian goat scheme in which Zibuse Mlaba was centrally involved. Given huge publicity and designed to generate popular support, it was anticipated that through the Cato Ridge Abattoir near KwaXimba the peri-urban areas of eThekweni could raise goat herds for export to Saudi Arabia. A local economic development consultant was very cautious about talking about the goat scheme, stating that it had been rushed through and that the local branch of a big United States NGO that specialises in livestock issues thought it was poorly conceived and did not want anything to do with it. The outcome was pithily described by another informant as follows: "The Metro bought lots of goats and distributed them to the chiefs and some people got pot bellies and not much more" (Anonymous, 2008).

A brief vignette of another recent instance of traditional authorities both using and getting caught in the crossfire of development initiatives illustrates the point. It relates to a proposed development in Macambini on the north coast of KZN Province on land falling under the Ingonyama Trust involving two Dubai based developers. The first, saw the ANC Provincial premier at the time, S'bu Ndebele, visit Dubai together with Director-General Kwazi Mbanjwa and King Goodwill Zwelethini in order to unveil a R44 billion project requiring the alienation of 16,500 hectares of land from the 19,000 hectares that make up the Macambini traditional authority area in order to develop a tourism project:

"The project would include Africa's first internationally branded entertainment theme park, a shopping centre, a sports village and a dedicated education and health village. This would be alongside hotels, resorts, spas, a marina, residential offerings community facilities and nature reserves" (Olifant, 2008).

However, despite the fact that the KZN government signed a memorandum of understanding with the developers, the Ruwaad Consortium, the Macambini community, led by *Inkosi* Khayelihle Mathaba opposed the project on the grounds that they had not been consulted and were afraid they would be removed. They blockaded the north coast highway as a protest against any possible forced removal and a day or two later *Inkosi* Mathaba announced that 500 hectares of Macambini traditional council land along the Indian Ocean had been reserved for another similar development project led by the Dubai-based Bukhatir Group and to be known as the Macambini Sports City. It was said that it would feature high-rise residential and tower blocks so as not to imprint on communal land so significantly and would stimulate economic growth, giving rise to the creation of an estimated 20,000 direct and indirect jobs during the construction and operational phases. Mathaba who is a member of the KZN Provincial Legislature said;

"He would not be dictated to on who he should enter into partnership with regarding his area. He made it clear that he and his community did not want the Ruwaad development and said neither

Ndebele nor the king would dictate what he did in Macambini” (*Ibid.*).

As this land ultimately falls under the Ingonyama Trust and hence the king, the case went before the Trust’s Acting Chairperson Judge Jerome Ngwenya for an opinion. His view was that the king is ‘the rightful owner of all lands in areas falling under *amakhosi*’. However, “if someone is interested in developing the area, there should be full agreement from the local *inkosi* and his traditional council” (Ncalane, 2008). In other words, while the Trust gives the king enormous power, it is not unrestrained because it is difficult for him to act with impunity in the face of opposition from a vociferous *inkosi* and traditional council and an organised local community. What this case demonstrates is that the ANC Premier and the monarch could engage in a somewhat dubious and completely exclusive development adventure without any apparent sanction through the institutions associated with South Africa’s liberal democracy but were tripped up by the accountability mechanisms associated with traditional authority. The outcome remains unclear and will probably be influenced by Ndebele’s replacement as KZN Premier, Zweli Mkhize who was sworn in after the ANC victory in the 2009 elections. As a local academic put it:

“The political changes since Polokwane have opened debate on some of the things we always thought were cast in stone. We can never be sure about what might happen. Perhaps the role of *amakhosi* will be debated again. People around Zuma are more likely to listen to *amakhosi* and other traditional leaders than the Mbeki people. Mbeki’s plan was to slowly and silently destroy the institution. Zuma and the people around him are much more open to discussion” (Xaba, 2008).

In most processes of deliberative democracy there are invariably shortcomings in the degree or nature of participation, while malfeasance in development programmes and projects and clientelism in local-government is common. Hence the issue is not so much about whether these things happen but the extent to which they become entrenched and the role played by developmental coalitions in limiting their impact on inclusive processes and outcomes. In KwaXimba as elsewhere, traditional authorities have been courted, ignored, circumvented and wooed by various groups who have needed them to cooperate in order that they could execute their own goals. We have seen this in some detail with regard to political parties but they are not alone in this. NGOs functioning in traditional authority areas have tended to cultivate relationships with traditional leaders by taking on little projects for them in exchange for the space to do their other work. The same happens with developers who offer to support the pet projects of *amakhosi*, such as supporting the local school or promising to employ local labour, in exchange for being able to engage in commercial activities in an unfettered way. More recently consultants doing development work have come on the scene, working with contractors and sub-contractors aligned to particular *amakhosi*, or through the black economic empowerment (BEE) partners or components of engineering and construction companies. It is hardly surprising, therefore, that *amakhosi* and *isinduna* are often jaded and suspicious and that they see contemporary development activities simply as opportunities for acquisition, either on their own account or on behalf of their communities. What makes the difference between their becoming embroiled in anti-developmental responses or becoming part of encompassing coalitions is a robust political settlement and institutional framework that is used effectively and strategically by the leaders involved.

5.3 Using Development to Build Encompassing Coalitions

Development itself can be used strategically to build encompassing coalitions and this is well illustrated by eThekweni Municipal Authority’s Area Based Management and Development Programme (ABMDP), which was launched in July 2003. The ABMDP was conceptualized as an institutional mechanism for enhancing the EMA’s capacity to deliver on its developmental mandate, notably the provision of basic services and stimulation of job creation and income generation in five selected learning areas. One

of these was the Rural ABM project which, as with many funded development initiatives, was initially designated for KwaXimba. However, there was a lot of resentment from other traditional leaders and the focus shifted, reflecting a real dilemma facing the Metro in its engagement with its peri-urban fringe – whether to spread resources thinly or concentrate them in a few places. Initially the decision was to opt for nodal development in the spirit of area-based initiatives but there was political pressure to be active in all areas (McIntosh, Xaba & Associates, 2007). The manager of the rural ABM project explained what happened:

“It was started from the top. The decision was taken politically. Initially we were supposed to be an ABM responsible for KwaXimba but because there was no one else to look after the rural areas of eThekweni they were simply lumped in with us and we ended up having 28 wards to look after. So we are not really an ABM when compared to other ABMs and the ABM concept as our area is vast. It covers the whole city and 69,000 people according to the 2001 census (Khumalo, 2008)”.

If the Rural ABM had continued to focused entirely on KwaXimba it would probably have been far more successful and an excellent example of area-based management. Building on existing development it put in leisure facilities and amenities such as the sports centre, as well as significant public infrastructure in the area. This included roads, pedestrian pavements, trading facilities, a community centre, three pension pay out points and five high standard taxi ranks. However, it was politically unviable and the Metro was prepared to be flexible in trying to use ABM resources to extend its reach and win recalcitrant *amakhosi* over to development (and the ANC). Consequently in the third phase of the rural ABM project public facilities such as libraries, commercial precincts and pension pay out points are being provided in other areas.

A worrying issue is whether or not engagement with the peri-urban fringe of the city can be sustained. Most of the projects that were enabled by the rural ABM project would never have seen the light of day without the resources provided by the EU because these were necessary to leverage funds from the Metro Council, NGOs and other sources.²⁴ These are coming to an end and the future of the rural ABM project is uncertain. It would appear critical that eThekweni line departments need to learn from this valuable experience and contribute to the development of infrastructure and operational and maintenance commitments need to be set in place. Yet staff and the resources are insufficient to deal with the development of all the rural areas and the line departments have relied heavily on the rural ABM project to fund and implement development (Chris Albertyn Associates, 2008).

This development initiative illustrates two important points. The first is that how development is implemented matters if building effective and sustainable coalitions is part of the overall goal. Visible outputs such as infrastructure were important for winning over the target audience, in this case politically hostile *amakhosi* who were furthermore disillusioned with the promises of development. Support from the EU financed the very necessary but less visible dimensions of project design, planning and development, allowing the city to take credit for the demonstration effect, while political maturity on the part of the Metro allowed elected councillors and *amakhosi* to jointly cut the ribbons. Second, the Metro was prepared to take the risk of compromising pristine project outcomes for politically expedient processes.

The EMA has worked hard towards developing local governance structures and development processes that include plural institutions in a new and hybrid political order, which for the most part has proved fairly effective and gained a measure of legitimacy among *amakhosi*. Nevertheless, there are worrying signs that metropolitan government in eThekweni is becoming increasingly centralised (*Ibid.*). Moreover,

²⁴ Projects are being paid for by the European Union and the South African Government's Municipal Infrastructure Grant. Only a small amount is contributed by the budgets of the Metro's line departments.

political expediency holds its own hostages to fortune and it remains to be seen whether the creative leadership that characterised the Metro can withstand some of the unfortunate pitfalls that have beset leaders in other spheres of governance in KZN.

6.0

Conclusions

Development is predicated on inclusive political settlements that encompass a variety of elite interests that in turn are in tune with the needs and aspirations of significant constituencies. They are usually the result of intensive bargaining and the creation of a range of incentives for a majority if not all elites in any given context. It was just such a pact that was forged under apartheid, giving rise to a system of separate development and divided governance that depended on the compliance and acquiescence of traditional authorities. This pact was effectively broken by an ANC-led political settlement that relied in turn on a reconfiguration of elite interests that were once again recalibrated around the Polokwane conference. As Neera Chandoke has observed in another context: “no political pact, howsoever *inclusive* it may be, is ever carved in stone ... as new problems and issues are catapulted onto the political horizon, the political pact *will* have to be renegotiated in order to lay down new rules of the game” (Chandoke, 2008: 8). In the transition from apartheid to democracy in South Africa, explored here in relation to KZN and metropolitan governance in eThekweni, some former elites lost political and social significance while others were resilient. Among those who remained germane in the post-apartheid conjuncture and for very different reasons, were business interests by virtue of their contribution to growth, employment and the economic profile of the city and traditional authorities, because they remained durable in a transitional context where new governance arrangements were as yet untried and untested.

A necessary starting point for assessing the role of leadership in forging inclusive political settlements and development coalitions is to understand the nature of institutional change. The national government as well as those working with traditional authorities in Greater Durban showed a remarkable alertness to the possibility of indigenous institutions being able to adapt and change and an awareness of how this had already happened at different times in the past. By the same token lessons were learnt from experience elsewhere in Africa, as to how indigenous institutions are also resistant to change. As a result it was deemed injudicious to ride roughshod over customary structures and practices and the interests of traditional leaders. This recognition, along with differences within the ANC on the status of traditional authorities allowed for an iterative process of negotiation and legislative change that was ultimately helpful in recalibrating the institutional landscape.

Second, critical junctures can prove decisive, providing the triggers for political settlements and more inclusive development coalitions. Important here were successive elections and how they were used in different and more or less successful ways by competing political parties to win over traditional authorities. Of particular significance in KZN were the recurring episodes of political violence that accompanied the transition from apartheid and the fragility of the ensuing peace. All parties, the *amakhosi*, and especially ordinary citizens feared a return to this painful episode in the province’s history, which opened the space for local dialogue and a greater disposition towards cooperation. However, not all

traditional leaders embraced the opportunity provided by the legacy of violence and its cessation to advance a political settlement. Yet others seized it and used the coalitions of which they were a part to forge ahead with development as evidenced by *Inkosi Zibuse Mlaba* who speaking as Provincial Chair of Contralesa in 2000 said: 'the people of KwaZulu-Natal will never allow themselves to be plunged into violence again'.

Inclusive development coalitions also need brokers and in the story of Greater Durban it was not only the Mlaba clan who played this role. Brokers included the City Manager, key officials in eThekweni Metro, imaginative consultants, well connected developers, embedded NGO employees, advocates, activists, educators and politicians. Indeed, the more inclusive the coalition the greater the range of brokers is likely to be. Moreover, it is necessary to have people who can operate in and across different levels of government, spheres of governance and across the state-society divide. If this is absent then local experiments will be shortlived and have limited impact as will higher level initiatives executed by elite coalitions that do not include or at least pay attention to ordinary folk. In this the experience of KZN and eThekweni demonstrates that such political settlements invariably involve compromise. The accommodation of indigenous institutions and customary authority gave rise to trade-offs both in relation to issues of principle such as upholding or not the basic tenets of liberal democracy, as well as operational issues such as having to diverge from tried and tested development principles as happened in the case of the rural ABM project in the interests of political expediency.

A significant precondition for successful coalition building was the presence of a strong metropolitan government that was politically unified within a political coalition that stretched vertically from branch to national level and horizontally across a relatively cohesive political alliance that encompassed the labour movement, community organisations, business, the youth and traditional authorities, among others. Within a transitional political context and under conditions of considerable fragility, traditional and other leaders in eThekweni and the coalitions of which they were a part became a key factor in determining how indigenous institutions evolved and articulated with a plural institutional landscape to accommodate a hybrid political order.

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