



Traditional Leadership in Modern South Africa: Political Meddling in Thomo and Khakhala Traditional Communities?

Mathebula Ntwanano Erasmus

University of Limpopo, South Africa

E-mail: hongonyi@gmail.com

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Abstract

This article seeks to interrogate the phenomenon of political interference in the appointment of traditional leadership and associated disputes. This emanate from an existing traditional leadership battle between Thomo (Shiviti) and Khakhala Traditional Communities in the Limpopo Province, South Africa. The Star News Paper on the 25th of March 2021 published an article authored by a member of the Shiviti Traditional Council titled ‘Shiviti council snubbed’. Amongst others, the article advances in the strongest of terms claims of political interference and abuse of power in recognition and appointment of traditional leaders by the Limpopo Provincial Government, particularly by political office bearers. In an attempt to unpack the nature of the disputes and alleged political meddling, this article finds it impossible to ignore the politics-administration dichotomy model as applied in Public Administration to understand relationships in politics and administration. A study which is mainly quantitative in nature and an infusion of some components of a qualitative approach were therefore undertaken. Consequently, a questionnaire was administered through google forms comprising of questions seeking to understand the issues in question. 50 respondents were able to participate from a sample comprising of members of both Traditional Councils, Community Members and researchers or scholars in the discipline of Public Administration. Given the research problem, respondents were sampled both purposively and randomly. After making conclusions, this article provides recommendations on how the institution of traditional leadership in South Africa can be strengthened and isolated from political powers and influence for the purposes of enhancing good and sound governance in traditional leadership.

Keywords: *Traditional Leadership; Politics; Political Interference; Disputes*

Introduction

The Limpopo Provincial Government formally recognised and issued a certificate to the ‘Khakhala Traditional Council’ on the 10th of March 2021 (Shiviti, 2021). The recognition duly authorised Khakhala to take-over and ‘strip’ the Shiviti Traditional Council and leader of their status. Disputes and claims for traditional leadership are no new phenomenon. According to the South African

History Online (2016), traditional leadership disputes and claims dates as far back as 1927. This exemplifies the deep-rooted contests entrenched and inherent to the institution of traditional leadership. This article however pays special attention to the Thomo and Khakhala traditional leadership ‘quarrel’. The recognition of Khakhala as a new traditional council is best described by the Shiviti Traditional Council as an abuse of power, political meddling and interference by the Limpopo Provincial Government (Shiviti, 2021).

Political interference is viewed as the excessive exercise of power by politicians over civil servants for their political and or personal gain (Rogger, 2018). It can also be understood as a situation whereby political leaders meddle in administrative processes such as staffing, financing, budgeting etc., which then results into the politicization of administrative affairs to the detriment of the general citizenry (Mfuru, Sarwatt and Kanire, 2018). These definitions can be understood to mean that political interference only becomes problematic once it is extreme and into administrative processes not permitted by law. However, this is not to suggest that politicians must refrain from playing oversight as their role on the delivery of public goods, services and projects remain paramount.

In the current discourse, it is alleged that politicians from the ruling African National Congress exercised excessive powers by hurrying the recognition of Khakhala and created a parallel process as a decision of court was still awaited on the same matter (Shiviti, 2021). It is further emphatically stated that politicians have no role to play in the recognition of traditional leaders. This assertion however contradicts legislative prescripts on the matter and this will be advanced by this paper below. A study was therefore undertaken to comprehend and determine perceptions and knowledge on the dispute(s) in question. The article relied on 50 questionnaires distributed using google forms. Secondary data was also collected through available literature, newspaper articles and government documentation. After having analysed the data and created patterns, findings are analysed, conclusions made and recommendations provided. The first part of this paper focuses on providing a brief background relating to the history of traditional leadership, the politics-administration dichotomy which is used as a theoretical framework in interrogating traditional leadership disputes and political interference in the processes. The paper will thereafter unpack the relevant policy and legislative framework, research methods and analysis of data.

Traditional Leadership in Governance: A Synopsis

According to Mathonsi and Sithole (2017: 35), the institution of traditional leadership dates as far as pre-colonial and imperialism in the African continent. During this period, traditional leaders served as both political and administrative leaders which was crucial for local governance and development of communities (South African History Online). Before formalised public administration, traditional leaders formed part of governance by virtue of being ‘political, military, spiritual, cultural leaders and custodians of societal values for rural areas (Mathonsi & Sithole, 2017). Traditional leaders were political leaders leading communities through inherited culture, history, moral and values (Bizana-Tutu, 2008; Mamokhere & Mathebula, 2021). Morality in the African context encompasses customary and traditional values especially within a particular community (Mathebula, 2014). These values and qualities are part of modern public administration and governance built in a new format of laws and regulation. The craft used in both systems of governance was beneficial in both the eras. Governance simply relates to the art of running public affairs (Mathebula & Munzhedzi, 2017; Mathebula & Masiya, 2021). It therefore would be interesting to learn how the infusion of the two systems through legislation would be used for the benefit of South African especially in rural areas under the stewardship of traditional leaders.

Politics-Administration Dichotomy: A Theoretical Perspective

The issues built and centred around the concept of politics-administration dichotomy always fails to converge in shaping consensus on the applicability of the theory aimed at divorcing politics and or from administration. The discourse continues to date, despite the fact that it gained eminence during the

mid and late 1860s (Guo, 2019). It was therefore undoubtedly deemed appropriate to adopt and apply the politics-administration theory in understanding the alleged political meddling in the traditional leadership battle between Thomo and Khakhala Traditional Communities. Traditional leadership is by no doubt part of the governance and administrative structures in modern South Africa (Rapatsa, 2015). The politics-administration theory is closely associated to Woodrow Wilson. For Wilson, the state administrative duties ought to be separated from political control (Mngomezulu, 2020). For him, politics cannot be used to address government's obligations (Georgiou, 2014). This for Wilson meant that, government had a business of discharging the powers in relating with the public through the delivery of goods and services. Of concern was the fear of politicisation, corruption and any thought element associated with bad governance (Mngomezulu, 2020). As the problem statement above argues, the Thomo Traditional Council alleges that political powers were thoughtlessly exercised to favour the Khakhala Traditional Community and its leader to take-over power in areas which used to be under the control of Thomo Traditional Council and leader. According to Shazi (2016), politicians ought to refrain from interfering politically in matters of public administration. In the democratic South Africa, traditional leadership is part of the building blocks of governance structures, particularly in rural communities. The alleged interference by the Member of the Executive Committee (MEC) of the Limpopo Cooperative Governance, Traditional Affairs, Mr Bayisikopo Makamu and Premier Stanley Mathabatha (Shiviti, 2021) in directly making decisions would be a classic case of the politics-administration dichotomy especially if it can be proven that decisions taken by these politicians are 'purely' political. This is taking into cognisance that the MEC and Premier concerned have legislative powers to make these determinations in line with recognised traditional and cultural practices. The paper however cautions against the ignorance of legislative frameworks governing and underpinning traditional leadership which to a certain extent affords certain powers of involvement by politicians. For instance, Chapter 2 of the Limpopo Traditional Leadership and Institutions Act 6 of 2005 gives powers to the Premier of the Province to take decisions pertaining to the recognition of a traditional community. This of course, relates to the problem statement detailed above and the application of the politics-administration dichotomy theory. The next section of the paper briefly provides policy and legislative provisions relating to the variables and phenomena under investigation.

Policy and Legislative Framework

Policy and legislative framework underpinning traditional leadership in South Africa is limited and to a certain extent vague and narrow. According to Sithole and Mathonsi (2017: 35), the 'modern liberal democratic' dispensation policies have created 'incompatibilities' especially in governance as traditional leaders are not integrated into the system. This has often presented challenges such as misinterpretation and giving rise to unnecessary leadership squabbles. This paper briefly provides legal background on traditional leadership in South Africa. This is to ensure that the problem under investigation (i.e. political interference in traditional leadership disputes) is contextualised and clarified through literature and empirical data. Amongst others, the paper outlines the provisions of the Constitution of the Republic of South Africa (1996) and the Limpopo Traditional Leadership and Institutions Act 6 of 2005.

Constitution of the Republic of South Africa (1996)

Traditional leadership finds constitutional expression through sections 211 and 212 of the Constitution of the Republic of South Africa (1996). Such recognition however is subject to customary law and related practices. This is in line with the founding statement in the Constitution stating that any conduct inconsistent with it is invalid. The Constitution underscores the need of traditional leaders and authorities that function under customary law to act in accordance with established laws within the Republic. The Constitution in section 212 however left the roles, powers and functions governing traditional leadership to be regulated through national and provincial legislation. Hence South Africa

witnessed the enactment of the Traditional Leadership and Governance Framework Amendment Act 2 of 2019 at a national level and the Limpopo Traditional Leadership and Institutions Act 6 of 2005 in Limpopo Province.

Limpopo Traditional Leadership and Institutions Act 6 Of 2005

The purpose of this Act was to amongst others; provide for the recognition of traditional communities, traditional councils, the election and appointment of members of traditional councils and most importantly the recognition of traditional leaders. Section 3 of the Act states that the Premier of the Province has the powers to recognise a traditional community and inform the community concerned of the said decision. The Act in section 3 goes on to mention that the Premier may subsequently issue a certificate of recognition to that effect. However, as the problem statement above here holds, the Act place a duty on the Premier to inform all traditional communities involved in the matter. This is in line with the provisions of section 195 of the Constitution (1996) and the White Paper on Local Government (1996) whereby the public ought to form part of policy and decision making processes in affairs directly involving them. It is alleged that such was not the case in the Thomo and Khakhala Traditional Communities contention (Shiviti, 2021). However, it is not the aim of this paper to debate the merits of the case and the application of legislative prescripts but rather to understand the point of view of residents of the affected communities. Hence the following section of the paper provides results and analysis gathered through a questionnaire administered through google forms.

Results and Analysis

This section provides data gathered from 50 respondents from various structures from Thomo and Khakhala Traditional Communities. Questionnaires were administered through google forms and facilitated through WhatsApp groups, Facebook and emails. This was in consideration of the Covid-19 pandemic which made it almost impossible to physically interact with the respondents.

Gender Profile

This section of the paper sought to establish the gender patterns of respondents. Although gender profiles may seem less important in a study of this nature, the subject of traditional leadership continues to be considered as one for men and not women in the African setting (Chauke, 2017). This is due to the long history of segregation and the exclusion of women in the main cultural and customary discourse, traditional leadership included. The results as presented in Figure 1 below are in relation to the gender profile of respondents.

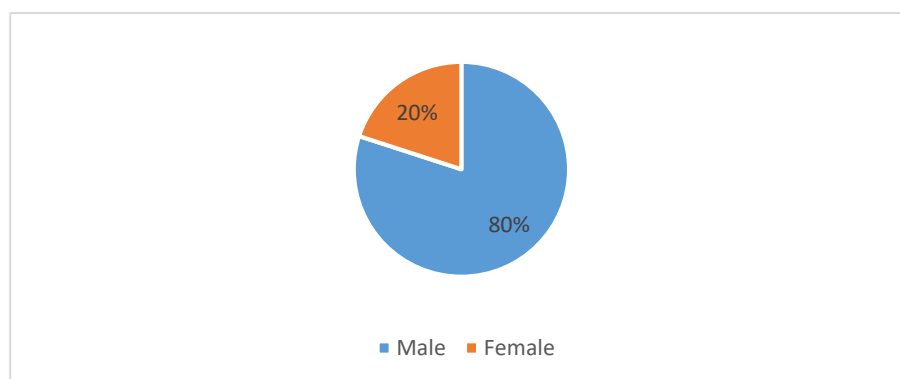


Figure 1: Gender Profile of Respondents
Source: Author

As alluded to above, only a mere 20 percent of respondents were female while a majority (80%) of the respondents were male. Gender disparities and the exclusion of women continues to be rife in South Africa (Mathebula, 2014; Mathebula, 2017). Majority of South African women continues to feel belittled and excluded in matters of traditional leadership. This of course may have has a huge impact in the participation of women in a study of traditional leadership disputes and political interference associated with it. Chauke (2017) cautions the fact that excluding women in traditional leadership and associated matters in the name of ‘culture’ can be viewed as ‘gender oppression’. He holds that the inclusion of women must be seen as inclusion and a way to develop customary law.

Traditional Communities

The study also deemed it fit to probe the traditional community in which respondents reside. This study investigated traditional leadership disputes and political interference in a matter between Thomo and Khakhala Traditional Authorities and Leaders. The study randomly distributed questionnaires to members of both and other nearby communities. Therefore, the findings ought to be viewed in close relation with the number of respondents from each of the communities involved.

Table 1: Community of residence

Thomo	Khakhala	Other	TOTAL
50%	24%	26%	100%

Source: Author

Majority (50%) of the respondents are Thomo community members, 26 percent from other communities and only 24 percent from Khakhala. It must however be cautioned that the communities in dispute are not equal in terms of both territorial boundaries, population size, and number of households. Thomo Traditional Community dominates its counterpart in all these criterions. Other communities that participated in the study included, Gawula, Mninginisi, Mavalani, Muyexe and Mninginisi among others. These are rural communities which are relatively closer to both these communities embroiled in the dispute. Although the numbers in Table 1 above may seem to have the potential to present some bias, it must be noted that the nature of the dispute has nothing to do in relation to where one resides. For instance, there would be members residing at Khakhala but yet are of the view that their traditional leader is not a senior to Thomo and vice versa.

Legal Framework in Appointing Traditional Leaders

Traditional leadership is recognised through Chapter 12 of the Constitution of the Republic of South Africa (1996), national legislation and each province’s legislation. Political interference in the Thomo and Khakhala Traditional Councils would mean that political office bearers misuses power to appoint traditional leaders outside the prescripts of the Constitution (1996), the Traditional Leadership and Governance Framework act 23 of 2009 and the Limpopo Traditional Leadership and Institutions Act 6 of 2005. This section of the study therefore sought to understand from the respondents whether the appointment of traditional was done within the ambit of the prescribed law. This emanated from common belief and perception that traditional leaders are self-appointed and regulated.

The findings suggest that 56 percent of the respondents are of the view that traditional leaders are appointed subject to the law while 26 percent are of the contrary view. Only 18 percent of the respondents are uncertain on whether or not there are pieces of legislation regulating the appointment of traditional leaders. The effect of residents’ lack of knowledge on the existence of legal prescripts that regulate the appointment of traditional leaders is a contributory factor to the problem investigated in this paper. This basically means that any other appointment of traditional leaders contrary to their belief has the potential to be referred to as political interference. There also needs to be education in this respect specifically

given the fact that there are uncertainties on the same issue among community members. This form of civic education will go a long way in empowering general citizens and traditional leaders.

Political Affiliation

In a study of political interference, the paper cannot underestimate investigating political affiliations of respondents. The alleged political interference in the Thomo and Khakhala Traditional Communities catches the African National Congress (ANC) in the middle of the problem investigated in this paper. This is because the Limpopo Provincial Government is under the leadership of the Party. It was therefore equally necessary to probe political affiliation so as to understand the views of the respondents with the lenses of the political parties they are affiliated to. In a study conducted by Mathebula and Sebola (2020), it was discovered that political affiliation and associated benefits play a huge role in administrative processes. In this line, it could be argued that this can also be the case whereby certain traditional leaders are unduly recognised because of their alignment and affiliation to a particular ruling political party.

Table 2: Political Affiliation of Respondents

African National Congress	Economic Freedom Fighters	Democratic Alliance	Non-Affiliated	TOTAL
48%	20%	4%	28%	100%

Source: Author

Table 2 above indicates that 48 percent of the respondents are affiliated members of the ANC, 28 percent are not affiliated with any political party, 20 percent affiliated to the Economic Freedom Fighters (EFF) while only 4 percent of the respondents are affiliated to the Democratic Alliance (DA). There is a need, given the numbers in Table 2 to indicate the difference between affiliated and non-affiliated members. Non-affiliated members are those who are not on the membership database of any political party. This however, does not incline that such members are not eligible to vote in local, provincial and national government elections. Of interest in the findings is the fact that majority (48%) of the respondents are affiliated members of the ANC. This is so as the alleged political interference in the Thomo and Khakhala Traditional Communities is labelled against the ANC government. Inasmuch as the government ruling elite are entrusted with power and policy discretions in the recognition and the appointment of traditional leaders, it would be expected if majority of the respondents defended their political party against allegations of political meddling and interference. This is consistent with the findings presented by Mathebula and Sebola (2020) which revealed that majority of respondents strongly negates any relationship between political affiliation and the discharge of public affairs.

Utilising Commissions in Resolving Disputes

The aim of establishing a commission dealing with traditional leadership dispute is among others; restoring ‘dignity and integrity’ of traditional leaders and their communities (Republic of South Africa, 2011; Ledwaba, 2021). It would however appear, given the available data and the continued disputes that the institution of traditional leadership is irretrievably broken down. According to Peires (2014), these commissions are capable of being influenced by ‘vested interests’. It is therefore paramount that commissions of this nature be independent from government. The thinking could be that interested political office bearers may unduly influence administrative processes to benefit their political needs. During the Commission on Traditional Leadership: Disputes and Claims which later became known as the Nhlapho Commission, former President Thabo Mbeki was accused of using the Commission to serve his political interests and goals. It is on this basis that traditional leaders align with the notion of settling disputes in line with culture, tradition and history. In this section, the paper probed whether commissions should be utilised in the resolving and settling of disputes.

In responding to the question, 70 percent of the respondents agree, 18 percent disagree while only 12 percent of the respondents were undecided. It is clear that there are contrasting views among traditional leaders and the general citizenry in a sense that traditional leaders prefer to resolve disputes on their own. This was also the view of Limpopo Premier Stanley Mathabatha who held that traditional leaders must resolve disputes themselves (Yende, 2023). This was after and despite the fact that Mathabatha was at the center of controversy of traditional leaders recognition. Decisions by commissions which are often successfully challenged through courts is another cause for concern. This is as a result of the legal standing of a commission. Ledwaba (2021) is of the view that a specialized court similar to land claims, labour and children's court must be established and headed by an expert in indigenous knowledge systems.

The Role of Courts in Traditional Leadership Disputes

When delivering his 2023 State of the Nation Address, Limpopo Premier Stanley Mathabatha said; "Magoshi a rena (our traditional leaders), "we always had a customary way of resolving these disputes without resorting to courts. It is within this context that I once more implore you to resolve these matters on your own." As a result of the dynamics explained above, some decisions of the commission on traditional leadership are often reviewed through the courts. The case study in this paper is no exception. While cases such as that of the Bapedi King, and the famous 'Valoyi' case went as far as the Constitutional Court while others are successfully challenged in lower courts. As it has already been alluded to, the Congress of Traditional Leaders (CONTRALESA), is of the view that traditional leadership disputes would not be handled fairly through courts as African traditions and customs have nothing to do with the Roman-Dutch law infused and applied by South African courts (Ledwaba, 2021).

While asked about the utilization of courts in settling traditional leadership disputes, 74 percent of the respondents agreed, 12 percent disagreed, and 14 percent was not sure whether such is a good idea or not. In a democratic dispensation such as that of South Africa, the Constitution (1996) forever prevails when a quandary of this nature arises. That is, courts would be preferred over traditional platforms to adjudicate leadership disputes. It is on this basis that court applications, one after the other have been filed, listened and sometimes appealed in relation to Thomo and Khakhala traditional leadership dispute.

Politics-administrative Interface

It has been argued that the undue and excessive interference by politicians into traditional leadership disputes can be viewed using the politics-administration dichotomy whereby traditional leaders are viewed as administrators in governance. It is noteworthy that political office bearers such as MECs and the premier of a province are empowered by various legislative prescripts to administer particularly the recognition of traditional leaders. Therefore, respondents were asked to respond on whether there may be any form of existing relationship between politicians and traditional leaders.

This section of the paper sought to understand any perceived existent interface or relationship between politicians and traditional leaders. The question related to the respondent's perceived relationship in the context of administration and politics.

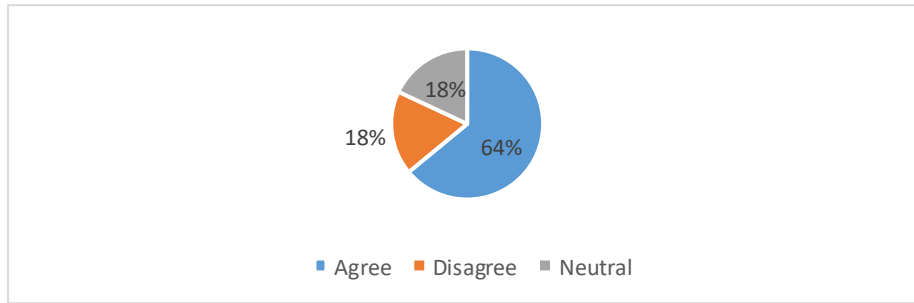


Figure 2: Relationship Between Traditional Leadership and Politics
Source: Author

Based on the numbers presented by Figure 2 above, it is undoubtful that respondents agrees to the fact that there must be forged strong relationship between politicians and traditional leaders. This is in line with the view that traditional leaders in a democratic South Africa plays a fundamental role in the socio-economic development and wellbeing of communities (Mathonsi & Sithole, 2017; Mamokhere & Mathebula, 2021). In fact, traditional leaders tend to be more trusted by the people compared to how they trust politicians. Besides the perceived and existing relationship between politicians and traditional leaders, democracy and the advancement of public goods and services to communities may be maximized if the two collaborate.

Political Interference

Ncalane (2018) holds that politics-administration interference which mainly refers to undue influence and interference become challenging as a result of lack of consultation and separation of roles. This point has been argued in the paper above to be as a consequence of slow transformation and a pragmatic shift from negative attitudes about the institution of traditional leadership (Ncalane, 2018). This situation is particularly dire at the local government sphere. In this paper, we sought to determine if the dispute between Thomo and Khakhala was as a result of political interference as alleged. Shiviti (2021) held that the recognition of Khakhala as a senior traditional leader “riddled with political interference by the provincial political authorities.....”.

Table 3: Political interference

Agree	Disagree	Neutral	TOTAL
76%	14%	10%	100%

Source: Author

Majority (76%) of the respondents agree that the decision to recognise Khakhala as a senior traditional leader was influenced by political interference. There could have been a plethora of factors leading to this overwhelming response pointing towards political interference which currently are not part of the focus of this paper. It is however noteworthy that certain political incumbents are mandated by legislation to play a role in the recognition and installing of traditional leaders. In this case, it is unfortunate that the study failed to further probe on what necessitated this level of response. However, Yende (2023) suggests that interference takes place especially in instances whereby senior political office bearers ignores court orders and proceed with the recognition and installing of traditional leaders.

Conclusion and Recommendations

The institution of traditional leadership in South Africa is provided for through sections 211 and 212 of the Constitution of the Republic of South Africa, 1996. Furthermore, the Local Government: Municipal Structures Act (117 of 1998) makes provisions for traditional leaders to participate in policy

and decision making processes. However, there are criticisms in that traditional leaders are ‘starved’ of any decision-making powers. This is so as no policy and legislative frameworks bestow any power to make decisions into administrative processes of government. This therefore has the potential to worsen political interference particularly by politicians who are in government. This article sought to understand through perceptions and knowledge the alleged political interference in Thomo and Khakhala traditional dispute(s). Taking from the findings, the following recommendations are proposed:

- Government must come up with training initiatives aimed at ensuring that traditional leaders understand their role in administration and governance. This will go a long way in ensuring that a bottom-up approach to development and service delivery is realised.
- Amendments to existing policy and legislative framework can be considered. It would appear that lack of clarification of roles and powers of traditional leaders vis a vis those of political office bearers can be a driving factor in disputes between traditional authorities.
- Political office bearers must be able to play their constitutional role fairly and impartially by refraining from politically motivated traditional leadership disputes. Since these politicians possess some form of powers to make determinations in disputes, such must not be exercised *ultra vires*.
- After all, this article argues that there must be synergy and a strong relationship between government and traditional leaders. This may translate into accelerated service delivery especially if traditional leaders are to become the vehicle and voice of development for the people they govern.

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