

LAND ALLOCATION AND DEVELOPMENT AT THE MUNICIPAL-TRADITIONAL AUTHORITY INTERFACE

A STUDY OF LIMPOPO PROVINCE,
SOUTH AFRICA

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LAND GOVERNANCE PROGRAMME

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EXECUTIVE SUMMARY

This report explores the governance structures and land administration systems of Rambuda, Tshivhase and Masia – traditional councils in Vhembe District, Limpopo province. The report looks at how traditional councils execute land development application decisions. The aim of this research is to better understand the dynamics of land governance practices in the domain of traditional areas. The study also investigates the roles of traditional council (leadership) hierarchies and decision-making systems in advancing ‘rural land-use pseudo or shadow informal planning, allocation, administration and management’ (Chakwizira and Bikam, 2014; Levin and Mkhabela, 1997).

The report weighs up the benefits as well as the constraints of policy aimed at better ‘integrating and streamlining’ of traditional council land governance power, decision-making structures, and hierarchies (Nyuke, Paradza and Mjoli, 2023; Ndlovu, 2021; Winkler, 2021).

The study looks at the dynamics of land use, planning, administration, and management governance systems in rural communities. ‘Informal’ and often inadequately codified and unregulated land governance decision-making structures and processes of traditional council are explored to identify policy and planning inflexion points for reform and enhancement (Murray 2004; Mthetheleli, and Nel, 2016). The study found that although the Constitution, and policy and legislative frameworks allow for participation and involvement of traditional councils and areas in land governance, issues of adequacy, legitimacy and relevance persist. Friction and contestation show no sign of slowing down because current formal land governance decision-making structures and governance systems are not optimally integrated with traditional council areas decision-making structures, systems, and processes.

Nevertheless, despite many layers of land administration and planning structures, current traditional councils and areas arrangements are labelled as inefficient in the land development value chain ‘system of systems’ (Chakwizira and Bikam, 2004; Mthetheleli, and Nel, 2016).

The decision-making structures and systems of traditional councils/areas are central to reshaping the development trajectories and possibilities of rural spatiality and post-colonial identities, as well as the emergent and developing planning crisis, which exacerbates the post-apartheid legacy of multi-level, differentiated and fragmented actors and systems. These ‘new dark and grey layers’ present planning challenges for contemporary and future generations of land governance academics, researchers, practitioners, and stakeholders (CONTRALESA, 2011; du Plessis, 2023). The land governance decision-making and functional roles of the traditional councils in municipalities are illustrated in Figure 1 below.

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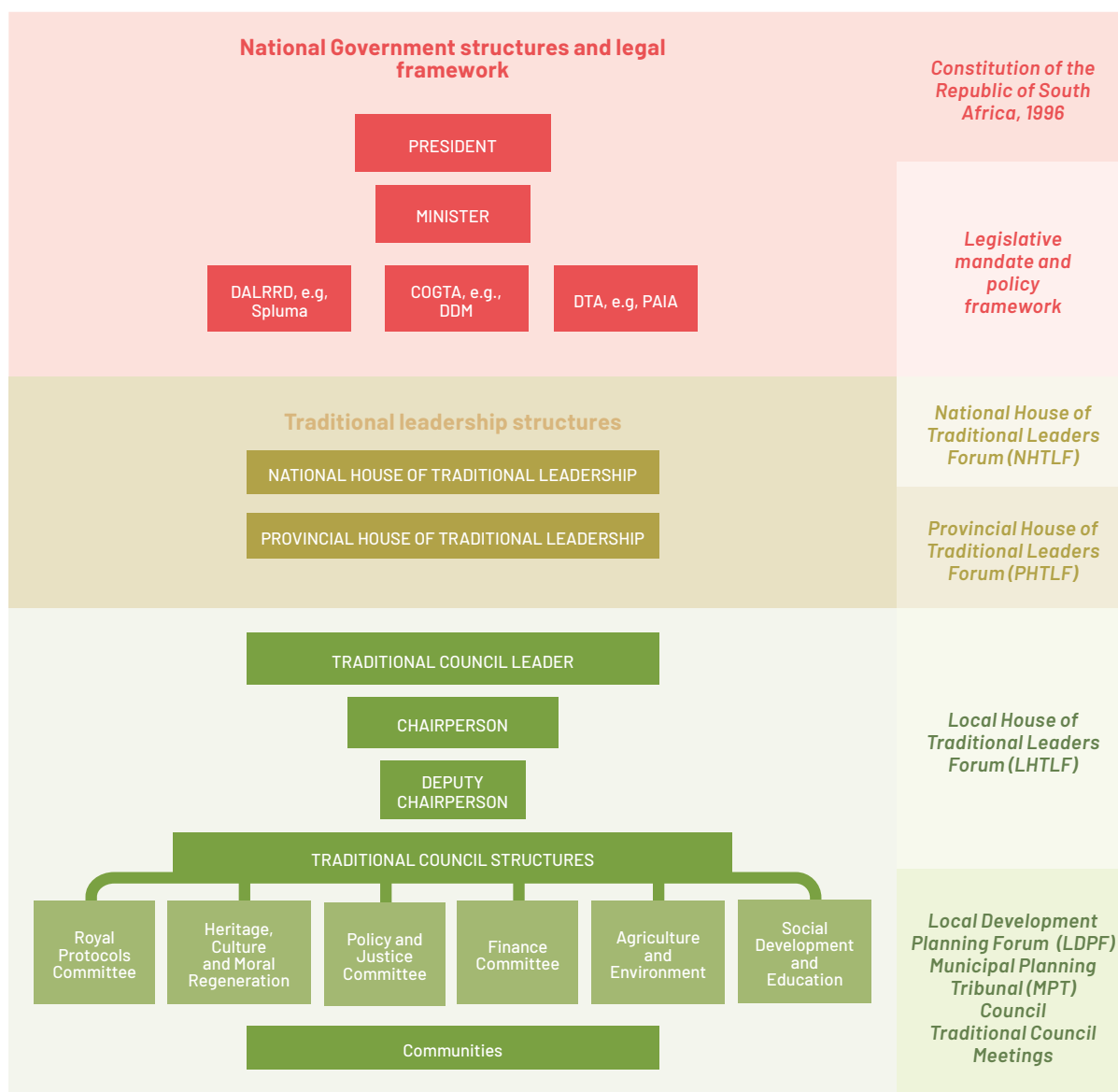


Figure A: Decision-making and functional land governance roles in municipalities.

Source: Authors, 2025

Figure A shows both formal and explicit (e.g., Traditional Council Meetings, Local House of Traditional Leaders Forum [LHTLF], Provincial House of Traditional Leaders Forum [PHTLF], National House of Traditional Leaders Forum [NHTLF]) and informal and implied (representations to chiefs, encounters at cultural events and ceremonies with chiefs, direct phone calls or word of mouth complaints to chiefs) entry and exit points for hierarchical decision-making and functional land governance roles of traditional councils in municipalities.

Formal entry and exit points are provided by land administration and management legislation such as SPLUMA, for example, regarding the requirement for the involvement and participation of traditional authorities in land use schemes (LUS), spatial development frameworks (SDFs) roles in municipalities.

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At the same time, traditional authorities do not have voting powers and cannot constitute part of the quorum; their involvement then becomes informal and inconsequential to the decision-making outcomes of municipalities. Although there are gaps with respect to adequacy, completeness and inclusivity, there are attempts by central government, local municipalities, advocacy groups/institutions and traditional leaders groupings to enhance systems through learning exchanges and joint meetings on transboundary issues. Learning outcomes are strengthened through engagement with higher and inter-governmental structures to refine, for example, the role of traditional councils and leaders in municipal structures, such as the municipal planning tribunals (MPTs).

The hierarchy in **Figure A** finds expression as a lateral land development application decision-making process with clear timelines, activities, and milestones (targets) in municipalities, as illustrated in **Figure B** below.

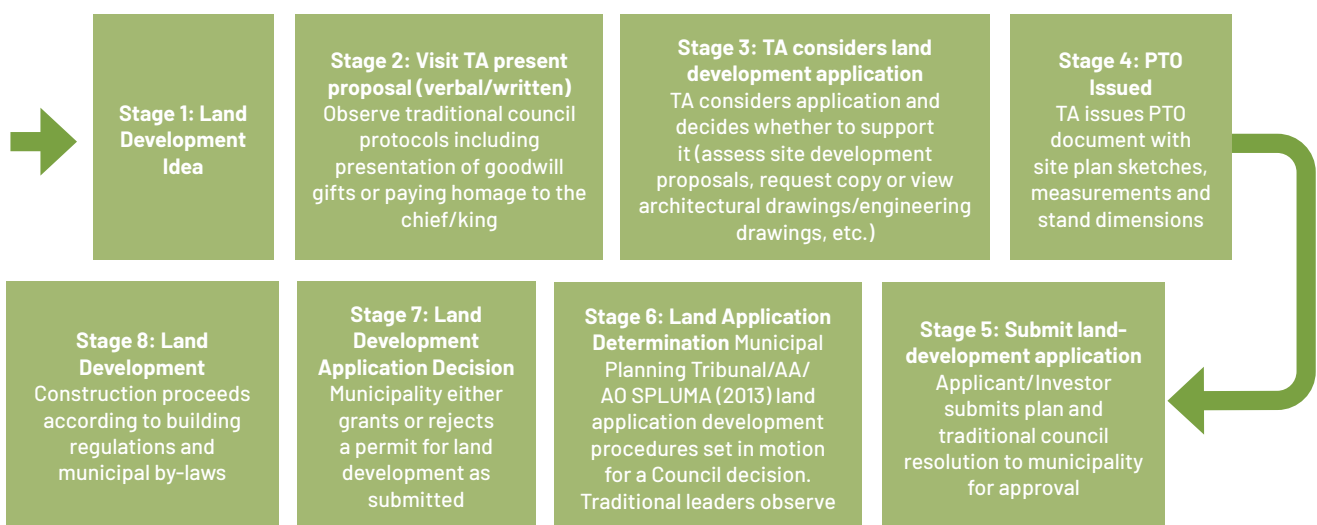


Figure B: A timeline of lateral land development application decision-making processes in municipalities

Source: Authors own construction, 2025

Given the quest for practical ways to enhance and build on existing platforms of land governance roles of traditional councils in municipalities, the following key policy questions and corresponding implications require deeper investigation and exploration:

- How can the decision-making structures, hierarchies and systems of traditional councils and leadership be harnessed to support enhanced and improved management and processing of municipal land development applications?
- What practical ways can be suggested to strengthen and optimise the traditional and municipal council structures for better land administration and related improved products, outputs, and outcomes?
- How can the current land administration and management systems of traditional councils and areas be migrated from informal or semiformal manual systems to digital systems, e.g., cadaster and land governance information systems, and with what implications?

Evidence-based research findings corroborate anecdotal evidence of decision-making systems, structures and hierarchies among traditional councils and leadership that influence land administration in municipalities. Although traditional hierarchies and processes, and formal municipal systems of land-use management and governance intersect, they are nevertheless poorly integrated, which presents challenges for efficient and effective land governance for land development and management. The land governance systems of both municipality and traditional councils, and leadership are complex, multi-faceted and differentiated with respect to the way in which they make decisions and the outcomes thereof. Both are geared to achieving the same broad land governance norms and standards, albeit at different levels of efficiency, effectiveness, and efficacy.

There are capacity gaps and mismatches between the municipalities and traditional councils, areas and leadership. A clear action plan is needed to tackle the 'differences in difference', discontinuities, continuities, connections and disconnections (Fredriksson and Magalhães de Oliveir, 2019; Ibrahim, Hendriks and Schönfeldt, 2023). The divide between decision-making systems constrains, compromises and, at times, frustrates, the quest for transformative practices and policies to elevate land governance in municipalities. Continued policy dialogues and engagement are recommended to improve land governance decision-making and policy-making frameworks. This would enhance integrity systems and perceptions, increase the flow of value additions and dividends of traditional council's land governance systems for stakeholders, interest groups, municipalities, and government alike.

Key Words: *Land Governance, Traditional Council, Land Administration, land use development value chain*

LIST OF ABBREVIATIONS AND ACRONYMS

AA	Appeal Authority
AO	Authorised Official
COGTA	Cooperative Governance and Traditional Affairs
CONTRALESA	Congress of Traditional Leaders of South Africa
CTLDC	Committee on Traditional Leadership Disputes and Claims
DALRRD	Department of Agriculture Land Reform and Rural Development
DDM	District Development Model
GPS	Global Positioning System
IDP	Integrated Development Plan
IPILRA	Interim Protection of Informal Land Rights Act 31 of 1996
LDPF	Land Development Planning Forum
LUS	Land Use Scheme
MPT	Municipal Planning Tribunal
NHTL	National House of Traditional Leadership
PHTL	Provincial House of Traditional Leadership
PTO	Permission to Occupy
SDF	Spatial Development Framework
SPLUMA	Spatial Planning and Land Use Management Act 16 of 2013
STDM	Social Tenure Domain Model
TLGFA	Traditional Leadership and Governance Framework Act 41 of 2003
UNESCO	United Nations Educational, Scientific and Cultural Organization

GLOSSARY

Traditional community	A community subject to a system of traditional leadership (such as a chief or headman) that observes a system of customary law and is recognised as such by government; in practice this refers to communities living in the former homeland areas.
Traditional leader	Any person who holds a position of customary governance authority over a traditional community, including kings/queens, chiefs and headmen/women.
Appeal authority	The government entity that deals with appeals regarding land use and development decisions. In the case of decisions made by the Municipal Planning Tribunal, the Appeal authority is the executive authority, or mayor, of the municipality.
Authorised official	A municipal employee or official authorised by the Council to decide on certain kinds of land use and development applications.
Traditional areas	The former homeland areas of South Africa in which chiefs and other traditional authorities govern.
Traditional authority	Traditional leadership structures, such as traditional leaders, and traditional councils, that operate within a traditional community.
Traditional council	A body that advises and assists traditional leaders in their governance role. In terms of the Traditional Leadership and Governance Framework Act 41 of 2003, the tribal authorities set up under the Bantu Authorities Act of 1951 were renamed 'traditional councils', while entrenching the same tribal boundaries used to set up the homeland system.
Value chain	The process of creating a product or service, from the initial stages to the final disposal. In local government, land administration and management settings, the value chain concept can be used to analyse how land administration and management services are created and delivered and how to improve the value of those services.

CHAPTER ONE: THEORETICAL AND CONCEPTUAL REVIEW

THEORETICAL REVIEW

Traditional leadership has been the site of heated contestation both historically and in present-day South Africa. The institution has been profoundly transformed by the incorporation of chiefs into the lower levels of the colonial state, and refracted through western misconceptions of the nature and extent of chiefly power (Mamdani, 1996; Ntsebeza, 2005; Delius, 2019). Despite this, traditional leadership survived and has been enshrined in South Africa's post-apartheid Constitution. Moreover, recent scholarship has shown the considerable variation of actual practices relating to chiefs and other traditional leaders, and the communities living under them (Buthelezi and Vale, 2019).

This paper takes as its focus the role of traditional authorities in municipal land governance. This role has a variety of policy implications for land administration and planning. The roles, mandates, power dynamics, and politics of traditional councils are inadequately conceptualised and operationalised to supplement and reinforce municipal or central government authority and mandate. As mentioned earlier, the assertion is partly because of inadequate understanding and mapping the traditional council decision-making hierarchies, processes, structures, and power points in land administration, management and governance. Anecdotal evidence suggests there have been attempts to connect the largely informal, unregulated land governance systems of traditional councils with formal municipal council land governance systems. However, the outcome of these interactions results in complexities and decision-making power structures that are inefficient and ineffective in optimising anticipated dividends of the land administration, management and governance value chain. For example, traditional authorities might allocate land without consulting with municipalities or complying with the necessary planning processes. Ideally, decision-making hierarchies, systems and structures of traditional councils and areas should be viewed as seeking to enhance, promote and contribute to the rural spatial development system presided over by municipal councils.

Decision-making systems in traditional councils and areas impact and affect the quality of service and service delivery in the municipalities, whether short-, medium-, or long-term. With the enactment and implementation of Spatial Planning and Land Use Management (SPLUMA) 2013 and SPLUMA Regulations (2015) in South Africa, the municipality is defined as the authority of 'first instance' that oversees regulation and implementation of land-use planning and management through the steering mechanism of the Municipal Planning Tribunals (MPTs), Appeal Authority (AA) and/or Authorised Official (AO).

A bundle of legislation provides for various government departments to reallocate and rearrange functions, duties, responsibilities and power to traditional councils, areas and leadership. This legislation aims to cement the relationship between central and municipal government and structure systems of power and hierarchy in traditional councils to complement the national growth and development agenda. To date, research and policy results on the effectiveness of the role of traditional leaders in land use planning and management are mixed, partly because power hierarchies and decision-making systems have not yet achieved a perfect fit and do not allow for seamless integration and interoperability of decision-making and hierarchies to filter and overlap without conflict and problems (Chakwizira and Bikam, 2014; Mthetheleli and Nel, 2016).

In addition to their decision-making role defined in their system of hierarchies, traditional councils are expected to partner with government at all levels and advise on issues of custom, culture, and tradition when policy is being developed and to participate in all service delivery and development projects that affect traditional communities under their area of authority and control.

CHAPTER TWO:

SITUATIONAL ANALYSIS

THE LEGISLATIVE AND POLICY FRAMEWORK: THE LAND GOVERNANCE ROLE OF TRADITIONAL COUNCILS IN MUNICIPALITIES

This section reflects on the legislative and policy frameworks that define the land governance role, functions, powers and remit of traditional councils and areas and explores the implications of the legislative and policy frameworks on stakeholders, recipients and beneficiaries of products, services or interventions for municipalities and traditional councils.

The backdrop is Limpopo Province, a predominantly rural South African province. We discuss general hierarchical and functional rearrangements of key players in the land governance arena, forms and types of interaction and communication systems and channels in which traditional councils and areas operate and explore the subtle, differentiated, and complex ways of communication and interaction via formal and informal systems across all geographic scales and spheres of government.

2.1 Enabling the legislative and policy environment

The traditional council is recognised as a vital South African leadership institution and is governed by legislation that includes:

- The **Constitution of the Republic of South Africa, 1996**, recognises the institution of traditional leadership in Chapter 12 and its significant role in protecting traditional communities' customs. The Constitution also defines the institution as an organ of the state, which justifies its position in the democratic dispensation regarding governance issues. The status and role of traditional leadership is recognised in accordance with customary law, subject to the Constitution.
- **Traditional Leadership and Governance Framework Act (Act No 41 of 2003 as amended)**, together with other subsidiary provincial pieces of legislation, recognises different levels of traditional council leadership positions, levels and structures.
- The **National House of Traditional Leaders (NHTL) Act, 2009 (Act No. 22 of 2009)**, together with other subsidiary provincial pieces of legislation, provides for establishing houses of traditional leaders.
- The **Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)** provides in section 81 that traditional councils/leaders may participate in municipal councils to ensure that matters relating to traditional councils are considered in the decision-making processes of municipal councils.
- **SPLUMA (Act No. 16 of 2013)**, together with other pieces of legislation, empowers municipalities to involve traditional councils/areas in the preparation and implementation and management of LUSs and SDFs, and encourages the provision of measures to address the co-existence of municipalities and traditional authorities. Sub-regulation 19(2) of the SPLUMA regulations provides that if a 'traditional council does not conclude a service level agreement with the municipality, as contemplated in sub-regulation 19(1), that traditional council is responsible for providing proof of the allocation of land in terms of customary law. This proof of land allocation is then provided to the applicant of a land development or land use application. The applicant will then submit it in accordance with the provisions of these regulations.'

2.2 Constitution of traditional councils

Traditional councils in South Africa are constituted as follows:

- The senior traditional leaders select sixty per cent of the council.
- Members of the community democratically elect forty per cent through a ballot or any other applicable election method.
- One-third of those elected should be women.
- The term of office of the traditional council is five years.

2.3 Functions of traditional councils

Traditional councils are responsible for:

- Administering the affairs of the traditional community following customs and traditions.
- Assisting, supporting and guiding traditional leaders in performing their functions.
- Supporting municipalities in identifying community needs.
- Facilitating the involvement of the traditional community in developing or amending the integrated development plan (IDP) of a municipality in whose area that community resides.
- Recommending to the government, after consultation with the relevant local and provincial houses of traditional leaders, appropriate interventions to contribute to development and service delivery within the area of jurisdiction of the traditional council.
- Participating in the development of policy and legislation at the local level.
- Participating in development programmes for local, provincial, and national spheres of government.
- Promoting the ideals of cooperative governance, integrated development planning, sustainable development, and service delivery.
- Promoting indigenous knowledge systems for sustainable development and disaster management.
- Alerting municipalities to any hazard or calamity that threatens the area of jurisdiction of the traditional council in question or the well-being of people living in such jurisdiction and contributing to disaster management in general.
- Sharing information and co-operating with other traditional councils.
- Performing the functions conferred by customary law, customs, and statutory law consistent with the Constitution.

2.4 National and provincial houses of traditional leaders

2.4.1 National House of Traditional Leaders

The National House of Traditional Leaders (NHTL) is a statutory body established under the National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009). It represents the institution at a national level. The NHTL comprises 23 members from respective provinces. Three members are elected by each provincial house of traditional leaders to serve in the NHTL, except for Gauteng, which has only two senior traditional leaders. Regarding the Act, the NHTL is addressed by the president of the Republic of South Africa or any other person designated by the president for its annual official opening. The service term of the NHTL is five years.

There are provincial houses of traditional leaders in all provinces with traditional leaders, i.e., Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga, and North-West. Provincial houses are established to:

- Represent traditional leadership and their communities.
- Promote the aspirations of the traditional leadership and their communities at the national level.
- Raise awareness of the needs of provincial houses of traditional leaders, traditional leadership and their communities at the national government level.
- Participate in international matters that have to do with customs, traditions and issues of common interest.
- Influence government legislative processes at the national level.

National and provincial houses of traditional leaders enhance the cooperative relationships within national and provincial governments. In terms of sections 16(b) and 17 of the Act, there should be an alignment of the term of the Houses of Traditional Leaders with the term of the National House of Traditional Leaders, because members serving in the National House are elected from the provincial houses. Local houses of traditional leaders deepen and cement the relationship between municipalities and traditional leaders on customary law and development initiatives. Section 81 of the Municipal Structures Act No. 117 of 1998 allows traditional leaders to participate, but not vote, in municipal councils, with traditional leaders comprising up to a maximum of 20 per cent of the size of elected council.

2.4.2 Local Houses of Traditional Leaders

In terms of the Traditional Leadership and Governance Framework Amendment Act 2009 (Act 23 of 2009), the institution of traditional leadership comprises different levels of traditional leadership spread across eight provinces: Queenship/kingship, principal traditional leadership, senior traditional leadership, headmen and women.

The principle of customs and tradition guides these levels and structures. The highest level is that of queenship/kingship, with 11 kingships/queenships. The following queenships/kingships structures are recognised (Table 1).

Number	Province	Kingships/Queenship
1	Limpopo	Bapedi ba Maroteng Kingship
2		Vhavenda Kingship
3		Balobedu Queenship
4	Mpumalanga	Amandebele Kingship
5		Ndzundza-Mabhoko Kingship
6	Free State	Bakoena ba Mopeli Kingship
7	KwaZulu-Natal	AmaZulu Kingship
8	Eastern Cape	AbaThembu Kingship
9		AmaXhosa Kingship
10		AmaMpondo Kingship
11		AmaMpondo ase Nyandeni Kingship

Source: Department of Cooperative Governance and Traditional Affairs, 2025

2.4.3 Qualifications and eligibility for queenship/kingship structure

In terms of section 2a(1) of the Framework Act as amended, subject to subsection (2), a group of traditional communities may be recognised as a kingship or queenship if they:

1. Are recognised as such in terms of applicable provincial legislation.
2. Each has a recognised traditional council with a defined area of jurisdiction in terms of applicable provincial legislation.
3. Each has a senior traditional leader recognised in the applicable provincial legislation.
4. Recognise a senior traditional leader with higher status than the other senior traditional leaders in terms of custom and customary law as their king or queen.
5. They recognise themselves as a distinct group of traditional communities separate from the principal and all other traditional communities.
6. Have a system of traditional leadership at a kingship or queenship level.

Section 2a(2) states that the traditional communities applying for recognition as kings or queens must have a proven history of existence, with a recognised senior traditional leader of higher status as king or queen in terms of the customary law of succession.

2.4.5 Appointment and recommendation of traditional leaders

The Commission on Traditional Leadership Disputes and Claims (CTLDC) was established in section 22(1) of the Traditional Leadership and Governance Framework Amendment Act to investigate disputes and claims on traditional leadership. The commission operates nationally in plenary and provincially in committees and has the authority to investigate and make recommendations on any traditional leadership dispute and claim contemplated in subsection 25(2). Section 25 of the Traditional Leadership and Governance Framework Act of 2003 requires that the commission investigate and make recommendations on cases where there is doubt as to whether a kingship, principal traditional leadership or senior traditional leadership and headmanship was established in accordance with customary law and customs.

2.4.6 Traditional councils

The Traditional Leadership and Governance Framework Act 41 of 2003 has transformed the composition of traditional councils to provide for elements of democracy; it states that 40 per cent of members must be elected, and that one-third of members must be women. The legislation provides opportunities for municipalities and traditional councils to achieve cooperative governance. Traditional councils have been given a strong voice in development matters and may now enter into partnerships and service-delivery agreements with the government in all spheres.

2.4.7 Traditional councils and leadership in South Africa

Currently, the institution of traditional leadership is found in eight provinces in South Africa. Table 2 presents statistics on recognised traditional leaders per province and level.

Table 2: Traditional leaders by province and status				
Provinces	Level of traditional leadership position			
	Kingship/ Queenship	Principal traditional leaders	Senior traditional leaders	Headmen/ women
Eastern Cape	4	2	215	1193
Free State	1	1	13	96
Gauteng	0	0	2	14
KwaZulu-Natal	1	0	296	3100
Limpopo	3	0	183	2118
Mpumalanga	2	0	58	522
Northern Cape	0	0	8	25
North West	0	0	54	59
TOTAL	11	3	829	7127
GRAND TOTAL	7970			

Source: Department of Traditional Affairs (undated)¹

¹ These statistics are indicative as new applications for recognising new traditional leaders may arise.

2.4.8 Structures of traditional councils and leadership

Pre-colonial African societies had varying levels of political centralisation and did not necessarily conform to a single model. Different levels of leadership within a society also had changing relationships to one another over time (Delius, 2019). However, government policy over the long term has tended to homogenise and fix traditional leadership arrangements in place. Government policy is also to treat traditional leaders of the same rank equally in terms of status, responsibilities and benefits. The different levels in the hierarchy of traditional councils and leadership are:

- The King (*iKumkani iSilo, iNgwenyama, Kgoshigulu, Morena emoholo, etc.*)
- The Chief (*iNkosi, Kgosi, Kgoshi, Khosi, Hosi, Morena, iKosi*)
- The Headman (*iNkosana, Kgorana, Vhamusanda, Litona, iKosana, iNduna*)
- The sub-headman (*isibonda somsege, induna yesigodi, Xamunganga, Vhakoma Bonakgoro*)

Figure 1 shows the hierarchy of the institution of traditional councils and leadership in South Africa. Given the historical complexities described above, a graphic such as this is necessarily reductive, but is nonetheless useful to show the different levels of traditional leadership beyond the chieftaincy.



Figure 1: Hierarchy of the institution of traditional councils and leadership in South Africa

The traditional leaders at the bottom of the hierarchy are responsible for small areas and communities, usually those of the same clan. Civic leaders are a vital link between their people and their immediate superior. In some places, the level of headmanship is composed of hereditary leaders, while in other areas, leaders are appointed by the chief or king or democratically elected. All headmen perform basically the same kind of work, although some preside over tiny numbers of people and territories like sub-headmen in other areas.

2.4.9 Appointment/recognition of traditional leaders

Chieftaincy is generally hereditary, although succession disputes could have significant democratic dimensions in the pre-colonial era (Deliuss, 2019). Official practice in the present day is that the royal family informs the royal clan, which in turn informs the tribe or national group; thereafter, the king/regional authority is told who is to assume the position. The king/regional authority then informs the relevant government minister of the selection of the new leader in terms of the tribe's customs.

In compliance with the Houses of Traditional Leaders, the provincial house is informed of changes in traditional council leadership and, in turn, informs the national house. The lodgement of records in these various offices helps resolve disputes if they arise. Government involvement in this regard is limited to endorsing the selection of the traditional leader by issuing a certificate after it is satisfied that the relevant procedures have been followed. The above position applies to the accession of a person to headship.

The government must issue a certificate when customary procedures have been followed. Regarding the identification of traditional leaders, the government should get involved only if there is evidence of deviation from procedures laid down by customs. If such deviation has occurred, the matter must be referred for correction by the structure that failed to comply with customs. The identification of traditional leaders is the responsibility of the following structures in the following order, as stated by the bullet points:

- The royal family
- The royal clan/council
- The traditional authority
- The tribe/national group
- The king/regional authority
- Premier Provincial House of Traditional Leaders
- National House of Traditional Leaders

The Houses of Traditional Leaders act as forums of appeal when disputes between contenders for the throne cannot be resolved at the other levels. Although abdication by a legitimate successor is considered a serious dereliction of duty, which must not be readily condoned, such an abdicating person should nevertheless be called upon to reduce the writing of the disavowal of his position to avoid future disputes. His legitimate heir should not be punished and should be considered eligible to succeed when the time arrives. The government should provide the necessary financial and logistical assistance for the ceremonial installation of traditional leaders.

2.3 Vhembe District

The current kingship/queenship in Vhembe District is His Majesty, King Toni Mphephu-Ramabulana. The institution of traditional leadership in Limpopo province, which is 80 per cent rural, represents and serves approximately 80 per cent of the total population of roughly 6,572,721 people (Statistics South Africa, 2024) who live in rural areas. Since the institution of traditional leadership/council is often closer to the people than other parts of the state, it could be argued that it is the primary interface with local government institutions in rural communities. Supporting such institutions is thus part of deepening participatory democracy and enhancing service delivery to rural communities.

CHAPTER THREE:

RESEARCH METHODOLOGY

CASE STUDIES ON TRADITIONAL COUNCILS IN LIMPOPO

The case study approach was multi-staged and purposive. Multi-staging sampling involved selection and justification of Limpopo as a case study, selection of Vhembe district as the focus study district in Limpopo, and, selection of the three participating traditional councils for detailed engagement.

Purposive sampling was used to select the participating traditional areas and councils where the researchers had prior working experience and where memoranda of understanding had been signed between the traditional council and the University of Venda. Limpopo province's large number of traditional councils, leaders, and vast swathes of land allowed for insights into land governance in the context of decision-making structures, hierarchies and power points in traditional and municipal councils and areas.

The study focused on engagement with traditional leaders and councils, while follow-up studies will engage more closely with communities and households living in these traditional council areas.

3.1 Traditional councils and land in South Africa

South African traditional councils originated with the concept of bantustans during the apartheid era, although traditional councils and governance systems existed in Africa before colonisation. Bantustans were territories set aside to concentrate members of designated ethnic groups; ethnically homogeneous bantustans were the basis for creating "autonomous" nation-states for each of South Africa's different black ethnic groups. Traditional areas make up approximately 11 per cent of South Africa's land area² (around 140 000 km²) and accommodate around 27 per cent³ of all households in South Africa (see Table 3). This illustrates the significance of this type of settlement (traditional authority areas); 74 per cent of the area comprises traditional households (DRDLR, 2018; Fourie, 2019).

Province	Traditional area (km ²)	Total area (km ²)	Area (%)	Households in traditional areas	Total households	Traditional households (%)
Eastern Cape	38 819	169 311	23%	771 983	1 686 635	46%
Free State	1 318	130 012	1%	73 912	823 155	9%
Gauteng	41	18 182	0%	38 485	3 908 771	1%
KwaZulu-Natal	32 536	94 467	34%	951 067	2 539 218	37%
Limpopo	32 602	130 171	25%	1 055 043	1 417 717	74%
Mpumalanga	6 542	76 584	9%	490 911	1 075 276	46%
North West	18 806	106 502	18%	477 129	1 061 869	45%
Northern Cape	9 847	378 355	3%	51 438	301 261	17%
Western Cape	-	131 522	0%	-	1 633 860	-
Grand Total	140 511	1 235 106	11%	3 909 968	14 447 762	27%

Source: DRDLR, 2018

² Calculated from Demarcation Board GIS data

³ StatsSA

The Spatial Planning and Land Use Management Act (2013) acknowledges that traditional land-use development processes are poorly integrated into formal land-use management systems⁴ and includes provisions that these areas be included in Spatial Development Frameworks⁵ and land-use schemes applicable to the entire municipal jurisdiction.⁶ However, it is unclear how decision-making hierarchies and systems of traditional authorities should be included. Figure 2 below provides information on the location and extent of traditional authorities in South Africa. Nationally, more than 88 local authorities are affected by Traditional Authority Areas.

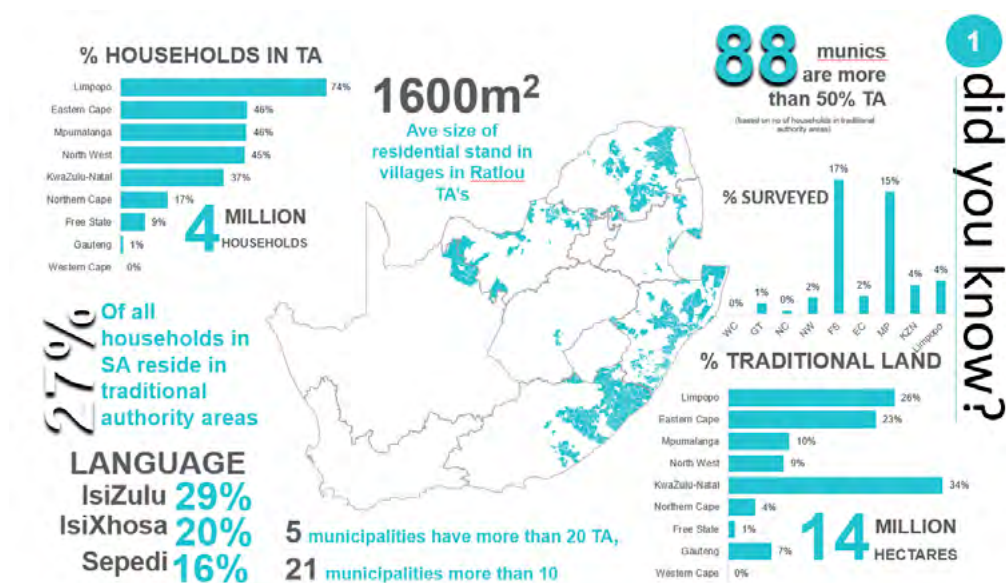


Figure 2: Traditional authorities in South Africa

Source: Fourie (2019)

3.2 Vhembe District Municipality case study area

Vhembe District Municipality is a Category C municipality established in 2000 in terms of the Local Government Municipal Structures Act No. 117 of 1998. Executive authority is vested in an executive mayor, assisted by a mayoral committee. Vhembe District Municipality comprises four local municipalities: Thulamela, Makhado, Musina and Collins Chabane, category B executive municipalities. The composition of councillors in the district, including locals, is shown in Table 4.

4 SPLUMA, Page 2

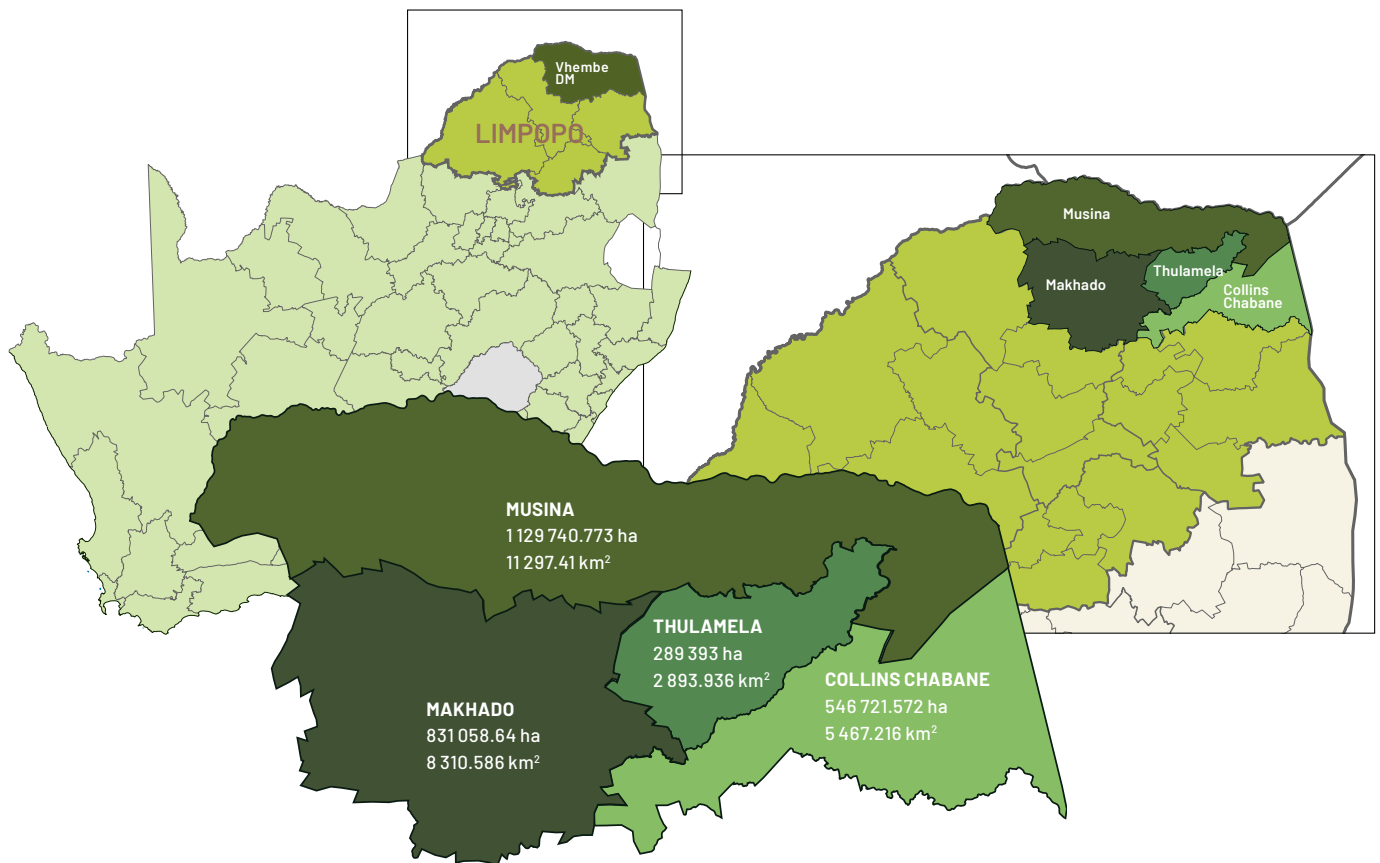
5 SPLUMA, Section 12(h)

6 SPLUMA, Section 24(c)

Table 4: Composition of councillors and traditional leaders in the council

Councillors and traditional leaders	Thulamela	Makhado	Collins Chabane	Musina	VDM
Directly elected	41	38	36	12	24
Proportional representative	40	37	35	12	35
Traditional leaders	7	14	14	5	-
Total	88	89	85	29	59

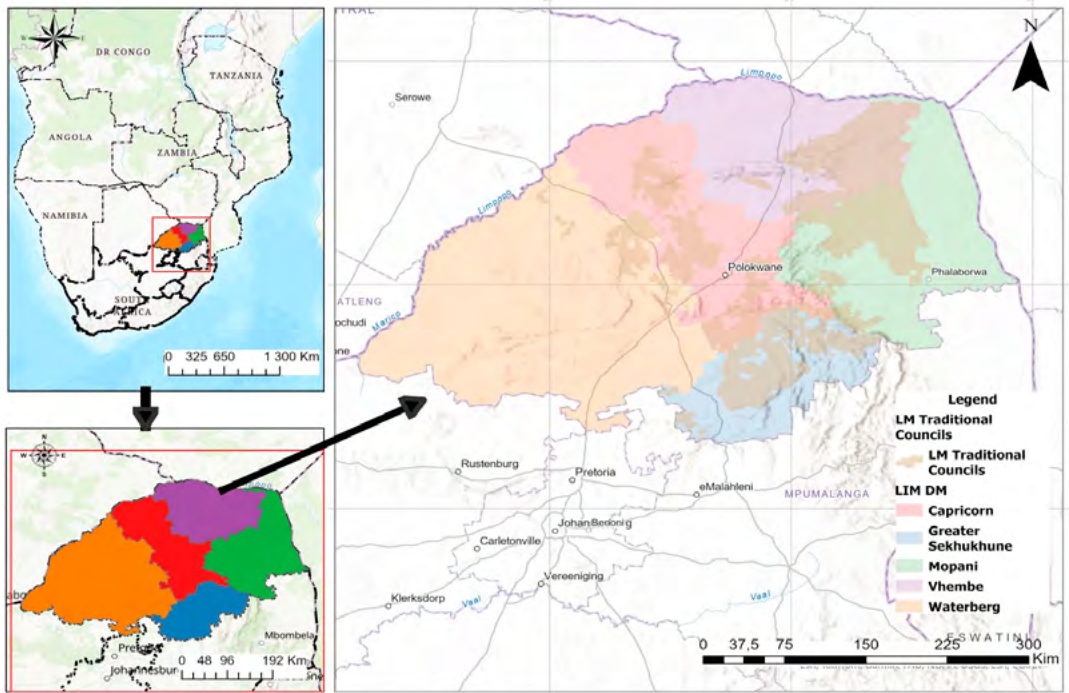
Vhembe District is in the north of Limpopo Province and shares borders with Capricorn and Mopani district municipalities to the east and west respectively. It shares national borders with Zimbabwe and Botswana in the north-west and Mozambique in the south-east through the Kruger National Park.



Map 1: Locality map for Vhembe District, Limpopo Province

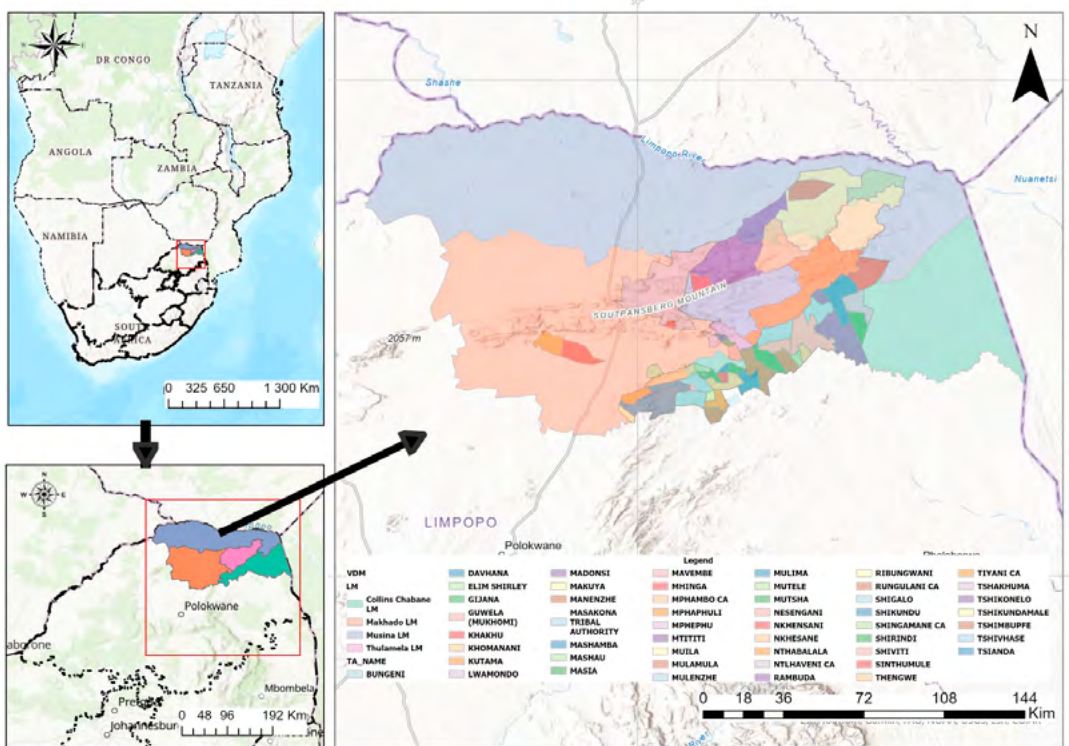
Source: Vhembe District Municipality

Map 2 shows the distribution of traditional leaders in Limpopo province. Traditional councils and areas are widespread, which makes it an appropriate case study area for the project.



Map 2: Limpopo traditional councils

Source: University of Venda, GIS Office, 2025



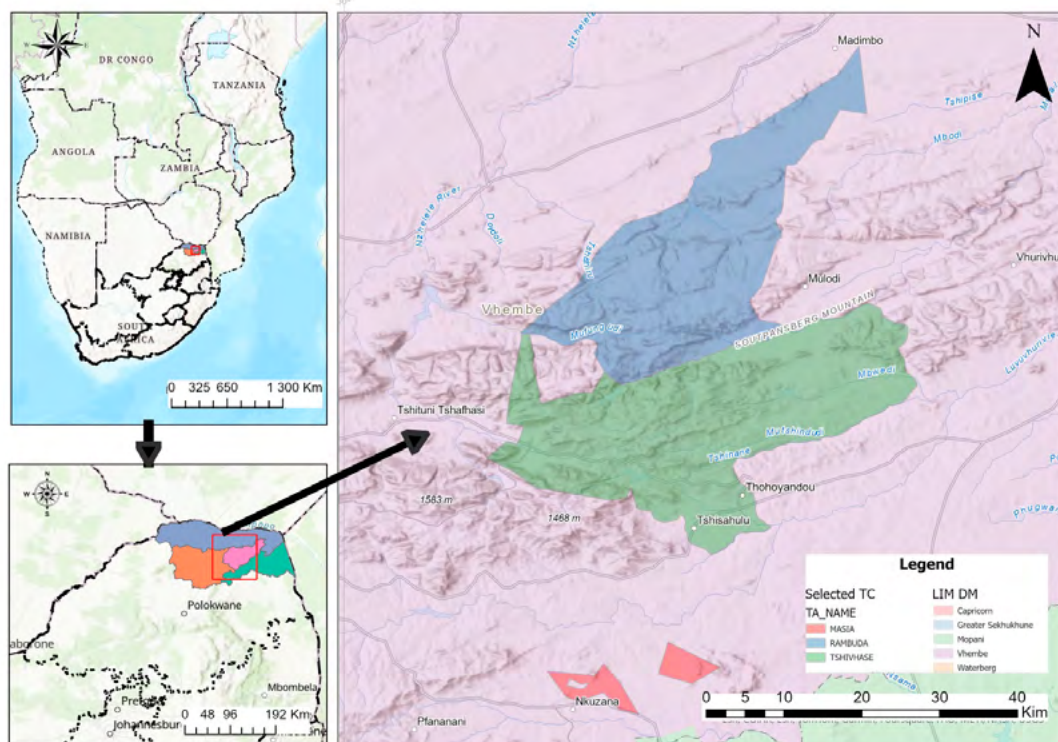
Map 3: Traditional councils in Vhembe District, Limpopo Province

Source: University of Venda, GIS Office, 2025

3.3 Case Studies in Vhembe District in Limpopo: Rambuda, Tshivhase and Masia traditional councils

A case study approach was adopted to explore the role of municipalities in land governance in Limpopo. Vhembe District Municipality was selected because there is an established relationship and community entry collaboration between traditional chiefs and the community and the University of Venda. Map 3 shows the traditional councils in the Vhembe district.

From Map 3 we can see that traditional councils are strongly represented in all local municipalities in Vhembe District (Collins Chabane, Makhado, Musina and Thulamela). Rambuda, Tshivhase, and Masia's traditional councils (authorities) were studied to map and express the land governance decision-making hierarchies and power dynamics in municipalities in the province. Studies confirm that a case study is an ideal methodology when a holistic, in-depth investigation is needed and provides platforms for engaging in multi-perspectival analyses of the role of municipalities in land governance in Limpopo Province (Feagin et al. 1991; Yin, 2003; Yin, 2017; Yin and Yin, 1994). Map 4 shows the location of Rambuda, Tshivhase and Masia traditional councils within Vhembe District Municipality.



Map 4: Case study traditional councils in Vhembe District, Limpopo Province

Source: University of Venda, GIS Office, 2025

Traditional councils' case studies included small and big traditional areas in various land governance environments. Tshivhase Traditional Council and Rambuda Traditional Council are two of the largest traditional councils in Vhembe District. Tshivhase lies south of the Soutpansberg area and shares boundaries with Thohoyandou, a rapidly expanding, small-to medium-sized rural town in Thulamela Municipality. Rambuda stretches north of the Soutpansberg as far as Madimbo village, near the Kruger National Park.

Although Masia covers only a small area, it has a strong history of land governance, engagement platforms and systems with both local and central government. Masia is also close to Vuwani rural town, Elim town and Makhado (Louis Trichardt), which offers interesting insights concerning how the traditional council interacts and engages with the extended largely urbanising small rural towns (Makhado and Elim town) and Malamulele Local Municipality (Vuwani town). Rambuda and Tshivhase are located in the Soutpansberg biosphere (declared as such by United Nations Educational, Scientific and Cultural Organization [UNESCO]), and critical hydrology and river systems flow through the area. They thus have environmental and geographic stewardship roles beyond their immediate traditional council boundaries.

Case studies also provided an opportunity to assess the extent to which traditional leaders consult and join forces in land governance matters.

3.4 Research tools and methods

Two questionnaire surveys were arranged. The first survey was to gain baseline information on land governance issues and matters in the case study area (see Annexure 1). The second (see Annexure 2), was directed at investigating the hierarchy in land governance in traditional councils, processes and systems of power and decision-making points and allowed the researchers to engage in deeper targeted research as per the terms of reference provided by PARI.

Both surveys guided data collection and engagement with traditional council leaders or chiefs. Interviews were followed by further discussion telephonically or in person, depending on the availability and mode of engagement chosen by a leader. In all conversations and engagement, the appreciative inquiry method and approach⁷ was used to facilitate deeper engagement, with further questions and responses as relevant. Reconnaissance surveys in transect walks and drive-arounds, and photographic documentation of the traditional council areas enhanced appreciation of land governance matters. Stakeholder and key informant interviews were conducted with municipal and government officials to complement and supplement the interpretation of case study data collection and information gathering.

7 Appreciative inquiry (AI) is an approach that focuses on collaboratively exploring positive aspects, rather than focusing on problems and shortcomings. The idea was to identify and expand on what already works well in land administration, management and governance, thereby stimulating creativity, innovation and deep and meaningful participation from the traditional leaders and representatives during the meetings/engagements.

CHAPTER FOUR: **RESULTS AND FINDINGS**

CASE STUDY RESULTS AND FINDINGS SYNTHESIS

Results and findings are linked to the three case study areas: Rambuda, Tshivhase and Masia. Interviews were held with Chief Rambuda and Chief Masia on separate days at times and venues of their choosing. Photographs were also taken to gather additional data and information on land governance in the traditional council area.

4.1. Rambuda Traditional Council Area



Clockwise from top left: Rambuda Traditional Council Authority offices, Rambuda Secondary School, Dzimaulu Creche and a pit stop and petrol station in Rambuda Traditional Council Area.

Chief Rambuda leads the Rambuda Traditional Council in Ward 15 of Thulamela Local Municipality; part of the traditional council area falls under Musina Local Municipality. Both are in Vhembe District Municipality. The interview was conducted telephonically as scheduled on 6 February 2024 from Chief Rambuda's traditional house.

4.1.2 Structure, functions and hierarchy in Rambuda Traditional Council

Decision-making hierarchy and power points in the traditional council align with the mandates, roles, powers, and functions of traditional councils. The chief understood his role and responsibility to liaise with municipality officials on all land development and governance matters of interest to the municipality and traditional council. The traditional council closely consulted with the municipality in areas such as issuing permission to occupy (PTO) certificates and diagrams. Development fees and levies as required by the municipality are paid through the traditional council so that both the traditional council and the municipality have the same information and record on land allocation and governance in traditional councils. The chief was clear that as they understood the traditional chief's role in land governance and as part of the implementation of SPLUMA, decisions are made jointly by the municipality and traditional council. Land governance decision-making is informed and responsive to the following issues:

- The chief believed the Department of Agriculture, Land Reform and Rural Development (DALRRD) is the custodian of land governance, working together with the Department of Cooperative Governance and Traditional Affairs (COGTA) and paramount in circumscribing how decision-making concerning land governance plays out in their traditional council space. Consultation, engagement, and guidance with these departments are part and parcel of extending the cooperative governance model in decision-making and shared power allocation concerning land governance in traditional council areas.
- Regarding decision-making hierarchy and power structures in the traditional council areas, the chief believed the relationship between traditional leaders and the community was transparent and very satisfactory. Decisions taken by the traditional councils further the interests and ethos of communities, and in cases where SPLUMA regulations or Interim Protection of Informal Land Rights Act 31 of 1996 (IPLRA) require community resolutions, a meeting is convened to establish a community trust enterprise or decide on leasing of community land. The chief or individual is not permitted to sell community land because the land is in the custody of present and future generations of community members.
- The chief further explained that dissenting views and apparent conflict in land governance arise because of the inappropriate use and allocation of land rights to communal land or the "commons"⁸ as goods, e.g., when grazing land is used for purposes not compatible and friendly to the grazing rights as the overriding right. In these instances, it is common for conflicts to arise between traditional leaders and municipal officials because apportioned use, use value and perceptions on optimal use of land and the subsequent interpretation may differ. In such cases, these land

8 The 'tragedy of the commons' with respect to communal grazing land, as well as the pressure to respond to rapid population growth in rural areas, is a challenge (Hardin, 1968). It is common to find that grazing land is depleted while various ad-hoc village settlements are developed with inadequate attention to the concomitant livelihood options being considered. According to Hardy (1968), the population problem bedevilling rural areas and communities has no specific technical solution but requires a fundamental extension in morality. This might imply that land use and planning solutions alone are insufficient and were never conceived as total solutions to resolve all land use conflicts and ramifications in such areas. The need for complementary actions and instruments that strengthen and elevate the land use planning and management technical instruments is crucial. Traditional institutional policy, arrangements and tactical rural land use planning and management are potential steering mechanisms to avoid the destruction of the tragedy of the commons and advance sustainable planning and management of resources in such areas.

governance disputes must be addressed via traditional leaders’ forums and meetings with the municipal officials, and with the intervention and arbitration of a senior traditional leader, or the king. The chief lamented that the traditional chief role in complex, divisive and sensitive land governance matters is often reduced to that of a mere observer. Misconception and rearrangement should be revisited and properly constructed and resolved.

- Regarding the question on traditional council hierarchy and internal power dynamics and how this reshaped decision making, the chief responded that there is a traditional council leader at the top, followed by different traditional council structures, then communities. These critical structures curate and play a balancing role in ensuring that all power structures, interests, influences and intentions are balanced for the greater good of the community. Figure 3, below simplifies the hierarchy and decision-making structures and systems in the municipality, which has a flat, rather than pyramidal, structure. This dynamic is summarised in the following extract from an interview with Chief Rambuda:

When I make popular decisions and pass laws and orders that are in line with the views of people, I am viewed and described as an outstanding leader who listens to the people, makes decisions that better people and is a clever and intelligent leader. However, when I make decisions, pass laws and issue orders that are not popular and are perceived by some community members and interested people as not representative of the needs and community requirements, my office and I are viewed as being not so good a leader, very selfish and self-centred and a dictator who does what he or they like for their benefit or the Royal House’s benefit, which is problematic.

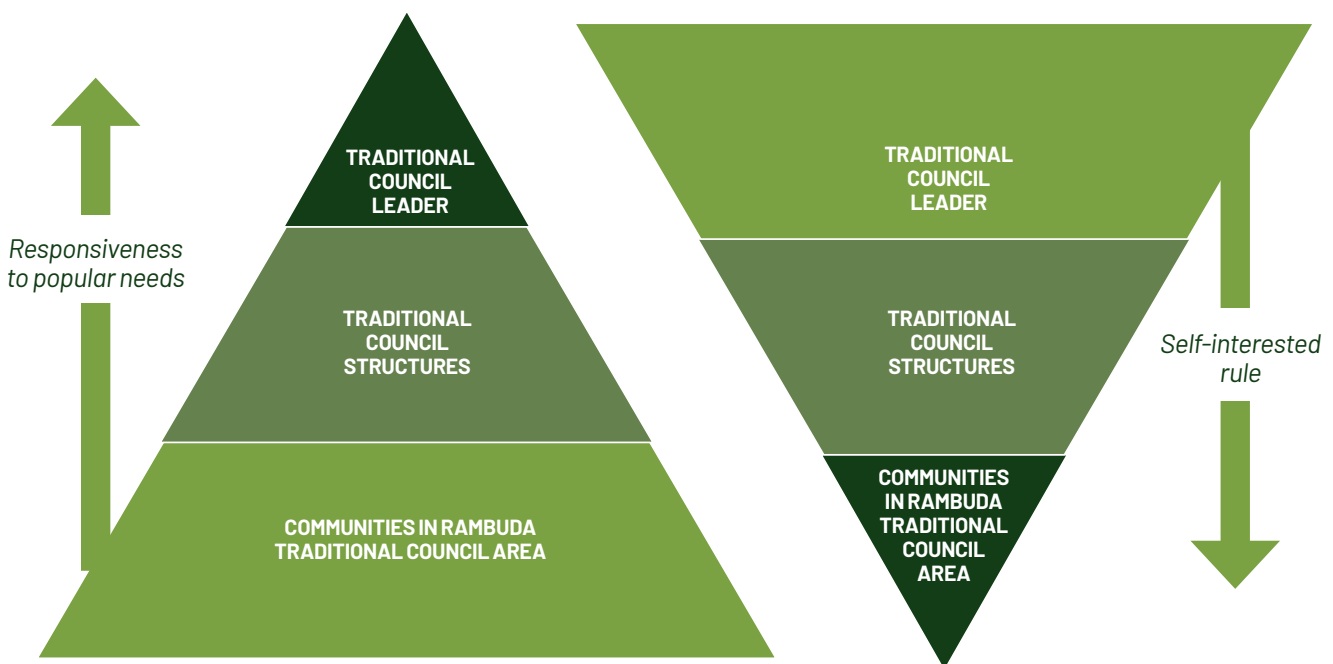


Figure 3: Land governance hierarchy and decision-making power systems in Rambuda Traditional Council: Left: Traditional land governance decision-making hierarchical structure as described by the chief. Right: Alternative inverted traditional land governance decision-making hierarchical structure as perceived by stakeholders in times of constraints and crisis.

The chief further indicated that systems are in place to conduct and dispose of specific issues, e.g., where and how to report and which structures to consult about illegal initiation schools/clinics/sites.

The chief outlined the role, hierarchy, and decision-making systems of traditional authority in land governance as applicable to the Rambuda Traditional Council as follows:

- **Chairpersons:** convene meetings, prepare an agenda, and decide on matters discussed.
- **Secretary:** minute-taking and communicating decisions made to the relevant structures, e.g., community members, scheduling council meetings, communicating with members, and record management.
- **Treasurer:** financial planning and expenditure.

The roles of each level relate to each other on matters of land governance. The three key above-mentioned traditional council members share a common interest: serving the community. The relationship is characterised by strong communication and transparency, and decisions are made collectively.

4.1.3 Land governance complexities and dynamics

The chief identified the following decision-making constraints:

- The complexity of land reform processes and court case determination.
- Bottlenecks in processing of land claims.
- A shortage of the capacity and skills required to improve land governance infrastructure and resource support systems and mechanisms needs attention.

Nonetheless, conflicts over land claims, land reform and land acquisition between municipal officials and traditional leaders are usually settled through consultative forums between the two parties. Another area with potential for conflict is how to use state land to resolve land development challenges in land under traditional councils. However, the chief indicated that negotiation and power bargaining mechanisms do not affect service delivery negatively since they can resolve the disputes between the council and municipality through consultative forums.

Figure 4 represents the land governance decision-making role and mapping in Rambuda Traditional Council. This is described in the following quote by Chief Rambuda:

We do have a structure in place that we follow in decision-making. Decisions are not just haphazard and made on the spur of the moment. Issues can be received from community members. An issue or report is received from a headman, sub-headman or community members. These issues are reported when people come by driving, walking, bus or using local non-motorised transport systems (e.g., donkey carts). Others phone or use the WhatsApp messages or voice messages. These messages do not necessarily need to be only via the chief. Still, they can reach any member of the royal family of the chieftaincy chain or members of the traditional council – which I can call the equivalent of the cabinet. The chief picks some of the issues when attending traditional functions or during social gatherings such as funerals, etc. These matters are then directed to the relevant chairperson, who draws up an agenda and calls for a meeting. The agenda is handwritten in the meeting agenda notebook or typed into a computer by the secretary. The secretary takes the minutes and writes especially the resolutions in the minute book, noting who was present, the date of the meeting, what was discussed, and the decisions achieved. We also have a treasurer who keeps finance records in a book sheet or mathematics or accounting like a book. This is also entered into the computer. The cost of holding any event, e.g., if we buy drinks, biscuits etc., is all written down so that we all know what is happening to the purse of the chief's account. However, gifts (in cash or kind) and any other form of gratitude offers are not written down; most are given publicly and clearly. If someone pays homage with a goat, everyone can see it and the animal will be killed and used towards the upkeep of the traditional council or staff or during a community meeting or feeding guests.

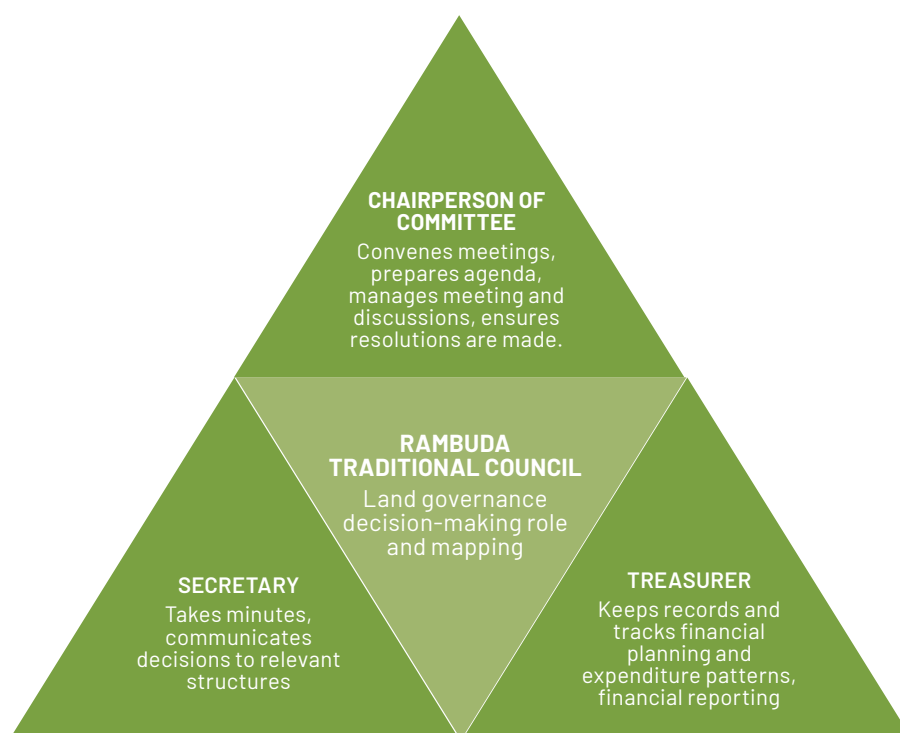


Figure 4: Land governance decision-making role and mapping in Rambuda Traditional Council

4.1.4 Implementation of SPLUMA (2013) and SPLUMA Regulations (2015) and the land governance chasm/gap

The implementation of SPLUMA (2013) and SPLUMA Regulations (2015) has been met with general resistance and queries by traditional councils and leaders throughout the country. Concerning the implementation of SPLUMA, the chief opposes the exclusion of traditional leaders on decision-making committees as laid out in part C, Sections 40,⁹ 42¹⁰ and 43¹¹ of the Act.

Chief Rambuda indicated that the shortcomings identified by traditional councils of SPLUMA can be resolved by engaging in an inclusive legislative process. Additional avenues for expanded participation opportunities in the traditional council's area indicated by Chief Rambuda were the following:

- The chief remarked that the interests of his people are well catered for through community-traditional leader forums, i.e., dialogue forums where issues concerning the communities are openly discussed and solutions co-developed and resolutions secured.
- The chief believed both parties – traditional leaders and municipal officials – are transparent about development issues. Issues are tackled from many fronts, including consultative meetings between traditional council and community structures, and expanded participation avenues in quarterly general meetings to engage communities on land governance issues, e.g., village development matters.
- Conflicts between traditional leaders and municipal officials are discussed and resolved at the provincial level. This provides an additional layer of screening, filtering, checking, objective assessment, and discussion of convergent and divergent interests and perspectives.
- The chief lamented that when people with personal interests ride roughshod over the community's rights, their needs are highly compromised. Despite this, the chief reported that in 2023, he had been able to approve between six and ten developmental projects in the traditional council area. The chief did not respond when asked whether there was any issue of interest or issues that, in his view, needed to be added to the existing SPLUMA (2013) so that traditional council duties and functions could proceed unencumbered. However, he expressed his wish for an enhanced and clarified role for traditional councils in municipal planning tribunals (MPTs).
- Regarding land governance decision-making structures and systems, the chief stated that meetings are held to facilitate community discussions about their needs. These were also discussed and tackled during community development meetings. This medium facilitated the incorporation and participation of municipal officials and any other stakeholders invited, together with councillors, to discuss matters until a way forward or consensus in decision making is reached.

9 In terms of Section 40 of SPLUMA (2013), at least three (3) members of the Tribunal must hear, consider and decide on a matter before it. The three (3) members of the municipal planning tribunal do not include a traditional leader or nominated representative of a traditional leader as an example.

10 Section 42 of SPLUMA (2013) sets out the factors a tribunal must consider in deciding applications. Previously, decision-makers would consider the need for and desirability of proposed land use change. In terms of SPLUMA these factors have been replaced with – public interest; constitutional transformation imperatives; facts and circumstances relative to the application; respective rights and obligations of all those affected; the state of and impact on engineering services, social infrastructure, and open space requirements; or any factors that may be prescribed. While the nature and extent of factors that must be considered in deciding land use applications have been considerably widened and modernised, traditional leaders are not happy with being excluded from the municipality's active participation and decision-making structures.

11 Section 43 of SPLUMA (2013) deals with the conditional approval of applications, and traditional leaders still see the processes extending the exclusion from decision-making, land development applications, and disposal systems.

- Regarding access to basic service delivery, the chief indicated that the level of service satisfaction by residents was approximately 21 to 50 per cent on the satisfaction scale. However, the traditional council continued engaging with the VDM as the water services authority and the Provincial Department of Water and Sanitation. The chief said that despite socio-economic improvements and innovations, e.g., the IDPs, SDFs, LUSs, Back to Basics (B2Bs), district development model (DDM), etc., land governance improvements and enhancements have had a low impact on the people of South Africa since the dawn of new democracy. While wide-ranging policy statements and programmes such as the RDP, BNG, CRDP etc., have been implemented, the tangible spatial transformation and changes have been slow and inadequate (SACN, 2015). However, the chief quickly pointed out that no friction exists between his leadership and the community structures because community participation is sought in all traditional council matters.
- He further pointed out that most of the land in the traditional council is communal. Interesting for land governance is the fact that the traditional council disputed that they are not part of the procurement process on the municipal level during the awarding of development projects – highlighting how the specific traditional council and municipality have successfully managed to integrate the traditional council in tender, tender adjudication, tender awarding, and procurement processes. Examples of various traditional council offices that are used to advertise municipal tender bulletins attest to this reality.

4.1.5 Structures and systems for managing land information systems

The literature has revealed a shortage of land data in traditional land surveys and cadastral systems, including land information systems. Chief Rambuda said Rambuda Traditional Council managed their land information system using computers and spreadsheets as well as books and PTOs, as well as keeping or storing records of transactions at the traditional council office as soft copies on computers and USBs. They are exploring the acquisition and use of software to address the lack of land management data in the traditional council area.

Rambuda Traditional Council officials indicated that most of their traditional council information is stored on computers and recorded as hardcopy for easy access. Chief Rambuda further suggested that all members of traditional councils (i.e., secretary, treasurer, and chairperson) use the same land management information systems assisted by the secretary responsible for overseeing the storage and safe management of land information. The chief said traditional land information governance systems are not guided by any legislation. Instead, the leadership or traditional leaders develop their systems of governance, e.g., the sale of stands that differ by size, location, and permitted uses.

Land is distributed to community members or beneficiaries according to the rules developed and approved by the traditional council.

Additional ad hoc development committees are established for developments not covered or previously experienced, such as those during the COVID-19 epidemic.

4.2 Masia Traditional Council area

4.2.1 Case study of Masia Traditional Council

In the case study group, the first traditional council visited was Masia Traditional Council in Ward 8 of Collins Chabane Local Municipality, Vhembe District, Limpopo Province. Photographs of institutions, churches, crèches, schools, post offices, spazas, small shops, sports grounds, traditional offices, and other land uses were taken during the fieldwork (see pages that follow). Chief Masia defined his role and responsibilities as the administrator of local affairs in their jurisdiction.



Clockwise from top left: Creche in Masia Traditional Council Area, Gravel road abutting rural stands in Masia Council Area, Post Office in Masia, Club Manhattan in Masia.

4.2.2 Structure, functions and hierarchy in traditional council

In terms of describing and explaining how decision-making structures, hierarchies and systems played out in the traditional council area, the chief indicated that he firmly believed that the Department of Agriculture, Land Reform, and Rural Development (DALRRD) is the custodian of land governance in areas under the traditional council. Still, they must carry this role by working with traditional leaders. Regarding the relationship between traditional leaders and the community, the chief felt that it was satisfactory, meaning that the relationship was cordial. Nevertheless, tension and conflict between traditional leaders and municipal officials were caused by a lack of participation of traditional leaders in municipal land governance decision-making structures, e.g., municipal planning tribunals (MPTs). This was supported by his view that traditional leaders, when involved or co-opted, do not have voting rights and are merely observers.

The chief wished for actions and measures to promote elevated and connected decision-making that appreciates the co-existence of traditional leaders and modern democracy. An encouraging sign is the existence of a decent land governance system, at least from the perspective of the chief, in terms of:

- Meetings are held to facilitate community discussions about their needs.
- Municipal officials are excluded from community development meetings. Instead, the chief engages with councillors.
- The chief indicated that basic service delivery satisfaction in the Masia Traditional Council area was between 21 and 50 per cent.
- The chief believed the land governance development footprint in Masia Traditional Council had had a positive impact since the dawn of the new democracy in South Africa in 1994.

Overall, the chief indicated that traditional council meetings fully represent the interests of the people and that there is transparency in terms of how issues of land development are received, handled, discussed, processed, and resolved by both traditional leaders and municipal officials. He said the traditional council and its village-level structure were the most suitable platforms for promoting community participation in decision-making, as illustrated by Masia's working traditional council structure system (see Figure 5). The local municipality discusses and resolves the conflict between traditional leaders and municipal officials. There are, however, instances in which decisions run counter to the interests of the people, especially when the community's needs are ignored by those with personal interests who use land governance rights for personal gain or private interest at the expense of the interests and well-being of the community. The chief indicated that he had approved five development projects in the last three years, which had contributed to the development and upliftment of the Masia Traditional Council area.

To summarise, the chief said he would like the responsibilities of traditional councils, leaders and municipalities to be separated, to improve grassroots level, local cooperative development for the benefit of everyone involved and interested in local community development and advancement.

Figure 5 represents the land governance hierarchy and decision-making power systems in the Masia Traditional Council area. The traditional council has established a system of land governance that separates the role, functions and duties of the chief from those of the traditional council, whose meetings are headed by a chairperson and not the Chief Masia himself, as expressed in the following words of Chief Masia:

As the chief, I am not directly involved in the decision-making process. Look, we have the chairperson of the traditional council who is not me. Committee chairpersons report through the chairperson, who reports and updates the chief on issues and developments in the traditional council. This makes me objective when I am required to decide and make a ruling on issues that committees and the chairperson of the traditional council bring to me to decide.

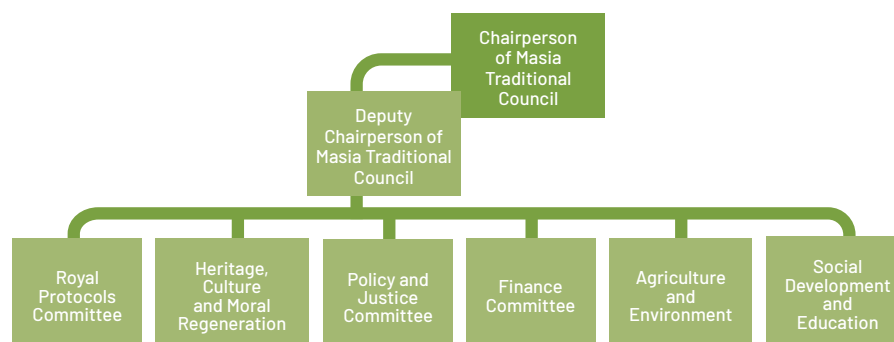


Figure 5: Land governance hierarchy and decision-making power systems in Ha-Masia Traditional Council

Overall, the chief believed there was no friction between his council, the leadership and the community structures because almost everyone understood that most of the land in the traditional council area is communal rather than privately owned. The traditional council disputed that they are not part of the procurement process at the municipal level during the awarding of development projects, highlighting how the municipality has successfully managed to integrate the traditional council in tender, tender adjudication, tender awarding, and procurement processes. Examples of various traditional council offices that are used to advertise municipal tender bulletins attest to this reality.

Regarding the hierarchy and internal power dynamics in land governance matters, the chief responded that discussions, debates, and reporting are done in traditional council open meetings with other leadership groups. These consultations allow everyone to contribute to the meetings.

Decisions are made holistically and by consensus by all members. Members thus can voice their opinions and concerns. Conflict resolution and implementation of traditional laws are part of internal power dynamics in the council and the area under jurisdiction.

The chief said the role of the traditional authority in land governance was to administer local affairs in their jurisdiction and matters about their people. The secretary keeps records of identified land and the distribution of land. Regarding the treasury role, the traditional council manages all the financial transactions and revenue generated. The traditional council also collaborates with other traditional authorities. This collaboration or traditional chiefs exchange programme was fundamental to knowledge and skills exchange concerning land governance matters.

All land governance and related matters are addressed in traditional council meetings, where conflicts are also resolved among the traditional authorities. According to the chief, traditional authorities establish levels of authority through similar procedures for conducting meetings and interacting with the communities under their jurisdiction. Traditional councils also support one another when they face issues like land claims that affect both councils.

Masia Traditional Council indicated that most of their traditional council information is stored on computers and in books for easy access. However, the council is exploring better digital information storage systems to implement lessons learnt from comparing notes with other chiefs.

Chief Masia said there was a need for systems to facilitate interaction between and among land governance actors, interest groups and stakeholders to boost the interaction of councils and municipalities on land governance and development matters.

4.2.3 Land governance complexities and dynamics

The chief identified the following as matters that complicate the implementation of land governance interventions, programmes and activities:

- Complexity of land governance.
- Land invasions and community member claims abutting private registered commercial properties and farms.
- Persistent challenges of inter-governmental structures and relations with implications such as slowing and delaying decision-making resolutions were identified as an area of concern.

The chief said conflicts between municipal officials and traditional leaders are nevertheless settled through legal recourse. He believed the poor relationship between the traditional council, its leaders, and municipal officials affects service delivery adversely. Practical ways are needed to negotiate resistance and difference.

4.2.4 Implementation of SPLUMA (2013) and SPLUMA Regulations (2015) and the land governance chasm

SPLUMA (2013) and SPLUMA Regulations (2015) implementation has met with general resistance and queries by traditional councils and leaders throughout the country. Regarding the implementation of SPLUMA, the Chief does not support excluding traditional leaders from development committees, as stipulated in Sections 40, 42, and 43 of Part C of the Act. He further indicated that the contentious issues in SPLUMA regarding traditional leaders/ councils must be resolved through engaging in an inclusive, comprehensive, participative legislative process

4.2.5 Structures and systems for managing land information systems

The Masia Traditional Council indicated that it manages its land information system using computers and spreadsheets and manually records land governance matters, transactions, and matters of interest in exercise books. The council is exploring an appropriate land management system and software to improve land management information systems and decision-making follow-up processes and activities.

4.3 Tshivhase Traditional Council

4.3.1 Case study of Tshivhase Traditional Council

The last traditional council visited was the Tshivhase Traditional Council in Vhembe District, Limpopo Province. Photographs of institutions, churches, crèche, schools, post offices, spazas, small shops, sports grounds, traditional offices, and other land uses were taken during fieldwork (some of these are captured on the next page). Chief Tshivhase defined his role and responsibilities as the administrator of local affairs in his area of jurisdiction.



Clockwise from top left: Ha Tshivhase Traditional Authority Office, local shop in Tshivhase Council Area, Clinic in Tshivhase Council Area, Tshinapfene Crèche in Tshivhase Council Area.

4.3.2 Handling land development application process in the traditional council

The chief described the land use application process as elaborate, complex, and inclusive. The process currently requires a formal approach, which is summarised in the following quote by Chief Tshivhase:

'We are no longer allowed by the government to make decisions willy-nilly as what used to happen before. We no longer issue out PTO's just like that. It is illegal, and the government does not allow or want it. We must follow the process that the government has set out for us.'

Critical decisions facilitate the process. One must sit in a traditional or council meeting and report what is said and observed to understand how a decision is made. The chief highlighted that the processes and stages followed are essential in making the process legal from both a customary or traditional perspective and a legal or municipal planning law perspective. Once both sides are secured, both institutions and communities recognise developments and land development applications as appropriate. They can undergo various land registration processes for issuing title deeds, etc., as required. The following land application decision process flow (refer to Figure 6) was generated from discussions:

Figure 6 summarises the decision-making process of a land development application in the Tshivhase Traditional Council. The process is logical and uses government capacity to complement and strengthen the capacity of the TA in executing land administration and management functions. The decision-making flow points of interest include the following:

1. **Land identification for development:** The client(s) identify a section of land they wish to develop and approach the traditional council (TC) for land allocation and purchase.
2. **Consult and engage with municipality and DALRRD in early land application stages:** The TC advises developers to approach the municipality and the Department of Agriculture, Land Reform, and Rural Development (DALRRD) for the necessary land-use rights before using the property.
3. **Traditional authority (TA) issues permission to occupy (PTO):**¹² If the land application is straightforward, the TA issues the developer with a PTO document that details the proposed land use and measurements of the stand.
4. **Appointment of professional planner to work with DALRRD:** The developer appoints a planner to work with DALRRD to secure a lease agreement, as rural business stands are no longer sold but leased out under the Interim Protection of Informal Land Rights Act (IPLRA) 31 of 1996 and the Approved State Land Lease Vesting and Disposal Policy of 2013. This prevents rural business stands from being held by developers with title deeds, which would limit the ability of other developers to use the land for the community's benefit.
5. **Submission of Land Development Application to DALRRD: The developer must submit all required studies and documents to DALRRD for assessment and a site visit.** A pre-resolution meeting is held for public participation, where the proposed development is introduced to the community. After 21 days and the placement of adverts in various gathering places, the developer returns with department officials and a town planner for a second resolution meeting, where the community decides whether they want the development to proceed.
6. **Submission of land development application to the municipality in accordance with the SPLUMA (2013):** Once the resolution process is complete, the application for rezoning or township establishment is prepared and submitted by the town planner, along with supporting specialist studies such as services, traffic, and environmental impact assessments. The application goes through further processes until approval is granted.

¹² This is reality and essence is a "tribal resolution" as the PTOs were made illegal by the Upgrading of Land Tenure Rights Act 112 of 1991.

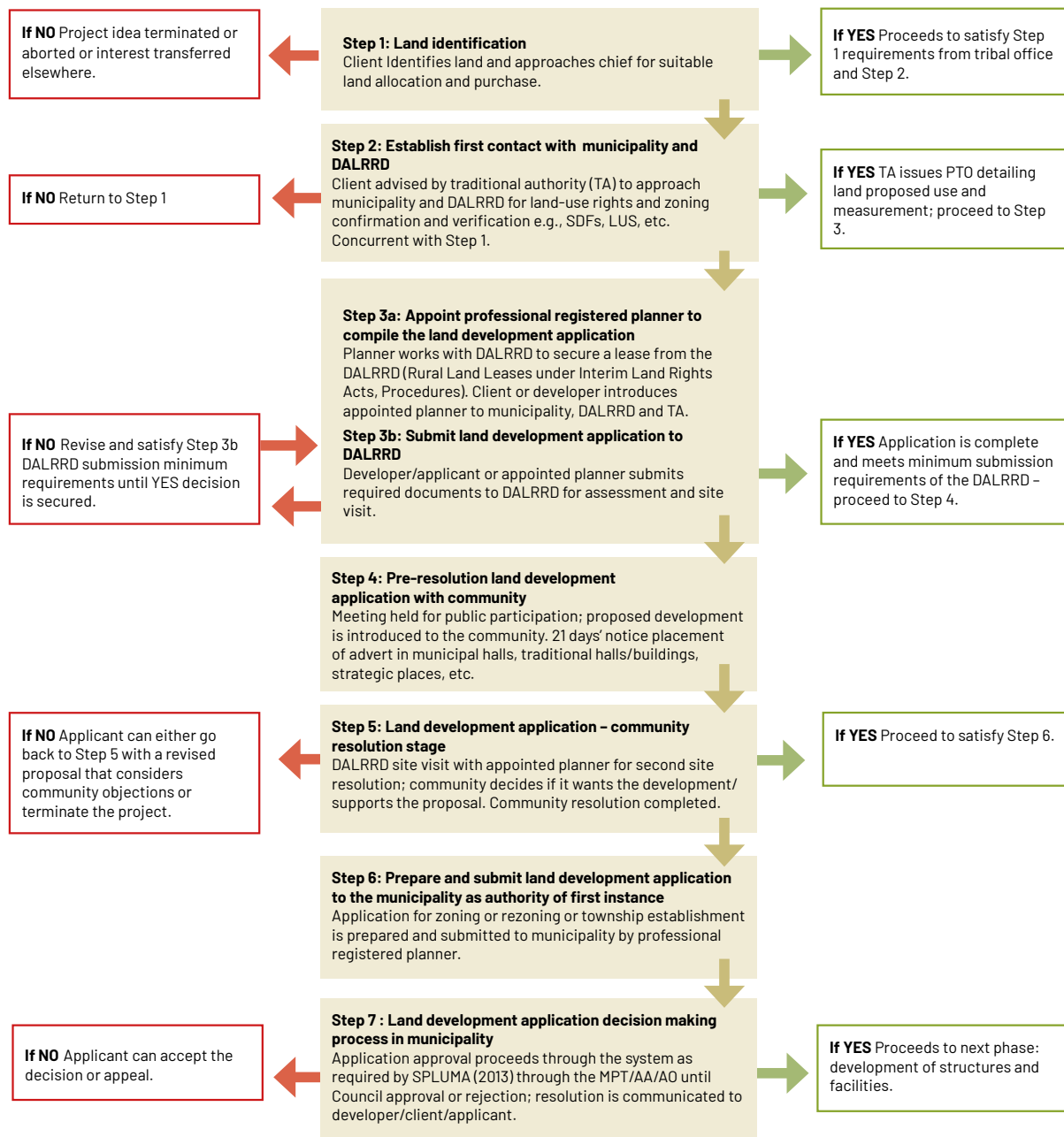


Figure 6: Flow diagram of the Land Development Application process in Tshivhase Traditional Council

4.3.3 How land invasion matters are handled in the Tshivhase Traditional Council area

The chief said multiple methods and means are used to ensure harmony in the use, allocation, and distribution of land to the community and in meeting community needs. The approach can be synthesised and described as a Record, Engage, Collaborate and Avoid (RECA) collaborative approach to land invasion management (refer to Figure 7).



Figure 7: Record, engage, collaborate and avoid (RECA) Land invasion and matters resolution model in Tshivhase Traditional Land Council Area

Source: Authors own construction, 2025

Land invasion is sensitive and potentially divisive and requires hands-on leadership from all levels, including the traditional council; hence, the RECA approach is used. The approach recognises the importance of the following:

- **Recording of land transactions and developments:** Detailed records of all stand purchases and possession diagrams or sketches of each stand demarcated by the traditional council are kept.
- **Engaging communities in land development applications and decisions:** At times, TA addresses land invasion issues by optimising the medium of community involvement in land administration and management. The approach in this instance is to work towards a resolution that satisfies both offender and victim. Ultimately, a mutually agreeable solution to the land invasion problem is co-developed.
- **Collaboration with relevant municipality** involves the TA working with the local authority to get assistance regarding demarcating villages and having proper layouts to show correct measurements of each stand to avoid invasion. The following township subdivision stand sizes are created: 25m x 50m for low-density stands, 20m x 40m for medium-density stands and 20m x 15m for high-density stands. This overcomes the technical capacity constraint linked to the fact that TAs do not employ professional planners.
- **Avoiding a land invasion bubble from the start:** This approach is based on the need for forward and strategic thinking regarding pre-empting land demand and pressures before land invasion's saturation and tipping point is reached. Strategic land banking and release strategies and plans are one way in which this matter can be resolved. The TA, municipality and government departments can join forces in identifying strategically located and well-situated state land that can be converted and allocated for such land needs as housing in urban and rural areas.

CHAPTER FIVE:

CASE STUDIES IN LAND DEVELOPMENT APPLICATIONS

INSIGHTS FROM CASE STUDIES

Granted that seeking and exploring land development applications' nuances and dynamics cannot be satisfied by conducting three case studies, the study also gleaned insights from case studies with examples of shopping malls and land invasion and shortage challenges, including township establishment.

5.1 Homu Traditional Council and land pressure and invasion dynamics

Homu Traditional Authority, a leading TA in Greater Giyani Municipality (GGM) in Mopani District Municipality, also in Limpopo Province, has faced numerous land conflicts and challenges because of the land grab crisis and lack of land for agricultural activities, grazing livestock and future developments. Poor people are desperate for housing, and the TA is running out of land. A resolution has been taken to subdivide old stands and allocate newly established ones to other residents. Although this has been successful in situations where newly established stands are given to residents of the same family, conflict arises when new stands are given to members of different families.

The shortage of grazing land and the encroachment of new developments has resulted in protests by livestock farmers and halting developments on land reserved for grazing. Protests have caused conflict between the TA and developers who invested a lot of money and are prevented from continuing with their proposed developments; in some cases, developers are taking the TA to court. In many cases, developers and residents have paid for land but have been allocated the same land portions within the TA's jurisdiction.

In addition, Homu Traditional Authority is desperate for more land and is fighting with other TAs through courts. Residents are required to contribute to legal fees financially, while they do not see the benefit of these court cases to their communities. In a court case between Homu TA and Mabunda TA over the vacant land battle in Ka-Xikukwani village, every household within the jurisdiction of Homu Traditional Authority was mandated to pay R50 for legal fees, or they would be denied specific services.

5.2 Development of Tshakhuma Shopping Mall in Ward 12 Chief Madzivhandila Mathambo Traditional Authority

A site development plan for a shopping mall in the village of Tshakhuma under Makhado Local Municipality was proposed (now realised) to provide essential amenities for the people of Tshakhuma, who had to travel to Louis Trichardt for their shopping needs, which led to high demand and extra costs. The proposal was supported by Makhado Local Economic Development Authority and is located at the intersection of R524 and Road D1253.

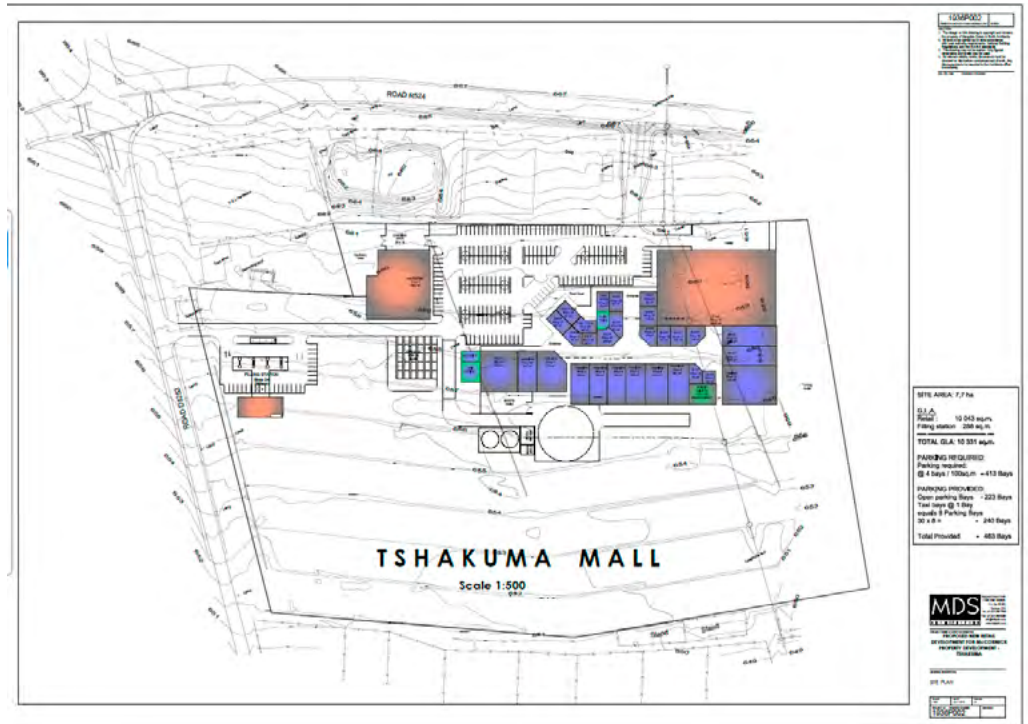


Figure 8: Tshakuma Shopping Mall Site Plan

Figure 8 is a site plan prepared by a professional town-planning company. Previously, there was no formal retail centre in the area. There was a need for an additional retail centre in Tshakuma because the closest retail node in Thohoyandou was too small to meet the demand of the surrounding villages. The site plan was accompanied by the proposed master plan in Figure 9.

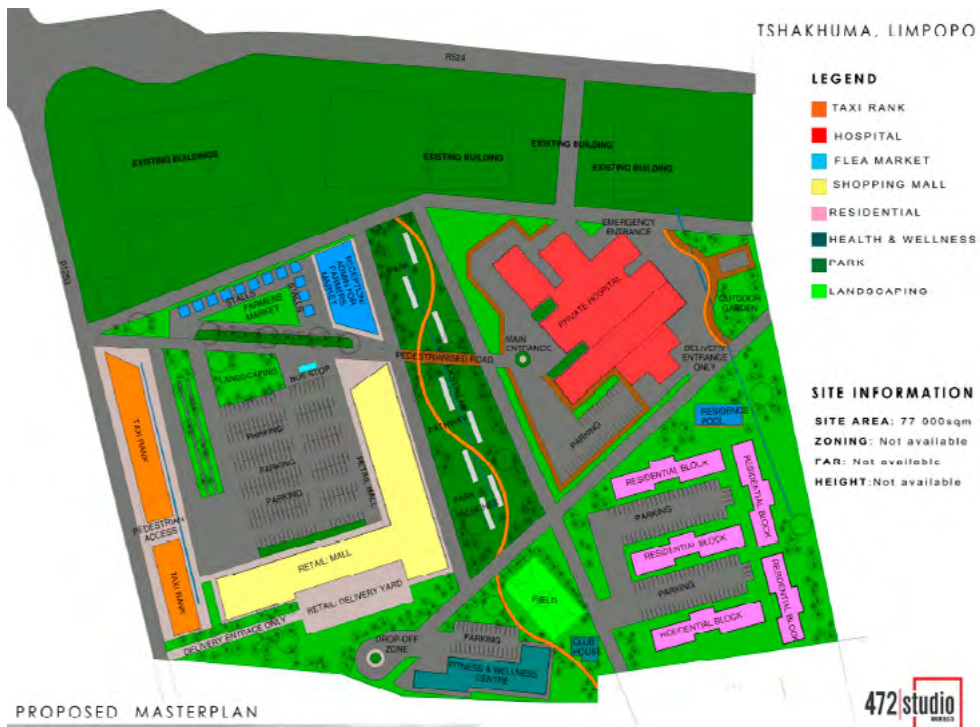


Figure 9: Proposed master plan, Tshakuma Mall, Limpopo Province

Source: Makhado Local Municipality, 2025

The people and visitors of Tshakhuma now have a convenient shopping centre that is easily accessible to all age groups. This development followed the steps shown in Figure 6, the flow diagram of the Land Development Application process in Tshivhase Traditional Council.

5.3 Ward 9 Township Establishment in Makhado Municipality (Makhado Township Establishment Ext 15)

A township establishment is being planned for the Makhado people within the Makhado Local Municipality in response to increasing demand for housing and supporting amenities. This is driven by population growth among residents and those seeking work opportunities. The township will also cater to workers to be employed during implementation of the proposed Makhado-Musina Spatial Economic Zones (MMSEZ) and immigrants moving to Makhado and Musina. These zones are expected to generate over 4500 job opportunities for people in these municipalities and surrounding areas.

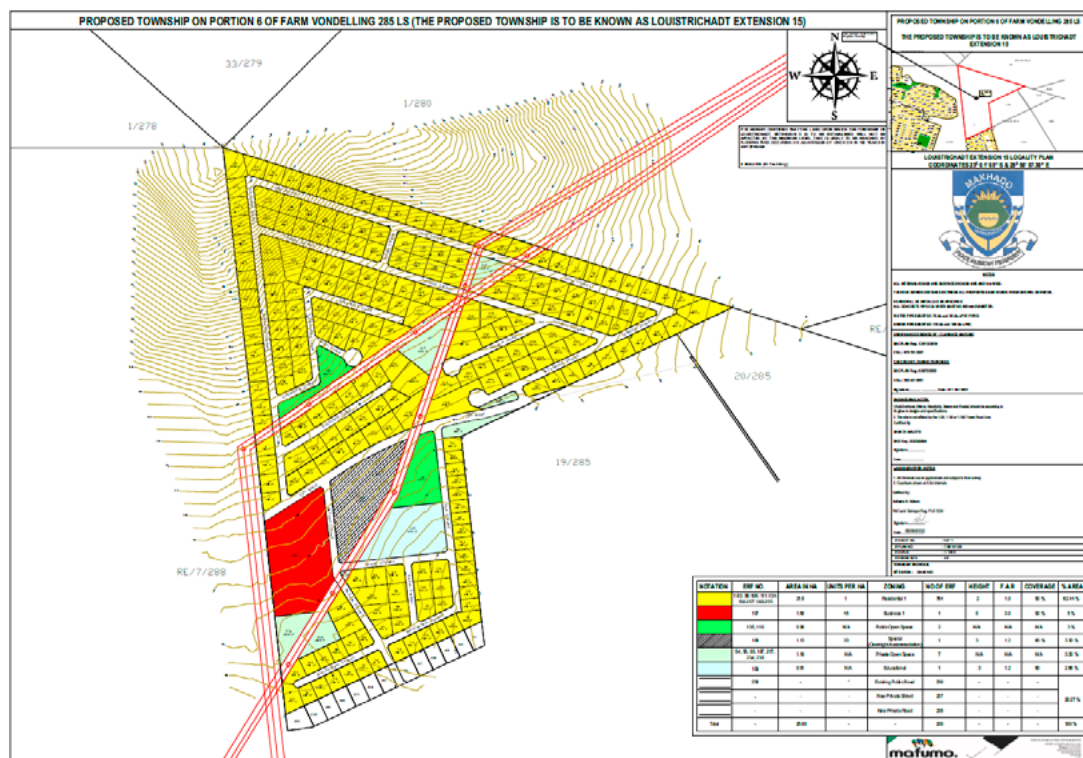


Figure 10: Makhado Township Establishment Ext 15

Source: Makhado Local Municipality, 2025

The proposed development will offer residents suitable housing options and access to essential amenities like schools, healthcare facilities, and recreational areas. It will also spur economic growth by creating business and job opportunities.

The township establishment and approval of Makhado township establishment Ext 15 were all achieved by following the process presented in Figure 6 of this report, excluding the traditional council role. The Makhado case study demonstrates that a similar quality of built environments is achieved by following similar systems.

CHAPTER SIX:

POLICY AND PLANNING IMPLICATIONS

The Traditional Leadership and Governance Framework Act of 2003, adopted by the post-1994 South African government, significantly increased the powers of traditional leadership in rural and local governance. Although the Act does not directly grant traditional leadership power and control over communal land and natural resources (De Visser, 2005; Murray, 2004; Mbandlwa et al., 2020) it has been interpreted as giving them and their traditional councils powers over the administration and control of communal land and natural resources, economic development, and justice (Winkler, 2021; Kurebwa, 2020; Ubink and Pickering, 2020). This limits the power of rural municipalities in areas under traditional authorities to guide and inform planning decisions. As a result, traditional authorities rapidly release land for housing, business, commercial, and other land-use developments without consulting with municipalities or the necessary planning processes. Municipalities are then expected to formalise these developments. This has arguably contributed to the land grab crisis, resulting in a lack of land for agricultural activities, grazing livestock and future developments.

The following policy and planning issues have emerged from an analysis of the desktop review and an empirical research study of Rambuda, Tshivhase and Masia case studies in the selected traditional councils in Limpopo and supplementary selected case studies in Limpopo traditional areas.

- **Traditional councils can transform and integrate land development processes with municipal land development application processes.** Contrary to popular belief, evidence-based research shows that the traditional authorities can infuse their land development application processes in support of municipal systems, albeit with different imperfections owing to the maturity of the TA land development system. The flow diagram of the Land Development Application process in Tshivhase Traditional Council is an example of a working system that can be improved as necessary and have facilitated shopping malls such as Tshakhuma Mall and township establishments executed, using professional town planning standards. However, there is a need for further detail, including developing land development application classes in rural areas under traditional councils that are exempted from such requirements from cost, access, affordability, and inclusive perspectives.
- **Traditional council twinning, exchange programmes and establishing centres of land development application excellence:** Traditional councils can exchange learning. Progressive traditional authorities such as Tshivhase can be used as resource or training centres or centres of excellence where best practices of land development application systems can be learnt, experiences shared, and fears explored to build a stronger local cooperative and a single governance model in local government in South Africa.
- **Strengthening and building traditional councils land development application record and cadaster systems.** All traditional councils interviewed conceded that their land records and cadaster systems were inadequate and that they benefited from the municipality's support and assistance in preparing proper layouts with clear measurements and the demarcation of stands. This reduces stand boundaries and double or multiple allocation problems along the way. It needs no further stress that all land development actors in the TA space need each other for improved success and better service delivery. Continuous training and capacity building could also take the form of seconding interns by government, NGOs or the private sector, such as deploying town planners, engineers, and surveyors to these TAs. They could assist in building a solid database of land, infrastructure, and facilities records. This could also help bring down walls of resistance and mistrust between municipalities, traditional leaders, professionals, and communities. Interns could work with communities using drones or collecting GPS coordinates for all properties. Interns could use an adapted

and appropriate social tenure domain model map with communities illustrating the layout maps or cadaster maps with allocated rights. Such maps could help identify overlapping and multiple rights and ways to overcome them through community resolutions or decisions that are better than before.

- **Land re-parcelling and re-allocation in response to growing population and demand for inelastic TA land size.** Land in TAs is generally inelastic, except with annexation, owing to boundary redetermination, land claims, etc., and most TAs have run out of land. One way is to agree with communities to continue subdividing stands into smaller stands only between family members, but this has limitations, especially in the context of communal land. The other option is to start exploring land intensification approaches, such as vertical developments, which are becoming prevalent in rural areas. However, it is not necessarily a land densification process out of direct response to the shortage of land but rather an expression of affluence and lifestyles. There may be a need for rural densification studies to identify the correct balance of land densification approaches and actions necessary for such environments.
- **Land allocation, land re-distribution, and land invasion are multi-layered and involve various competing and complementary land development rights in rural areas.** The Homu Traditional Area case study in the Greater Giyani District Municipality of Limpopo is an example of this. Traditional authorities are running out of land for grazing livestock, and new developments are encroaching upon land previously reserved for grazing. Livestock farmers and communities are organising themselves and protesting the traditional authorities who have issued PTOs on these declining land areas. Protests have either completely halted or delayed proposed developments, some of which are transformative projects. Conflict between the traditional authorities and developers has also resulted in developers seeking legal relief to claim compensation for lost resources, time and money spent on land application and overhead costs. A common practice of developers is to take traditional authorities to courts. Advocacy groups and communities are following suit and taking the traditional leaders and developers to court, although this is costly for impoverished rural residents.
- **Strengthen and improve communication on land application processes,** especially the stages that involve the traditional leader (PTO) and secure community consent to develop.
- **Explore new, more intensive and productive farming.** Given the shrinking land resource availability there may be scope for innovative enterprises or cooperatives in rural areas, for example, vertical piggeries and poultry farms and agricultural gardens, etc.
- **Strengthen and refine land development allocation processes for enhanced inclusivity and precise role determination of traditional councils and chiefs.** The current arrangement provided by SPLUMA 2013 falls short in terms of the traditional councils' roles in determining the approval of land development applications. Traditional leaders have only observer status and no voting power, a perennial area of contention. A possible solution is to adopt the Limpopo provincial bill proposal whereby the traditional leader attends the MPT decision-making stage of the application process and may contribute. The contentious point is whether their input is as a directly elected representative of the people in terms of the Constitution or as cultural advisors or specialists rather than just observers. The reports they generate as cultural advisors or specialists will be considered together with the package of all other technical reports. This is one possible way of overcoming the impasse although it is a highly sensitive and challenging area in which extensive negotiations are still required. A solution will not be found overnight. The advocacy of all stakeholders in the decision-making chain around the constitutionality of traditional councils arises, among many other equally important considerations.

- **Confront issues of land invasion and land shortages in traditional land areas and municipalities.** Although land invasion and shortages affect traditional and municipal councils, municipalities can grow by encroaching on or engulfing surrounding farms and areas previously under traditional councils as part of municipal boundary redefinition and gazetting. By contrast, in cases where traditional councils receive restituted land, councils have no precise mechanism to expand their boundaries. Protests and legal battles around these matters may drag on for years, during which land invasion may happen. Expanding traditional areas is problematic for a number of reasons, but the growing land shortage in traditional areas points to the need for more widespread land reform and easier access to land through formal measures. A policy and system with a fast-track mechanism to identify land and quickly expedite its determination and supply for municipal planning growth is also needed.
- **The record, engage, collaborate and avoid (RECA) collaborative approach to land invasion management can potentially manage land invasions and conflicts in municipalities.** RECA can be integrated into land- and area-based rural development plans to minimise unintended land invasion challenges.
- **State land banking and strategic land release to traditional communities and municipalities must respond to the growing demand and pressure for land.** A strategic land release strategy must be crafted and implemented to obviate the challenges of land invasion and various forms of informalities and illegalities.
- **Prioritise land development allocation advocacy and policy work.** Advocacy work in TAs must be prioritised. Until the systems work seamlessly without disadvantaging stakeholders in the decision-making value chain, the scope for advocacy work remains huge.
- **A large-scale, long-term, evidence-based, collaborative research project and programme is needed** to explore all nuances and granular details of how land development decisions are arrived at and executed in TAs and municipal MPTs. A participatory research and action approach could be adopted whereby researchers are stationed in TAs for at least three years to work, integrate and gather information. In this way, richer and deeper insights and possibilities towards tackling some issues with some degree of finality are possible. Being further mindful of the fact that SPLUMA (2013) and SPLUMA Regulations (2015) are currently undergoing amendment, there is an opportunity for organisations such as PARI to engage with DALRRD on possible areas around SPLUMA and SPLUMA Regulations that affect or impact the role of TAs in decision making around land development applications for improvement regarding integrated and inclusion rural land use planning, administration and management.

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Legislation Reviewed

Traditional and Khoi-San Leadership Bill, 2024

Traditional and Khoi-San Leadership Act 3 of 2019

Spatial Planning, Land Use and Management Act 16 of 2013

Spatial Planning, Land Use and Management Act (SPLUMA) Regulations, 2015

National House of Traditional Leaders Act 10 of 1997

Traditional Leadership and Governance Framework Act 41 of 2003

Promotion of Administrative Justice Act 3 of 2000

Constitution of the Republic of South Africa, 1996

National Environmental Management Act (NEMA) 107 of 1998

Local Government: Municipal Structures Act 117 of 1998

Local Government: Municipal Systems Act 32 of 2000

Annexure 1:

Questionnaire on Role of Municipalities in Land Governance in Limpopo Province

Role of Municipalities in Land Governance – Limpopo Province

Traditional Leadership Questionnaire survey

Introduction: This questionnaire is part of the study from the University of Venda (Univen), Faculty of Science, Engineering and Agriculture, as commissioned by the Public Affairs Research Institute (PARI), Johannesburg, to unpack the role of municipalities in land governance as well as explore the working relationship between traditional leadership and municipal officials on community development issues.

The questionnaire is about investigating the relationship between selected traditional leaders (i.e., Rambuda Traditional Council, Tshivhase Traditional Council & Masia Traditional Council in Limpopo province and municipal officials concerning spatial planning, development projects and the implementation of Spatial Planning, Land Use and Management Act, 2013 (SPLUMA).

The research is strictly for Research and University purposes; confidentiality will be adhered to, and the participants will make the results available upon request.

1. Area of Traditional Leadership:

Municipality -----

Ward -----

Gender

Male	
Female	
Prefer not to Disclose	
Other	

2. What would you say the role and responsibility of traditional leaders is?

Administer of local affairs in their jurisdiction	
Monitor service delivery in their areas of jurisdiction	
Issue PTOs	
Be part of the implementation of SPLUMA	
Assist in promoting development projects	
Liaise with the municipality officials in all of the above	

None of the above (indicate why) -----

ANNEXURES

3. Please specify the various authorities in land governance in the selected traditional areas

Central Government (Department of Agriculture, Land reform and Rural Development)	
Central Government (Department of cooperative Governance and Traditional Affairs)	
Central Government (Department of Human Settlements)	
Central Government (Department of Forestry and Water Affairs)	
Central Government (department of Water and Sanitation)	
Central Government (other - Please specify)	
Limpopo Provincial Government (Please specify e.g. Premiers Office, COGHSTA etc)	
The District Municipality (Specify name)	
The local municipality (Please specify name)	
Civil Society Organisations (please specify)	
Communities	
Traditional Council (Please specify name/s)	
Others (Please specify)	

4. What is the relationship between traditional leaders and the community?

Not Satisfactory	
Fairly Satisfactory	
Satisfactory	
Very Satisfactory	

5. What is the relationship between the municipality and traditional leaders/council?

Not Satisfactory	
Fairly Satisfactory	
Satisfactory	
Very Satisfactory	

6. What are the causes of conflict, if any between traditional leaders/council and municipal officials?**7. What are their challenges in land governance?**

Complexity of land governance	
Land suitability	
Land reform and claims acquisition bottlenecks	
Land invasions	
Institutional coordination	
Intergovernmental Relations in land governance	
Capacity Challenges	
Marginalisation of the poor from land governance processes	
Others (Please specify)	

ANNEXURES

8. How are the conflicts between municipal officials and traditional leaders/council settled?

Through consultative forums with the municipal officials	
Through traditional house of leaders forum	
Through legal recourse	

Any other (indicate) _____

9. To what extent is the relationship between traditional leaders and municipal officials affecting service delivery?

Adversely affects service delivery	
Does not affect service delivery	
Promotes service delivery	

Any other (indicate) _____

10. What portion of the implementation of SPLUMA do you not support?

Indicate portion _____

Indicate any issue(s) with portion _____

11. If you have identified any issue, indicate how you would want it would be resolved?

Through consultative forums with the municipal officials	
Through traditional house of leaders forum	
Through legal recourse	

Any other (indicate) _____

12. How do you cover the interest of your local community in the discharge of your duties?

Community/Traditional Leaders Forums where issues concerning the communities is discussed	
Protect the interest of the community in terms of municipal development projects	
Joint Mayoral/Traditional Leaders Forum	
Issue PTOs	
Issues of communities not really discussed	

Any other (indicate) _____

13. Is there any transparency in issues of development by both traditional leaders and municipal officials? (tick relevant response)

Yes	
No	

ANNEXURES

If no indicate areas of lack of transparency?

Inadequate communication between municipality and traditional leaders	
Inadequate transparency with legislations (SPLUMA)	
Inadequate consultation with respect to development projects	

14. How does the community participate in decision making with traditional leaders?

Yes	
No	

If no, indicate why.....

15. At what level does the conflict between traditional leaders and municipal officials get discussed and resolved?

National government	
Provincial government	
District government	
Local municipality	
Legal recourse	

16. To what extent is personal interest an issue?

Not an issue at all	
It is an issue where the interest of the traditional leader is at stake	
Is an issue when the interest of the community is poorly considered	
When the development project is large scale	

17. Indicate how many development projects you have consultatively approved in conjunction with the municipality in the last 5 years?

None	
1-5	
6-10	
11-20	
21-30	
31-50	
51-100	
101+	

18. What do you think you wish could be added or done to the existing legislation with regard SPLUMA?

Indicate.....

19. With the existing legislations with regard to your roles and duties is there anything you wish could comment on?

ANNEXURES

20. Do you call meetings to discuss community development issues?

Yes	
No	

If no, indicate why_____

21. Are municipal officials invited to the community development meetings?

Yes	
No	

If no, indicate why_____

22. How would you describe access to service delivery (electricity, water, transport, roads, solid waste collection, schools, recreation facilities)

Less than 10%	
11%-20%	
21%-50%	
51-100%	

23. What are the changes in your community since 1994?

Low impact	
Fair impact	
Very Good Impact	

24. Is there any friction between your leadership and its structures?

No friction	
Friction with other traditional leaders in the area	
Friction with provincial house of leaders	
Friction with local municipality	
Friction with local community	

25. What is the land holding distribution in the local authority?

Communal land (This land is owned by the government but managed through the tribal authority.)	
Commonage land (Farm land that is owned by a local municipality is known as Commonage land. It is land that should be available to the local community for farming purposes). ¹⁷	
Own land (This land is owned by the individual or legal entity (Sole Proprietor, Partnership, Property Trust, CC, Cooperative, Pty Ltd Company to name a few examples). ¹⁸	
Leased land	
Agricultural Holdings	

13 The owner of the land in this case has a title deed to the property.

14 Section 25 states that property may be expropriated only for "a public purpose or in the public interest" and "subject to compensation" - the amount of which, and the time and manner of payment, must either have been agreed to by those affected, or decided by a court.

ANNEXURES

Farms	
Protected areas	
Forests	
Cultivation	
Inland waters	
Other types (Please specify)	

26. In awarding development projects by the municipality are you part of the process?

Not part of the process	
Part of the process but consultative only	
Part of the process through IDP Forums only	
Part of the process through other Forums	

Any other (indicate) _____

27. How do these traditional authorities manage their land information systems (if at all)?

Hardcover Register	
Computer Spreadsheet e.g. Excel	
Memory, Verbal, and Physical Record of Transactions/Witnesses e.g. PTO and Record of Transactions at Traditional Office	
Proxy Municipal Rates Payment Records	
Any other (Please specify)	

28. Are there any innovations around land information management practised by the traditional authorities?

29. What policy recommendations if any can one make re- Section 25 of the South African Constitution?

30. Indicate any additional comments which was not covered in the questionnaire _____

Annexure 2: Questionnaire on Traditional Councils Land Governance Structures, Systems and Hierarchies in Municipalities

Traditional Authorities Complementary Interview Checklist Guide

This complimentary research instrument(s) focuses on the traditional authorities. The following questions seek to establish this, namely:

1. What are the hierarchy and internal dynamics in the traditional council and leadership system?
2. What is the role of each level of traditional authority in land governance?
3. How does the role of each level of traditional authority relate to each other as traditional authorities in land governance?
4. How does each level of traditional authority relate to other authorities within their jurisdiction in land governance?
5. How does the role of each level of traditional authority manage their land information systems?

Annexure 3: Land Development Application Proforma Checklist Example – Vhembe District Municipality



THULAMELA MUNICIPALITY

APPLICATION FOR BUSINESS SITE(S) IN RURAL AREAS IN TERMS OF SECTION 75(1) OF THULAMELA MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY LAW 2015 READ TOGETHER WITH PROVISIONS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 16 OF 2013.

PART A: TO BE COMPLETED BY APPLICANT

Name of the Applicant :.....
Postal Address :
Tel/Cell:.....
Identity Number :.....
Proposed Business :.....
Existing Land use :.....

Size of a proposed Business:.....

Ward Number :.....
Village Name :.....
Signature of Applicant :.....
Date :.....

PART B: TO BE COMPLETED BY COMMUNITY STRUCTURES

1. Civic Association

Date of meeting :
Chairperson of local civic:
Secretary of local civic
Comments/Objection:
.....
.....
.....

ANNEXURES

2. Traditional leader

Headman’s full names :

Remarks (Recommended/not recommended).....

Signature:

Date :

3. Ward Committee

Date of the Ward Committee meeting :

Chairperson Names in full :

Signature :

Secretary Names in full :

Signature :

Remarks (Comments/objections):

.....

.....

.....

PART C : For office use only

Required Documents	Please Mark with X if applicable		Remarks
	Yes	No	
1. Applicable administration fee			
2. Proof of Required Capital			
3. Certified copy of ID			
4. Recommendation letter from Traditional Council			
5. Proposed Site Development Plan			
6. Motivation Memorandum			
7. Community Resolution by Local Traditional Council			
8. Recommendation letter from Department of Social Development			
9. Recommendation letter from Department of Education			
10. Recommendation letter from Department of Health			

ANNEXURES

11. Preliminary report from Department of Agriculture			
12. Report from Health & Environment Inspectorate (Vhembe District Municipality)			
13. Other reports if necessary for the following: Geotechnical report, EIA, Floodline certificate, Engineering report, Comments from RAL.			
14. Applicable administration fee			
15. Proof of Required Capital			

Remarks:

.....

Receipt amount:

Receipt number:

Date received:

Application received by:.....

Full Names:

Rank:

Application checked by:.....

Full names:

Rank:

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