

DEMOCRACY AND TRADITIONAL AUTHORITY: THE TRANSFORMATION OF VILLAGE LEVEL GOVERNANCE IN THE ROYAL BAFOKENG NATION

INVESTIGATORS

Sarah Cannon,
Undergraduate
Yale University, USA

Holiness Thebyane
Research Partner

Susan Cook, PhD
Senior Lecturer, Department of Anthropology
University of Pretoria

BACKGROUND AND OBJECTIVES

Introduction: The intended purpose of this project was to understand the relationship between the Rustenburg Local Municipality (RLM) and the Royal Bafokeng Nation (RBN) as seen through the eyes of the Bafokeng people as well as members of both administrations. We focused on three specific villages: Robega, Lefaragathle and Luka.

Findings: At the village-level, what we observed were the consequences of introducing ‘democratic’ institutions into a traditional governance setting; poor communication, failed implementation of the Memorandum of Understanding, a power struggle and inconsistencies in village-level governance. As a result, people are dissatisfied with the lack of a coherent system of village-level governance that could deliver services, guarantee their representation, and allow for their participation. Underlying the problems of poor communication and inefficient governance and service delivery, was the absence of a coherent vision of village level governance.

Conclusion: The co-existence of traditional governance and local government in South Africa will be an on-going negotiation and will present challenges for development and democratic consolidation in the future.

Study Objectives:

By investigating the relationship between the RBA and the RLM, I hoped to understand the broader interaction between democratic and traditional structures beyond village-level interactions. How is democracy affecting rural South Africa communities living under traditional authorities? What is the future of traditional authorities in a democratic South Africa?

ROLES, PERCEPTIONS AND CHALLENGES: FINDINGS BY VILLAGE LEVEL REPRESENTATIVES

Bafokeng Councilors:

Most people understand that the Bafokeng Councilor's primary duty is to bring development to their village. There are many vacancies for the Bafokeng Councilor position. Many villages do not currently have a Bafokeng Councilor and the RBA have not consulted the people nor informed them what the procedure will be for the election or appointment of a new Councilor (Lefaragathle and Robega).

Many people think it is unnecessary to have both a Municipal Councilor and a Bafokeng Councilor since their duties are understood to be the same. There is also widespread confusion about whether the Bafokeng Councilor should defer to the Kgosana, and if so, under which circumstances.

Ward Councilors

Although some people, especially youth, are hopeful about the services these Councilors could bring in the future, most Bafokeng agree that the Municipality has yet to start delivering in their area. A common criticism is that Ward Councilors are starting to implement projects in Bafokeng areas only now because they are faced with elections in the next few months. Ward Councilors are also labeled as 'politicians' and people doubt their dedication to the community's development. Ward Councilors are seen as undermining the Dikgosana.

The Ward Councilors face significant challenges, which in many cases inhibit their ability to do their job. In one village, the Kgosana refuses to talk to the Ward Councilor, and this tension is not uncommon. The people living in Bafokeng villages are also distrustful of local government and rarely attend meetings called by the Ward Councilor. Although we initially suspected that the Ward Councilor would be more active in informal settlements and within in State-Lander communities, one Crisis Committee of state-landers is organizing an uprising against their Councilor for the lack of services she has provided.

However, many young people do consult the Ward Councilors before the Kgosana or Bafokeng Councilor in their village. Some individuals in every village who are frustrated with the traditional leadership have turned to the Ward Councilor, and this is an increasing trend in certain villages. Also worth noting is that women are seen to be more involved in Municipal village level politics; two out of the three Ward Councilors in the villages we interviewed were female. The Ward Councils are more inclusive of those populations traditionally excluded by kgotlas, namely youth and women.

The role and responsibilities of the Ward Councilor are unclear and the presence of a Ward Councilor elucidates the tension surrounding informal settlements and between the RBA and RLM.

Dikgosana

Most people respect the institution of Kgosana and believe Dikgosana should be consulted about any activities in the village. The most common criticisms of dikgosana is

that they are old, uneducated and out of touch with community needs and modern realities. Most people assert that Dikgosana should remain a part of village government but that they are not capable of handling development on their own, without either the Ward Councilor or the Bafokeng Councilor. Dikgosana are accused of being a “rubber stamp” for Kgosi’s agenda.

Some Dikgosana feel threatened by the Ward Councilors or refuse to work with them. They are often resistant to the idea of the Ward Councilor and the Bafokeng Councilor and in practice have not changed their duties to incorporate either of these individuals into the village governance structure. Some Dikgosana were reluctant to talk with us without Mr. Tumagole’s consent or a signed letter of permission we received from Mr. Tumagole. This illustrates their hesitancy to communicate without authorization from the central administration.

Bomadikgosana, the headmen’s wives, are very involved in community issues and the duties of the Kgosana. In all the interviews we had with Kgosana, the Madikgosana were present and active participants.

THEMES

Lack of Communication

Recognizing the comprehensive Communication Report conducted in 2003, we wanted to investigate the underlying causes of poor communication. Poor communication is a result of deeper structural problems. The lack of communication for various political, personal and strategic reasons was the dominant theme in many of our interviews. When initially asked about the reason for the problems between the RBA and the RLM on the village level and the macro-level, almost every interviewee cited poor communication

People are generally uninformed about the resources available to them and since many village level issues are highly politicized, people are often misinformed and without recourse to finding out the truth. This communication breakdown occurs within villages, between the villages and the RBA, within the RBN traditional governance structure itself and between the RBA and the RLM.

Communication problems at the village-level are abundant between the Ward Councilor, the Bafokeng Councilor and the Kgosana. The causes of this lack of communication between the stated positions is founded on personal disagreements between individuals, power struggles, competition for credit of village-level developments, a lack of understanding of traditional procedures and a lack of clarity of how these positions are supposed to interact with one another.

Consultation of the Dikgosana about village meetings seemed to be a contentious issue. Political parties do not inform the Dikgosana of their meetings. There is no clear information in villages about when meetings are going to be held, where and by whom. There is no central figure that is aware of the schedule of community meetings and no way for this information to be distributed. The three village level leaders will call meetings separately, sometimes simultaneously. There is no common approach to community consultation.

Many of the individuals we interviewed were simultaneously involved in some combination of party politics, ward structures and traditional governance structures. In

theory, this overlap could lead to increased communication between these bodies, yet the reality is that people attend meetings in certain capacities without representing their other allegiances. This segregation of duties as community member and political official has caused confusion and has not contributed to enhanced communication.

Communication between villages and the RBA is also poor. Although Dikgosana and Bafokeng Councilors are perceived as channels of communication between constituents and the RBA, according to community members we interviewed, neither was fulfilling their role. Certain individuals stated that their Kgosana does bring Kgososi's mandates, but never challenges them nor presents community opinion.

KgothaKgothe, which is often cited by RBA members as a mechanism to gather community feedback and encourage community decision-making, is not acknowledged as such by any of the people we interviewed. People do not feel this is a place to voice their concerns or participate, rather they feel they listen to reports and cannot speak openly of their frustrations. The Luka Memorandum of Demands clearly illustrates that people do not know who in the RBA to consult for specific issues. People seem to think to take their issues to village-level representatives or to Kgososi without any sense of the structures that separate the two. People do not know of the internal workings of the RBA at all, nor the individuals who occupy the relevant posts.

Within the RBA, communication between administrators, service providers and governance structures does not exist in a coherent way. The RBA Administrators are not informed about meetings in the community or pressing issues.

A common criticism from within the RBA and from the community as well is that the Supreme Council is not providing any guidance. When asked about the weakest part of the traditional governance system, the study participants unanimously agreed that the Supreme Council is the breakdown of communication and the feedback network. The Supreme Council is labeled as neither guiding the RBA nor providing community feedback. This is where all decision-making is supposed to take place, yet it is very clear to the Bafokeng people that this is not the case.

It is important to note that the lack of communication is not solely founded upon the absence of a clear structure, but also represents the political tensions at the village level. Since people are not consistently informed by mediums such as printed media or radio about village level issues, their understanding is based primarily on politicized social relationships. The Luka incident illuminates this issue very clearly. Everyone we spoke to had something to say about the incident, but the stories we heard shared few common facts.

Political agendas are clearly tied to the presentation of information. This extends beyond poor communication. Where there is no central authority, stories and facts are easily manipulated for political ends. Poor communication and misinformation were widespread, and this issue reveals the deeper causes of this inability to communicate.

Failed Implementation of the MOU

The MOU is widely understood by the Bafokeng people as a statement of cooperation between the RBA, RLM and BDM based on increased communication and consultation between the entities. However, people are unaware of the implications of the MOU in terms of governance and service delivery on a village level. Beyond general

understanding of the MOU, community members are confused about the MOU and frustrated that it has not impacted the relationships between RLM and RBA representatives in their villages, nor produced results.

There is a reason for this confusion. Implementation of this cooperative process is far from a reality. Though the Principles (Kgosi and the Mayor) and the Secretariat do meet regularly, the technical committees responsible for implementation are not working together, nor are they bringing developments. The people are unaware that such committees actually exist. Following the incident in Luka, members of both the RBA and the RLM leadership admitted that the MOU is at its lowest point.

As to why the MOU is not being implemented, there are accusations on both sides. Some assert that the RLM is restrained by the RBA in terms of developing RBN land, and did not spend its entire fiscal budget because of its inability to develop in the Bafokeng areas. The RBA supporters assert that the RLM is being inconsiderate and neglecting to consult the RBA.

Although some people are hopeful about what the Municipality can bring in the future, most people recognize that all development in their areas has come from the RBA. People are aware of the Municipality's resources and are frustrated by the lack of delivery over the past five years. As taxpayers, the people demand services from the government and as Bafokeng they demand services from the RBA.

Allegiances to either side have certainly created divisions within the communities. The MOU has shed light on the conflict between the Municipal and the traditional governance structures in principle and in practice. This confusion and failed cooperation is representative of a larger problem and contradiction. The bottom line is that the MOU has not improved village level relations and has shed light on the underlying tensions, and the people state that they are being denied development as a result.

Inconsistent Village Level Governance

Underlying poor communication and the failure of the MOU is the lack of a coherent village level strategy for cooperative governance between the RBA and the RLM. Beyond their inability to cooperate in most cases, the problems with each structure individually have also become apparent. People are going for years without interacting with any of their village representatives.

Despite the fact that kgotlas are the most reliable and most well-attended community meetings, there seem to be structures developing to discuss politics outside of the kgotla. People are confused about the respective duties of the Bafokeng Councilor and the Kgosi. Most Kgosi and Bafokeng Councilors are also unclear about they are supposed to interact with each other in terms of the correct protocol and practical issues of governance. Sometimes the Kgosi and the Councilor do cooperate, but this normally only occurs when they are in the same family.

In the villages where there are stable Bafokeng Councilors, few seem to hold consistent meetings or consultations with the community. The tension between the younger and elected Bafokeng Councilors and the Kgosi, more aligned with the traditional system, are apparent and problematic.

The Municipal Councilors in Bafokeng villages are in a very difficult position, especially because of the tension over the State-landers and the relationship with the

Bafokeng governance structures. That said, community members widely assert that the Ward Councilors have not brought anything to their villages. Though they are criticized by most, and the Councilors claim their hands are tied. Since they are not recognized by Dikgoana, they are unable to meet with their constituents.

The structures that exist are not reaching all members of the community, especially women and youth. Despite the fact that there are three representatives, not everyone is being listened to nor informed. Although people differed on which position to eliminate, most people responded that having a Kgosana, a Bafokeng Councilor and Ward Councilor was not necessary, created conflict and confusion and that the current structure of village level governance did not work.

A Power Struggle

Although a struggle for power and credit for development projects fails to explain the complexity of the relationship between the RBA and the RBN, it is certainly a defining aspect of their relationship. This struggle for power is evident between Administrations as well as between village level representatives of each entity.

Development of infrastructure in the RBN seems to be the foundation of political legitimacy. The Bafokeng ethnic identity is important, but individual's political allegiances are certainly influenced by the institution or individual who is bringing infrastructural development to their communities. One Bafokeng Councilor summed up the relationship between the RBA and the RLM perfectly when we asked why the two councilors do not communicate; he said "*It is about power. This is a private property and we have the Municipality also. Two bulls in one kraal and only the grass will suffer.*" When asked about their needs, everyone responded in terms of basic services; immediate material demands for infrastructure and a handful mentioned human development such as education, health, and job training.

Between the Royal Bafokeng Administration and the Municipal Managers, there is a spirit of cooperation and not a perceived threat by either side. However, there is a threat to the longevity of the Bafokeng's political and economic influence in terms of National legislation. One Municipal Administrator stated that, "the RBA have sobered up, their power is not absolute." The Municipality is confident that the Government isn't going anywhere anytime soon, yet the Bafokeng Administration has to be mindful of legislation affecting land and traditional governance issues which could greatly threaten their political power. We asked one Ward Councilor who stated that the Government was more powerful, why the Municipality doesn't just do what they want on RBN land, she responded, "It all about patience, consultation, but remember, the time will come when government runs out of patience. It might take about 15 years." This tends to be the attitude of the Municipal Administrators; In time the Royal Bafokeng Administration will lose power and control of their land, not because of the actions of the local Government, but the National Government. The perceived threat to the Bafokeng is the land rights problem at national level.

Interestingly, both the Municipality and the RBA refer to the Constitution to defend their jurisdiction over RBN land. The Municipality refers to their obligations, listed in Chapter 2 of the Constitution, to provide certain basic services for its people, to every citizen whether they are living under traditional leadership or not. The Royal

Bafokeng can also point to the Traditional Governance and Framework Act and the Constitution to support their legal legitimacy, and of course, the Bafokeng have the Title Deed to their land. The Royal Bafokeng Administration certainly see themselves as independent from the Government and political parties, but will work within the surrounding institutions, 'hand in glove'. The RBA does not consult the Municipality about projects and proposed that they state what is needed in the RBN land and that the Municipality gives them the money to develop their land, but they realize this plan will never materialize since the Councilors and Municipal Administrators need credit for their actions to keep getting re-elected.

Although power dynamics certainly affect cooperation between village level representatives and leadership of the RBA and RLM, a struggle for power is not the root of the problem. The root of poor communication and the failure of the MOU is a lack of vision and structure for village governance that incorporates democratic and traditional governance.

Top Down Governance within RBA

Through our interviews with members of the RBA and all levels of their traditional governance structure it became clear that there are problems that exist within the Bafokeng structure. The lack of a coherent vision for village level governance extends beyond the village, and the feedback structure from the villages to the central leadership is not working.

Needs assessments are conducted by Kgosi himself through Dumela Phokeng, KgothaKgothe and his other visits to the community. The structural feedback mechanism of Bafokeng Councilors, Dikgosana and the Supreme Council is in disrepair. The Supreme Council is supposed to be the decision-making body within the Bafokeng structure, yet that is hardly where important decisions are being made, according to members of the Supreme Council and their constituents. Understanding that Kgosi has to be available and accessible to his people, the way in which the structure is working is that all intermediate power structures are sidelined. This issue also raises the conflict between traditional governance and democracy that traditional governance is founded upon personal relationships and democracy on institutions. Regardless, the institutions which are a part of the governance system are side-lined. The march from Luka and the subsequent response illustrates this perfectly. The committee with complaints did not use any designated channels because they are considered useless and people have started resorting to other methods of attracting Kgosi's attention. At the July 17th meeting when Kgosi and his staff addressed the Luka community, an RBA Official stated that the Supreme Council and KgothaKgothe are where decisions were made on behalf of the community. Not one community member we interviewed cited the above structures as where decisions were made.

Community members do not feel that the RBA is listening to their concerns in the sense that communities can not set their own priorities for development. If the RBA says people cannot handle governing themselves, and that the people do not know what is in their best interest, the people will not work through the designated channels and people begin to feel alienated from the system. This can be a threat to the Bafokeng with the Ward Councilors around wanting to provide an alternative where their voices will be heard. Municipal Councilors have also noticed this community complaint.

Community members often say they are not consulted and members of the traditional governance system themselves say that the existing structures aren't much more than symbolic. People are creating Action Committees, Task Teams and looking to the Municipality to be able to participate in governance. People who want to talk about important issues have started speaking at funerals and any other public event to try and get their voices heard. The established channels of communication between the people and their leadership are seen as useless. The Supreme Council is perceived as a way for Kgosi to tell people what his plans are, in no way to genuinely debate issues and formulate solutions.

CONCLUSION: THE PROCESS OF 'DEMOCRATIZATION'

All the above themes explain the tension caused by the introduction of electoral politics and democratic ideas into the traditional governance system. Although the Bafokeng people remain attached to Kgosi and their identity as Bafokeng, visible change is taking place in all the villages. Debates are happening between the young and the old, men and women, Bafokeng and non-Bafokeng, and certainties are being challenged alongside an increasing awareness of a South African identity.

Some traditional governance structures are changing to incorporate the influx of democratic ideas, like the creation of the Bafokeng Councilor as an elected position and the inclusion of women in kgotlas, yet there is a constant tension between the old and the new which leads to confusion, poor communication and distrust in Bafokeng villages. Democratic ideas and traditional governance co-exist in these villages, but their relationship is being negotiated by personal relationships and power struggles, not a coherent vision of how traditional governance and democracy can co-exist and develop in the future.

This unguided evolution could be more destructive than constructive. Further questions must be asked, when most voters are poor and uneducated, is democracy the best system? Is more democracy always better? Can these two institutions co-exist? The role of traditional governance in South Africa in the future is uncertain, but so is the sustainability of its new democracy.

VILLAGE SPECIFIC CONCERNS

ROBEGA

Their demands are as follows "Renovate the old school and make it function again. Our kids walk past the mines (young girls) and its not safe when they go to school. Our primary school is full of squatters. Some of our kids paid for stands but land is occupied by squatters. Please give us a part of the newly bought land (Boekenhout Mafenya land). Early Learning Center it was promised by George Khunou and they are still waiting. Community meetings call discipline but we are being attacked by squatters. Unfair treatment towards pensioners by government employees and the Municipality. Municipal community meetings are always called at night. Kgosi should tell Mayor to stop this."

LEFARAGATLHE/BOBUAMPA

The lack of a Bafokeng Councilor in Lefaragatlhe is a serious problem especially because some of the Kgosana and the Ward Councilors are not on speaking terms. No one seems to think elections for a Bafokeng Councilor have been planned. Leadership in Lefaragatlhe is disjointed and lacking. Many residents were frustrated with the fact that their headman lives in Phokeng and not Lefaragatlhe. Environmental concerns were mentioned by everyone in Lefaragatlhe. Environmental Concerns are widespread especially related to mining across all the villages.

LUKA

Luka is a tense place for many reasons, some historical and many exacerbated by the recent issue of the installation of the Apollo lights by the Municipality. Allegiances in Luka are widespread and although there are many political actors, they seem at odds rather than cooperation. Political parties and the Municipality are more involved in Luka. Distrust of the Royal family and the RBA in Luka is also greater than in any other village. There are many concerns related to mining including the open shafts and cracked houses.

THEKWANA, MFIDIKE and PHOTSANENG

Though we did not interview extensively in this area, it is important to note that the Bafokeng Councilor said there are less than 20 elderly people in each village. His perception is that people in these areas tend to have a shorter life expectancy than in other villages.