

PROPOSED GOVERNMENT-WIDE NATIONAL PROGRAMME OF SUPPORT FOR THE INSTITUTION OF TRADITIONAL LEADERSHIP

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1. BACKGROUND

The finalisation and publication of the White Paper on Traditional Leadership and Governance, the coming into operation of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) (the Framework Act) and Provincial Legislation emanating from the Framework Act concluded a significant phase of a long-term process to find accommodation for traditional leadership within the present system of democratic governance. Traditional leadership can now partake in programmes of the national, provincial and local spheres of government, participate in partnerships with government and play a significant role in uplifting the standards of living of an estimated 14 million people in the rural areas.

2. LEGISLATIVE FRAMEWORK

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The legislative framework governing the position and the role of the institution of traditional leadership and giving the mandate to the whole institution comes from a myriad of

pieces of legislation enacted by parliament and provincial legislatures, and these pieces of legislation may be summarized as indicated in the following table:

LEGISLATION	IMPACT ON TRADITIONAL LEADERSHIP
Constitution of the Republic of South Africa No. 108 of 1996 (Chapter 12 and Schedule 4)	<ul style="list-style-type: none"> § the constitutional recognition of the Institution of traditional leadership and customary law subject to the constitution. § the function on traditional leadership being a concurrent functional domain of both the national and provincial spheres of government.
Traditional Leadership and Governance Framework Act No. 41 of 2003	Legislation envisaged in the White Paper and the Constitution clarifying the status and the role of the institution of traditional leadership in and its structures in the country
National House of Traditional Leaders Act No. 10 of 1997	Establishment of the National House of Traditional Leaders and allocation of roles to the said House
Municipal Structures Act No. 117 of 1998 (section 81);	20% of traditional leaders must seat in municipal councils <ul style="list-style-type: none"> § observer status / no voting rights § MECs to identify traditional leaders to participate and provide for the roles
Municipal Systems Act No. 32 of 2000 (sections 4, 16, 17, 18, 29 and 4229)	Role of traditional leaders in development including consultation of traditional councils in the compilation of integrated development plans (IDPs)
Remuneration of Public Office-bearers Act No. 20 of 1998 (sections 5, 8 and 9)	Recognition of traditional leaders as public office bearers and their remuneration as such
Disaster Management Act No.57 of 2002 (sections 5 and 7), and the Disaster Management Framework	Role of traditional leadership in disaster management
Communal Land Rights Act No. 11 of 2004 (sections 1, 2 and 5 and Chapters 7 and 8)	Traditional councils may be recognised as land administration committees for communal land
Intergovernmental Relations Framework Act No. 13 of 2005 (sections 6(3), 10(3), 17(3) and 25(3))	Some role of the institution of traditional leadership in intergovernmental relations structures when called upon to participate
OTHER LEGISLATION	
National and provincial legislation	Role of the provinces in the administration of traditional leadership matters and

envisaged in the White Paper and the Framework Act	the provision that government must render support to the institution
Laws regulating the judicial functions of traditional leaders	Allocation of the justice functions to traditional leaders to preside over certain matters in customary courts
Justices of the Peace and Commissioners of Oaths Act No. 16 of 1963	Traditional leaders recognised as commissioners of oaths
Pieces of primary and subordinate old order legislation relating to traditional leadership, and inherited on 27 April 1994	Note: a large number of these have been repealed while a significant number still remains in the statute books at national as well as provincial level (these are currently being rationalized)

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3. STRATEGIC PRIORITIES

The following strategic priorities have been identified for the rendering of meaningful and sustainable government-wide support to the institution of traditional leadership:

1. Supporting the structures of the institution of Traditional Leadership (Traditional leaders, Traditional councils; and Houses of traditional leaders) to improve governance, performance and accountability.
2. Building sustainable capacity to the institution of traditional leadership to promote and enhance the involvement of the institution in the development processes of their communities.
3. Reviewing and strengthening the policy and regulatory framework in order to give more attention and support to the institution of traditional leadership in respect to the implementation processes.
4. Addressing the structure and governance arrangements of the state in order to better strengthen, support and monitor the traditional leadership institution.

The legislative framework identified above demonstrates that traditional leadership and South Africa's current democratic dispensation are not mutually exclusive. The institution has to function in a manner that not only embraces democratic principles and entrenchment of a democratic culture, but should make the institution part of the country's institutional machinery to improve the quality of life of the traditional / rural communities, fighting poverty, unemployment and marginalization thereby leading to the creation of a better life for all.

To this end the challenge for the institution of traditional leadership and government is to identify strategic priorities for immediate, medium and long term government-wide intervention to support the institution on a sustainable basis.

The strategic priorities listed above seek to give effect to the government support contemplated in the legislation. Various pieces of legislation further refer to the role of traditional leadership in supporting all spheres of government in service delivery and development. This strategic agenda therefore seeks to highlight the main areas of strategic focus in ensuring that all structures within the institution of traditional leadership are fully functional to give full effect to play a huge role in service delivery and development of traditional communities.

A concerted effort is being made in this document to develop a government-wide support programme focusing on what government as a whole requires doing to work with the institution and provide the necessary support for the institution to function properly. The main strategic areas of focus highlighted in the attached programme of support include, but are not limited to, the following: -

- a) provision of resources including human and other resources;
- b) the development of required skills;
- c) the involvement of the institution of traditional leadership in development processes; and
- d) the formation of partnerships between the municipalities and traditional councils in order to speed up service delivery and development in traditional community areas.

4. INVOLVEMENT OF PROVINCES IN THE PLANNING AND IMPLEMENTATION PROCESS

- a) The provincial departments dealing with the issues of traditional leadership were brought on board the process of policy making which culminated in the finalisation of the status quo report on traditional leadership and institutions in South Africa, the White Paper on Traditional Leadership and Governance and the Framework Act. During the process of the drafting of provincial legislation emanating from the White Paper and the Framework Act all affected provinces were part of the process to unpack and understand the provisions of the framework legislation and what was expected to include in the provincial legislation. The dplg assisted the provinces with a framework of issues to provide for in the provincial legislation. The dplg further assisted provinces with the drafting of their province-specific legislation on traditional leadership.
- b) All provinces have recently passed their legislation on issues of traditional leadership and governance. Most have passed their legislation on the establishment of local and provincial houses, while only two (the Eastern Cape and Free State) have not.
- c) Assistance is also provided by the dplg to provinces in the implementation of their legislation as well as the Framework Act. The provinces are currently in varying stages of implementation. The priority area is the setting up of structures within the institution of traditional leadership. While KwaZulu Natal has finalised the regulations on the reconstitution of traditional councils, the reconstitution of the provincial house of traditional leaders and the establishment of local houses of traditional leaders, other provinces

have only just started with the reconstitution of traditional councils or they are still busy drafting regulations.

- d) In an attempt to further involve provinces in the process leading to the drafting of the national support programme the dplg embarked on a campaign to visit all provinces with traditional leaders in order to understand the challenges encountered by such provinces in the transformation of the institution in line with the new legislation. From this exercise it became possible for the dplg to fully understand the status of each province regarding the transformation of the institution and to offer required hands-on support. From this global understanding it then became possible to come up with most of the interventions proposed national support programme. The provinces will further be consulted on the implementation of the strategic agenda once this is approved by MinMec, Cabinet and the PCC.

5. INVOLVEMENT OF THE WHOLE OF GOVERNMENT IN THE TRANSFORMATION AND DEVELOPMENT OF THE INSTITUTION OF TRADITIONAL LEADERSHIP

Sections 19 and 20(1) of the Traditional Leadership and Governance Framework Act No. 41 of 2003 provide that government departments may allocate functions to traditional councils.

During the course of the discussions on this national support programme the question has arisen as to how far individual Ministries and Departments have gone with regard to the assignment of functions to traditional leadership. It may also be possible that National Departments, other than those

envisaged in section 20 (1) of Act 41 of 2003, may have developed programmes relating to, or involving, the institution of traditional leadership. Such programmes may be integrated under this programme for coordination purposes.

To implement the Act in this regard, the Minister has written to all the relevant Departments / Ministries sensitizing them to the provisions of the Act to include traditional leadership issues in the planning and implementation of their programmes, where applicable. Progress regarding the allocation of roles and functions to traditional leadership in order to promote an integrated approach by government towards traditional leadership will also be monitored by the DPLG to ensure compliance with the Act.

1. BACKGROUND

In June and in September 2003 Cabinet approved of the White Paper on Traditional Leadership and Governance as well as the Traditional Leadership and Governance Framework Bill, respectively. The Bill was enacted into law in December 2003 and put into operation in September 2004.

Sections 19 and 20 (1) of the Traditional Leadership and Governance Framework Act No. 41 of 2003, deal with the allocation of roles and functions for traditional leadership. These sections envisage the assignment by national government or provincial government of roles and functions for traditional leadership structures. Some of these roles/functions have already been assigned to traditional leadership structures although no formal assignment instruments have been entered into between such departments and traditional leadership structures at the moment.

To implement the Act in this regard, the Minister for Provincial and Local Government wrote to all the relevant Departments / Ministries, during November 2006, sensitising them to the provisions of the Act to include traditional leadership issues in the planning and implementation of their respective programmes, where applicable.

2. INTRODUCTION

The Department of Provincial and Local Government is in the process of developing a framework for the implementation of Act 41 of 2003, a national framework for the capacity building of traditional leadership as well as a programme of support for the institution of traditional leadership including assisting provinces with the finalisation and implementation of provincial legislation on traditional leadership. During the course of the discussions on these matters the question arose as to how far individual Ministries /Departments have gone with the assignment of roles and functions for traditional leadership. It may also be possible that National Departments, other than those envisaged in section 20 (1) of Act 41 of 2003, may have developed programmes relating to, or involving, the institution of traditional leadership.

To take the process forward the Minister for Provincial and Local Government is establishing an Inter-Departmental Committee (the IDC) to prepare for a workshop with affected Ministers.

3. MEMBERSHIP OF THE INTER-DEPARTMENTAL COMMITTEE

The membership of the IDC will comprise the Departments listed in the Framework Act, and in addition to that all other Department who not listed in the Act but who do work with traditional communities through traditional leaders and their structures will be part of this committee.

The National House of Traditional Leaders (the NHTL) will also be part of the IDC.

3.1. Arts and Culture

The White Paper on Traditional Leadership provides for traditional leaders

- to promote indigenous knowledge systems, music, oral history and commemorative events;
- promote the preservation of heritage resources.

Through partnership with the Department of Arts and Culture, the institution of traditional leadership should:

- Assist the traditional communities in the protection, promotion and preserving indigenous knowledge system;
- Establish new commemorative structures and museums by recasting of existing monuments and museums (re-interpretation);
- Proclaim new heritage institution to redress the neglected histories;
- Reclaim human dignity through the transformation of place names by ensuring that rural communities identify with the linguistic, historical, cultural and socio-economic consideration for the name;
- Encourage tourism in rural areas thereby securing future developments of the arts industry in the country;
- Facilitate, encourage and co-ordinate programmes in every sector in traditional communities by restoring the moral fibre of the nation.

3.2. Environmental Affairs and Tourism

The White Paper provides for Traditional Leaders to

- promote environmental management; and

- promote sustainable use of cultural resources within communities.

Through partnership with the Department of Environmental Affairs and Tourism, the institution of traditional leadership should assist in:

- Promoting greening/ eco-friendly practices as a way of life by reinforcing the role of the environmental living within the context of the country's economic and social development programme;
- The management of coastal zone (falling within the jurisdictional area of a traditional council) for optimal use of opportunities and benefits it provides;
- Promotion and conservation of biological diversity, cultural and local natural resources and ensure the sustainable utilization of the land in the interest of health and well being of people in rural areas;
- Provision of indigenous environmental information in support of effective environmental management and public participation in environmental governance;
- Assisting in the greening campaign for 2010 and beyond;
- Assist in creating conditions for responsible tourism growth and development thereby increasing job entrepreneurial opportunities and encouraging meaningful participation of traditional communities.

3.3. Government Communication and Information Service (GCIS)

The White Paper provides for Traditional Leaders to play a role in the dissemination of government information relating to government policies and programmes

3.4. Health

Traditional Leaders should advise and play a role in traditional health practices and rituals including initiation schools;

- advise and participate in nation-wide health campaigns, e.g. cholera, HIV/AIDS, tuberculosis, etc.;

Through partnership with the Department of Health, the institution of traditional leadership should assist in:

- Delivering Telemedicine System health care services at a distance to South African rural communities which will provide rural communities access to physicians and 'specialists' expertise thereby allowing better utilization of scarce medical personnel and resources;
- Improving the nutritional status of all South Africans through implementing integrated nutrition activities in rural areas;
- Raising public awareness on the impact of HIV/AIDS;
- Assisting in the efficiency, safety and quality of traditional health services with regard to registration, and conduct of practitioners in the traditional health practitioners' profession.

3.5. Home Affairs

Involvement of traditional councils in the registration of births, identity documents, customary marriages, deaths, etc.

Some of the functions were allocated to traditional authorities in the past, but were later withdrawn because of certain reasons. A lasting and legally structured partnership is proposed within the auspices of the work of the committee.

A bilateral meeting was held between the dplg and Home Affairs with a purpose of establishment of a structured and sustainable partnership between the two government departments and traditional leadership and an approach on how to implement the sections of the legislation that provide for the said departments to assign roles to traditional leadership structures particularly the Traditional Councils (TCs). The two departments agreed, in a bilateral, to commence mutual engagement on this programme.

3.6. Housing

The Traditional Leadership in South Africa should partner and commit to constructive dialogue for the benefit of rural communities to:

- Assists in dedicating itself to work tirelessly to fast track housing delivery;
- Assist in creating human settlements that give back to traditional communities dignity, house the homeless and ensure that their homes are lifelong assets for them and their generations;
- Ensuring that each person in the rural housing delivery chain understood their obligations and that these obligations were respected;
- Accelerating the delivery of housing as a key strategy for poverty alleviation in rural areas;
- Build capacity within the construction industry and promote development of the emerging and women contractors in rural areas;
- Support the promotion of approved indigenous methods and technologies relevant for the rural context and making sure that they are of minimum approved standards and are suitable to rural context;
- Engage in removing obstacles which impede rapid delivery in rural areas.

3.7. Justice and Constitutional Development (Johan to feed in)

Allocation of judicial functions and conferment of jurisdiction on traditional leaders to try certain cases in customary courts and to act as Commissioner of Oaths.

The dplg is currently part of a task team whose work is to put together a document towards the adoption of a policy and enactment of a law on customary courts and their procedure.

3.8. Land Affairs and Agriculture

The white Paper on Traditional Leadership and Governance outlines the following role to be played by TCs in the following areas:

- land administration;
- advise government on agricultural development and improvement of farming methods;
- promote sustainable use of land; and
- advise government and participate in programmes geared to prevent cruelty to animals.

Traditional leaders can also play a role in agri-tourism activities taking place in traditional communities.

3.9. Minerals and Energy

Involvement of traditional communities and leadership in the mining activities and royalty benefits of minerals extracted from traditional community land

3.10. National Treasury

Involvement of traditional leaders in the economic development initiatives of government and the formation of private-public partnerships (including joint ventures) and public-public partnerships.

The National Treasury is primarily expected to fund government programmes geared towards the building of capacity of traditional leaders to play their role in service delivery and development.

3.11. Safety and Security

Involvement of traditional leaders in the community safety structures and programmes, like the Community Policing Forums (CPFs).

Traditional leaders also need to be involved in developing a national strategy to reduce the number of youth in conflict with the law and promote youth development within the framework of the national Crime Prevention Strategy and partnership with the National Youth Commission.

3.12. Department of Social Development

The White Paper provides for Traditional Leaders to:

- facilitate community access to pensions and social grants;
- promote protection of the vulnerable , including children, the elderly and the disabled;

Through partnership with the Department of Social Development, the institution of traditional leadership should assist in:

- Rebuilding of family, community and social relations by restoring the ethics of care and human development in welfare programmes;
- Making social welfare services accessible and available to people in rural areas and ensure equity in service provision;
- Making a range of services accessible to support rural communities through community –based care system for the people living with HIV/AIDS with attention given particularly to orphans and children infected and affected by HIV/AIDS;

3.13. Provincial and Local Government

The key legislation on local government and traditional leadership is administered by the dplg; hence the dplg should take the lead in implementing key critical sections on

the Framework Act, The Municipal Structures Act, The Municipal Systems Act, Disaster Management Act, etc. The table attached to this document shows some of the key units to work with traditional leadership in the execution of their mandate.

3.14. Public Works

Involvement of traditional leaders and councils in the Expanded Public Works Programmes taking place in traditional communities.

3.15. Trade and Industry

Involvement of traditional leadership in business activities in their areas through partnership with the Department of Trade and Industry, the institution of traditional leadership should assist in:

- Identifying the economic potential of traditional communities through indigenous knowledge systems to assist in creating a more equitable economy to the benefit of rural communities;
- Assist in identified local products and services that would be exported to markets outside South Africa;
- Creating an enabling environment for co-operative enterprises which reduces the disparities between urban and rural businesses and is conducive to entrepreneurship;
- Raising awareness on consumer rights and responsibilities in rural areas;
- Achieving equity in rural communities by creating mechanisms of supporting women owned enterprises;

- Applying the principle of Black Economic Empowerment in traditional communities.

3.16. The Presidency

The Presidency is expected to play the following roles, *inter alia*:

- To lead and coordinate the work of the whole government impacting on traditional leadership;
- To recognise and support the Kings and Queens in terms of the Framework Act; and
- Involve traditional leaders in programmes like ASGISA and JIPSA.

3.17. Water Affairs and Forestry (DWAF)

Involvement of traditional leaders in water and forestry conservation, farming and use in traditional communities.

3.18. National House of Traditional Leaders (NHTL)

The National House of Traditional Leaders is statutory body established in terms of Act 10 of 1997 as amended to play an advisory role to government on matters pertaining to traditional leadership and communities. The NHTL should play its role to assist the IDC to realize its objectives.

DPLG UNIT	EXAMPLE OF KEY AREAS OF COOPERATION
Integrated Development Plans	<ul style="list-style-type: none"> • In terms of the law traditional councils must be involved in the compilation and review of the IDPs as part of creating credible IDPs. • Involvement of traditional leaders in the identification of community development needs
Local Economic Development	Traditional leaders to be part of all the economic development activities in their communities, whether coordinated by the municipalities or not. Also to be beneficiaries of all capacity building related to LED.
Integrated Sustainable Rural Development Programme	In all rural development initiatives and programmes traditional leaders must be involved both at the planning as well as at execution stage.
Inter-Governmental Relations	Traditional leaders to be involved in the activities of the intergovernmental structures, especially when matters involving traditional communities and leadership are to be discussed.
LOGOLA (Local Government Training Academy)	There is a need to a dedicated skills development programme for traditional leadership, in addition both municipal councillors as well as traditional councillors need joint capacity building in order for them to understand each other's roles and status in terms of the constitution and the relevant legislation.
Public Participation	<ul style="list-style-type: none"> • Traditional leaders need to participate in structures like ward committees, not only for public participation purposes but as partners in service delivery and development. • Consultation of traditional leaders as partners in all the programmes of the municipalities

<p>Project Consolidate / 5 year Local Government Agenda</p>	<ul style="list-style-type: none"> • To partner with the institution of traditional leadership on the basis as part of the dedicated programme to ensure that all municipalities function in terms of the law in delivering services. Through this programme assurance must be made that traditional leadership structures are involved where they should be involved by the municipalities to eliminate confusion and conflict. • Entering into service delivery agreements between traditional councils and municipalities in terms of section 76 of the Systems Act and the section 5 of the Framework Act.
<p>Local Government Administration</p>	<ul style="list-style-type: none"> • Implementation of S81 of the Structures Act as to participation of traditional leaders in municipal councils; • Submission of draft-bylaws to traditional councils and local houses by local and district municipalities;
<p>Disaster Management</p>	<ul style="list-style-type: none"> • Involve traditional councils and local houses in the disaster management committees and activities in traditional communities for them to utilise the indigenous knowledge systems as provided for in the Disaster Management Act

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4. OUTLINE OF THE PROCESS AND WORK OF THE COMMITTEE

The DPLG will initiate the establishment of the IDC and this committee will report to the Minister via the Director-General: DLPG. The DPLG will oversee and coordinate the functioning of the IDC as outlined in the table below.

ACTION		PURPOSE	SUGGESTED DATE
1.	Establishment of the IDC	<ul style="list-style-type: none"> - DPLG to coordinate the establishment the committee - Write letters to relevant Departments to identify members of the IDC - DPLG to arrange for the first meeting of the IDC 	August 2007
2.	First meeting of the IDC	<ul style="list-style-type: none"> - Clarify and agree on the terms of reference - Start preparing for the workshop with affected Ministers - Finalise the date and programme for the workshop to discuss and decide on: <ul style="list-style-type: none"> - implications of the assignment of functions (budget, resources, assignment instruments, etc) - the processes of the assignment of functions - the implementation of the assignment processes and the consultation with the stakeholders - the legislative implications to individual Department 	August 2007

		- implementation of the resolutions of the workshop	
3.	Workshop with Ministers	- Discuss and decide on the implementation of the assignment of functions (see paragraph 2)	To be determined by the IDC
4.	IDC to implement resolutions of the workshop(the dplg to coordinate the meetings of interdepartmental committee)	<ul style="list-style-type: none"> - To implement the decisions of the committee at administrative level - To report program to the DPLG Minister on a quarterly basis 	ongoing
5.	- Ministries to monitor the implementation of the Act and assignments		ongoing

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5. TERMS OF REFERENCE OF THE IDC

The Inter-Departmental Committee will facilitate the implementation of sections 19 and 20 of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) and other relevant legislation which is provided for in the Act as follows:

- a) allocation of roles by relevant government departments to traditional councils and traditional leaders;
- b) consultation with the Minister for Provincial and Local Government, the relevant MECs in provinces and traditional leaders and traditional councils;
- c) allocation of financial, human and other resources to traditional councils for the performance of the assigned functions;

- d) determination of appropriate legal instruments for the allocation of roles and functions;
- e) monitoring the performance of the allocated roles to traditional leaders and councils and compliance with the Constitution;
- f) providing capacity building to traditional leaders and councils for the performance of allocated roles; and
- g) ensuring the uniform allocation of roles within areas where there are traditional communities.

MEETINGS

The dplg will organize and facilitate the meetings of the IDC and bilateral meetings with various member departments.

CAPACITY BUILDING

DRAFT CAPACITY BUILDING FRAMEWORK FOR THE INSTITUTION OF TRADITIONAL LEADERSHIP IN SOUTH AFRICA

1. The Status Quo

Capacity building is one of the key main areas for the performance of the proposed new Department for traditional leadership. As the old structures are transformed and new structures are established in terms of the new legislation there will be a need for the national department to mobilize all possible partners and engage them in skills development programmes for traditional leadership. Currently the provinces are conducting small skills development projects based on a piecemeal and unstructured approach. The initiatives do not reach all traditional leaders, and even those that have been trained in certain fields there is no mechanism to assess the impact in the way traditional leaders conduct their business afterwards. This situation is surely not ideal and desirable. Furthermore, the new approach is to capacitate all members within the institution and not only senior traditional leaders.

Recommendation

In the light of the current situation regarding skills development for traditional leadership, it is proposed that a comprehensive capacity building programme be designed which will include the following:

a) Development of a skills development framework for traditional leadership;

- b) The conduct of a skills audit to all traditional leaders;
- c) Mobilization of all relevant skills development partners for traditional leadership;
- d) Setting up of a national skills development grant for traditional leadership;
- e) Development, packaging and execution of skills development projects focusing on key areas of priority for the institution; and
- f) Development of impact assessment programme for the beneficiaries of the skills development programme.

It is envisaged that a grant be created at national level so as to set national skills development standards. Material should also be developed at national level and provinces may make an input to customize the training material based on provincial peculiarities. It is further envisaged that the grant will be administered in the following manner:

- a) The national department will develop the skills development programme and determine the national standard and pace utilizing the budget aimed for this purpose; and

The nationally developed programme and material will then be transferred to the provinces for execution. Provinces will be expected to source the capacity to execute the programme. The financial resources for this purpose will be transfers from the national department, with the national department playing a coordinating, monitoring and evaluation role in all provinces. The provinces will be expected to account for the funds spent by them in terms of the Public Finance Management Act

2. THE AIMS OF THE FRAMEWORK

The aims of this framework are:-

1. to provide for a national capacity building program for traditional leaders and institutions which will contribute towards the reconstruction and development of an equitable, just and democratic society in South Africa;
2. to provide for a research and evaluation basis for the promotion of an understanding of the issues pertaining to traditional leadership and institutions capacity building;
3. making the boundaries between municipalities and traditional leadership institutions more permeable thereby increasing cooperation within and between these institutions for development purposes;
4. to provide for advocacy and raising of donor and funding monies for such a programme;
5. to integrate the existing ad hoc and piecemeal capacity building programmes into a long term systematic and sustainable programme that will be national in character;
6. to establish and evaluate education and development projects, structures and processes accountable to community articulated needs; and
7. to integrate academic and technical knowledge with the indigenous knowledge systems and experience of development work in traditional and rural communities .

Note: the capacity building programme must be a programme that enhances uniformity among provinces,

being conducted simultaneously, pitched and implemented at the same level in all provinces.

3. PARTNERS IN CAPACITY BUILDING FOR TRADITIONAL LEADERS

A partnership will have to be forged between the following partners for the purpose of this programme:

a) THE DPLG AND PROVINCIAL GOVERNMENTS

The dplg will play coordinating, monitoring and evaluating role of all the role-payers in the entire programme. The provincial offices will play the coordinating and monitoring role at provincial level. They will also provide input in the training material processes. The dplg also takes ultimate responsibility for the development of capacity building strategy, certifying of course content and the general smooth running of the whole project.

b) LOCAL GOVERNMENT SECTOR EDUCATION AND TRAINING AUTHORITY (LG SETA)

In partnership with the other the role-players and stakeholders, the LG Seta will develop the course material and coordinate the sourcing and accreditation of service providers to present the courses to all the capacity building beneficiaries.

c) NATIONAL HOUSE AND THE PROVINCIAL HOUSES OF TRADITIONAL LEADERS

This National House is an important partner in the programme, and the House's role is to mobilize and coordinate all the other Provincial Houses to be part of the programme and give the necessary guidance during the programme. The House may also provide funding for the programme.

d) SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION

SALGA will be expected to contribute funding especially in respect of the programmes that will run for municipal councilors and traditional leaders. The other role will be to mobilize and coordinate the participation of municipal councilors in the programme.

SALGA will also play a role in the needs assessment, prioritisation and the roll-out of the programme.

e) The DBSA

The Development Bank of Southern Africa will be approached for the funding of the programme.

f) TERTIARY ACADEMIC INSTITUTIONS

The tertiary institutions will play a big role as service providers in developing the capacity building material and the actual presentation of the training to the beneficiaries.

g) MUNICIPALITIES

The municipalities will be expected to contribute funding especially in respect of the programmes that will run for municipal councilors and traditional leaders. The other role will be to mobilize coordinate the participation of municipal councilors in the programme.

h) COMMUNITY BASED ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS (CBOs and NGOs)

The Community Based Organizations and the Non-Governmental Organizations may play a big role as service providers in developing the capacity building material and the actual presentation of the training to the beneficiaries.

4. FOCUS AREAS FOR CAPACITY BUILDING

The areas of focus will be packaged as follows:

Management

- integrated performance management;
- strategic planning;
- business etiquette;
- financial management ;
 - o fundraising;
 - o budgeting;
 - o expenditure; and
 - o accounting.

- legislation impacting on traditional leadership and local government and the applicable code of conduct;
- human resource management; and
- office management and administration;

Leadership

- gender workshopping for the transformation of the institution;
- public speaking;
- protocol and intergovernmental relations;
- negotiating skills;
- teambuilding;
- conduct of proceedings of the Houses of Traditional Leaders;
- conflict resolution;
- presentation skills;
- community policing;
- basic literacy; and
- computer literacy.

Development

- project management;
 - o project identification;
 - o project planning;
 - o project execution / implementation;
 - o project monitoring and evaluation; and
 - o project follow up.
- disaster management;
- development and partnerships;
- Integrated Development Plans, Local Economic Development and all local development initiatives; and

- Service delivery at local level.

5. BENEFICIARIES OF THE CAPACITY BUILDING PROGRAMME

All traditional leaders and their institutions will be beneficiaries of the programme. The programme will be extended to the municipal councilors as they will be part of the beneficiaries of the programme in respect of the legislative understanding and the establishment of partnerships.

Staff giving support to the institution of traditional leadership will also benefit from the programme.

6. FUNDING OF THE CAPACITY BUILDING PROGRAMME

The LG SETA, the dplg, provincial governments, DBSA, municipalities, SALGA and the National House and are all expected to be important and major contributors to the budget of the programme. Fundraising for the programme donors will have to be engaged in by the Donor Relations section of the dplg in cooperation with the other partners through a dedicated programme for the purpose of benefiting the beneficiaries identified for this capacity building strategy.

7. PROGRAMME OF ACTION

The following steps will have to be taken to implement the capacity building programme for the institution of traditional leadership:

- conduct of a skills audit from all traditional leaders, traditional councils, local houses, provincial houses and the national house. This information will be sourced from all provinces by the dplg;
- need to conduct provincial workshops on needs analysis;
- identification of capacity building needs;
- prioritisation of the capacity building needs;
- sourcing of funding for the programme (including donor funding);
- sourcing of service providers;
- development of capacity building materials; and
- Roll-out the implementation of the programme to the beneficiaries.

Note: while the skills audit is planned to start immediately with no extra financial requirements, a proper and comprehensive business plan still needs to be drafted by a committee of all partners set up for the purpose of driving this programme.

8. EXPECTED CHALLENGES

The institution of traditional leadership is an institution being transformed in terms of the new legislation; hence the reconstitution of traditional councils and the

establishment of Local Houses of Traditional Leaders may pose a challenge if not finalized in the near future. The provinces are currently not moving at the same pace in this regard.

It is also important to secure a buy-in from all stakeholders and role-players and the lack of this common understanding and buy-in may jeopardize the pace in which the programme will move.

Currently the capacity building programmes for traditional leaders and their institutions is being conducted in a piecemeal and ad hoc manner, and the integration of these programmes as one big programme is critical.

9. DRIVERS OF THE PROGRAMME

The partners identified above will play an important role in driving the programme, but the day to day running of the programme should rest with the Capacity Building Directorate and LOGOLA of the dplg and the LG Seta. The ultimate responsibility for the programme in terms of content of training material rests with the dplg.

TRADITIONAL INFRASTRUCTURE GRANT (the TIG)

The Status Quo

The structures within the institution of traditional leadership require resources for them to perform their function in terms of custom and statute. The current position in province is that the provision of the required resources is discretionary to either officials or political decision making bodies. As a result there is a huge discrepancy between what each province provides as support to the different levels of structures and leadership within the institution. For example, the provision of offices and office equipment varies from state-of-the-art to no office at all, and this varies from province to province. The province of Mpumalanga provides a vehicle to each of its 50 traditional councils. No other province does this. KwaZulu Natal provides a budget of + - R35m to one king to run his affairs with a dedicated fully fledged department, while the Eastern Cape has got six kings and only provide a luxury car per king. Limpopo is committing in excess of R10m per annum to build new offices for traditional councils and refurbish and remodel the old existing ones, while no other province is currently making this provision. In addition to these there are many other huge discrepancies obtaining in provinces regarding the provision of infrastructure to the institution of traditional leadership.

It is also important to note that there are new structures established in terms of the new legislation which were not there before 1994. These structures are the National House of Traditional Leaders, the 7 Provincial Houses of Traditional Leaders and about 31 Local Houses of Traditional Leaders. This is in addition to close to 800 traditional councils already

existing traditional in as many traditional communities. It is also important to note that homeland government had built customary court houses from which traditional councils conducted their administration of justice and other functions. These structures were not meant to be offices and most are too small and are now dilapidated.

The current infrastructure backlog has to be addressed through a dedicated national programme. In this regard, information is still being collected from provinces as to the existing infrastructural support being provided and the backlogs.

Recommendation

To address the infrastructure backlogs for the institution of traditional leadership it is recommended that a Traditional Infrastructure Grant (the TIG) be established at national level for the provision of required resources by traditional councils and Houses of Traditional Leaders. The required infrastructure will include the following among others:

- a) Offices / Chambers
- b) Vehicles
- c) Furniture
- d) Computers, Printers, Photocopiers, etc
- e) Telecommunication Systems
- f) Internet and e-mail facilities; and
- g) Other Consumables

It is envisaged that this conditional grant will span for as long as there are backlogs within the institution. The following are options with which the grant may be administered:

Option 1 - Administration of the Traditional Infrastructure Grant

The grant will be created at national department level, transferred to provinces and expenditure of the funds will take place at provincial level with provinces taking full procurement and accounting responsibilities reporting to the national department. The national department together with provinces will determine the minimum support required regarding the infrastructure for uniformity in all provinces as to standards and specifications and to set the equal pace for infrastructure provision in all provinces at the same time. This will largely eliminate the discrepancies currently being experienced in this regard. This option will enable the national government to monitor the pace at which this programme will be conducted at provincial level, while leaving this entirely to provinces will further inadvertently

promote the inequities and different pace in which provincial governments are providing this support to the institution.

Option 2 - Administration of the Traditional Infrastructure Grant

The national department together with provinces will determine the minimum support required regarding the infrastructure for uniformity in all provinces as to standards and specifications. Provinces will thereafter be required to estimate their own individual budgets and source the required funds from the provincial equitable share. With this option, the coordinating, monitoring and evaluation role of the national department might be severely curtailed resulting in provinces moving at different paces in this regard.

DRAFT 2

10. CONCLUSION

In discharging its role of coordination and management of this constitutionally concurrent function, the dplg will work closely with relevant national departments and provinces, to monitor their performance, provide leadership, advice and support with a view to promoting a coherent approach towards the transformation of the institution, the maximum

use of resources and positive contribution towards service delivery and development.

Traditional leadership can now function in a manner that embraces democracy and contributes to the entrenchment of a democratic culture thus enhancing its own status and legitimacy amongst the people.

DRAFT 2

STRATEGIC PRIORITY NO 1: Supporting the institution of Traditional Leadership (Traditional leaders; traditional councils and Houses of traditional leaders) to improve governance, performance and accountability.

NO	PLANNED INTERVENTION	HIGH LEVEL ACTIVIES	DELIVERABLES	TIME FRAME	RESPONSIBILITY	PROGRESS
1.	Resource and infrastructure mobilisation for all structures within the institution of traditional leadership	<ul style="list-style-type: none"> § Conduct needs analysis and determine the needs of the structures in conjunction with provinces § Inventorise the existing infrastructure from provinces § Determine funding requirements and make budgetary allocations for this purpose § Provide the required resources 	Adequate resources provided to all structures within the institution	Commence by 2007 and end by 2009	The DPLG and Provinces	
2.	Provision of administrative support to the institution	<ul style="list-style-type: none"> § Reconfiguration of national and provincial offices dealing with traditional leadership issues to give support in terms of the new legislation § Take stock of the current staff structure and determine the needs of all structures within the institution § Determine the 	Adequate human resources provided to support the functioning of the institution	2008	The DPLG and the provinces	

		budgetary needs of the institution and source the required funding for the institution				
3.	Provision of Dedicated Support to the National House of Traditional Leaders	<ul style="list-style-type: none"> § Finalise the work of the task team appointed by the Minister to make recommendations on the effective functioning of the National House and other Houses § Implement the approved recommendations 	Fully functional and effective National House of Traditional Leaders	2008	The DPLG and the National House	
4.	Development and execution of a Comprehensive Skills Development Programme for Traditional Leadership Institutions	<ul style="list-style-type: none"> § Develop a capacity building and skills development framework for the institution § Identify key strategic partners in skills development § Establish a capacity building task team at national level § Source funding allocations for skills development § Assist provinces in executing roll-out business plans 	A comprehensive skills development framework finalised and programme rolled out	Start by March 2007	DPLG and the National House	

		§ Monitor the provincial progress and give remedial assistance where necessary				
5.	Provide support to provinces who received and or released traditional communities as a result of re-determination of provincial boundaries in terms of the 14 th amendment to the Constitution	<p>Provide hands-on support to the following provinces to deal with the consequences of the re-determination of provincial boundaries:</p> <ol style="list-style-type: none"> 1. Eastern Cape 2. KwaZulu-Natal 3. Gauteng 4. Northern Cape 5. Mpumalanga 6. Limpopo <p>§ Assist with the drafting of legislation on governance and Houses (NC and GP)</p> <p>§ Assist with the implementation of legislation as to the establishment of structures and their operations</p> <p>§ Setting up of office to deal with traditional leadership issues in the receiving province where no such office exist (Northern Cape and Gauteng)</p>	Assistance provided and offices established and functioning efficiently	by April 2007	The DPLG and affected provinces	

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STRATEGIC PRIORITY NO 2: Building capacity to the institution of traditional leadership to promote and enhance the involvement of the structures within the institution in the development processes of their communities.

NO	PLANNED INTERVENTION	HIGH LEVEL ACTIVIES	DELIVERABLES	TIME FRAME	RESPONSIBILITY	PROGRESS
1.	DPLG to coordinate, facilitate and monitor support programmes of national government and provincial government to the institution a) Identification of functions to be assigned to traditional councils by various relevant national government departments	<ul style="list-style-type: none"> § Identify all departments for the purpose of the allocation of functions as listed in sections 19 and 20 of the Framework Act § Establish an interdepartmental task team consisting of all identified relevant departments § Identify functions for allocation to traditional councils and lobby with the relevant departments to allocate such functions to traditional councils § Allocation of functions to traditional councils by gov. Depts. and municipalities 	<ul style="list-style-type: none"> Assignment instruments finalized. Functions allocated 	<ul style="list-style-type: none"> June 2008 July 2009 	The DPLG and All relevant government Departments	
	b) Identification of partners and	<ul style="list-style-type: none"> § Identify programmes § Identify partners § Provide skills 	Traditional leadership structures fully involved in	December 2007	DPLG, Municipalities, other government departments	

	<p>programmes for the involvement of traditional leadership institutions in development</p> <p>c) Provision of Institutional Support to all the structures within the institution</p>	<p>§ development on programmes identified</p> <p>§ Monitor the sustainability of involvement of traditional leadership structures</p> <p>§ Implementation of national and provincial legislation:</p> <ul style="list-style-type: none"> ○ Finalisation of the reconstitution of traditional councils ○ Establishment of Local Houses ○ Reconstitution of Provincial Houses 	<p>development process in their communities</p> <p>Structures within the institution reconstitutes / established</p>	<p>March 2008</p>	<p>The DPLG and provincial department</p>	
2.	<p>Promote the involvement of traditional leadership institutions in service delivery</p> <p>a) Promote, coordinate and facilitate the entering into Synergistic</p>	<ul style="list-style-type: none"> ○ Facilitate the involvement of traditional councils in the IDP compilation processes ○ Promote the involvement of traditional leaders in the compilation of the Local Economic 	<p>Participation of traditional leaders and institutions in IDP and LED processes</p>	<p>Commence the process by March 2007</p>	<p>Relevant dplg units to develop monitoring and evaluation mechanisms to ensure that the partnerships do take place on a sustainable basis</p>	

	<p>Partnerships Between Government and Traditional Leadership Institutions</p> <p>b) Involvement of traditional leadership institutions in development</p>	<p>Development Plans</p> <ul style="list-style-type: none"> o Promote the entering into service delivery agreements by municipalities with TCs in terms of section 4 of the Framework Act o Promote the principles of cooperative governance and mutual respect between municipal councils and traditional councils o Monitor the referral of Bills to traditional leadership structures <p>§ Develop conflict resolution mechanisms to strengthen partnerships and involvement of traditional leaders in development</p> <p>§ Develop and implement a model outlining the mechanisms by which</p>			<p>Dplg, relevant national department, provincial departments and municipalities</p>	
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		the traditional leadership institutions can take part in development processes in their areas working with municipalities and other government departments				
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STRATEGIC PRIORITY NO 3: Refining the policy and regulatory framework in order to give greater attention and support to the institution of traditional leadership in respect the implementation measures and processes.

NO	PLANNED INTERVENTION	HIGH LEVEL ACTIVIES	DELIVERABLES	TIME FRAME	RESPONSIBILITY	PROGRESS
1.	Drafting and finalization of national and provincial regulations on the reconstitution and functioning of traditional councils	<ul style="list-style-type: none"> § Revive national and provincial drafting teams § Draft regulations and consult on draft § Finalise draft regulations and submit to the Minister for approval § Monitor the process to implement regulations in provinces and provide assistance 	Regulations finalised and implemented	March 2007	The DPLG and the provinces	
2.	Finalisation of the Policy on the Khoi-San Communities	<ul style="list-style-type: none"> § Consult on and finalise policy (and legislation) on the Khoi-San leadership issues § Ensure that provincial offices are ready to assist in the consultation process and the implementation of the policy / legislation (once finalized). § Support the activities of the National Khoi-San Council 	Policy and legislation on the Khoi-San leadership and governance finalised and implemented	2008	The DPLG	

		<ul style="list-style-type: none"> § Develop a programme for the inter-Departmental task team established to facilitate support and development to Khoi-San communities § Interdepartmental task team to deal with and finalise all issues referred to them by cabinet on indigenous people's issues § Finalise policy and integrate the National Khoi-San Council into the existing traditional leadership institutions 				
3.	Amendment of the legislation dealing with Houses of traditional leaders in line with the White Paper and the Framework Act	<ul style="list-style-type: none"> § Ministerial task team to finalise its work in terms of the mandate given by the Minister § Approval of recommendations by the Minister § Implementation of the recommendations of the task team 	All Houses fully and effectively functional in terms of amended legislation	2008	The DPLG and provinces	
4.	Provision of dedicated support to Kings and queens in terms of the new legislation	<ul style="list-style-type: none"> § Brief the presidency and bring them on board on the provisions of the new legislation and what roles are expected to be played by the 	<ul style="list-style-type: none"> § Regulations finalised and implemented 	<ul style="list-style-type: none"> § Finalise regulations by March 2007 § Comme 	The DPLG, the President's Office and Provinces	

		<p>President’s Office, the DPLG, other relevant national government departments and provincial governments</p> <p>§ Finalise Regulations on Kings and Queens</p> <p>§ Conduct an audit of the support currently being given to kings and queens</p> <p>§ Develop a legal framework / guideline for the provision of support regarding installations and funerals of traditional leaders</p> <p>§ Determine the role and budget implications of the dplg and the Presidency in terms of the Framework Act and the regulations</p>	<p>§ Full support provided to kings and queens</p>	<p>nce implementation and support provision from April 2007</p>		
5.	<p>Assessment of the alignment of the provincial legislation with the White Paper and the Framework Act on Traditional Leadership and</p>	<p>§ Conduct an in-depth analysis of provincial legislation against the WP and the Framework Act</p> <p>§ Submit recommendations to</p>	<p>Amended legislation in line with the White Paper and the Framework Act</p>	2008	The DPLG and provinces	

	Governance	<p>provincial governments for amendment to provincial legislation</p> <p>§ Dplg to initiate process of amendment of the Framework Act</p>				
6.	Involvement of Institution of Traditional Leadership in Intergovernmental Relations	<p>o Review the necessity of the continued implementation of S81 of the LG Structures Act after the establishment and functioning of structures of traditional leadership (in respect of participation of traditional leaders in municipal councils)</p> <p>§ Provide for a framework for the involvement of traditional leadership institutions in intergovernmental structures other than the existing arrangement through Houses and traditional councils (currently not formal)</p> <p>§ Enhance the</p>	Development of a formal and sustainable mechanism for the involvement of traditional leadership structures in intergovernmental relations structures	Commence by 2007	DPLG IGR and Traditional Leadership and Institutions components	

		<p>interaction with the 3 tiers of government through houses of traditional leaders from traditional councils to Local Houses, to Provincial Houses to the National House.</p> <p>§ Consider the necessity of resuscitation of the MINMEC on Traditional Leadership in line with the need to give prominence to traditional leadership issues and roles in government processes and in line with this business plan</p>				
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STRATEGIC PRIORITY 4: Addressing the structure and governance arrangements of the state in order to better strengthen, support and monitor the traditional leadership institution

NO	PLANNED INTERVENTION	HIGH LEVEL ACTIVIES	DELIVERABLES	TIME FRAME	RESPONSIBILITY	PROGRESS
1.	Establishment of an all inclusive National Technical Forum on Implementation of National and Provincial Legislation	<ul style="list-style-type: none"> § Finalise bilateral engagements with provinces regarding the progress on the implementation of provincial legislation § Develop terms of reference for the forum; § establish the forum § identify key strategic issues and programmes for the forum and develop an action plan for the forum § roll out the work of the forum and assess impact 	National and provincial legislation properly implemented	2007	The DPLG and the provinces	
2.	Provision of benefits to traditional leaders (senior traditional leaders, headmen/headwomen, members of Houses)	<ul style="list-style-type: none"> § Liaise with the Commission on Remuneration of Public Office Bearers for the finalisation of this process § Once finalized – communicate the benefit structure to provinces and assist in implementation 	Proper benefits provided	2008	The DPLG and the Commission for the Remuneration of Public Office Bearers	

		§				
3.	Develop and maintain a comprehensive information system on traditional leadership and institutions	<ul style="list-style-type: none"> § Finalise technical development of the information systems on traditional leadership § Finalise action plans with provinces on data provision § Verify existing data with province § Roll out of database through the internet to the dplg, provinces and the general public (certain areas only) 	A comprehensive information systems database finalised and implemented	2007	The DPLG and the provinces	
4.	Reconfiguration of the DPLG and relevant provincial Departments in order to provide adequate support to the Institution of Traditional Leadership	<ul style="list-style-type: none"> § Identify areas of support in terms of the legislation § Determine the appropriate organizational needs to provide adequate support § Recruit the required staff and deploy them accordingly 	Reconfiguration done and staff recruited and deployed	Start 2007 by	The DPLG, other relevant departments and provinces	

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