

SA 'sailing close' on traditional powers

by [Linda Ensor](#), 12 August 2014, 06:53

THERE was a danger that the government could move too far in consolidating the power of traditional leaders at the expense of citizens' constitutional rights, the executive director of the Mapngubwe Institute for Strategic Reflection, Joel Netshitenzhe, has warned.

His comments on Monday at the 20th anniversary conference of the Financial and Fiscal Commission were made in the context of concern, especially among academics, that President Jacob Zuma is intent on consolidating his power by strengthening the authority of traditional leadership in South Africa.

This was seen in the abandoned Traditional Courts Bill and proposals with regards to land tenure.

Mr Netshitenzhe said the bill was "one good example of how we can go off the rails".

He believed the persistence of the trend would depend on "push and pull" factors in which traditional leaders lobbied for more powers and others provided them with these powers in pursuit of their narrow party-political interests.

"A combination of these factors can drive us in the wrong direction," Mr Netshitenzhe warned.

"We need to consciously avoid freezing customs and institutions to the extent that we might ultimately emerge with dual systems of rights in South Africa. We have been sailing very close to the wind in this regard.

"The Traditional Courts Bill was one good example. One cannot afford to end up with a situation in which, in deference to traditional institutions, we start undermining the very basic rights that are contained in the constitution," he told conference delegates.

Mr Netshitenzhe pointed to the possible negative impact that traditional institutions might have on developmental programmes.

Meanwhile, Anwar Shah, director of the Brookings Institute in the US and an adviser to the World Bank, argued in his speech for the decentralisation of power to local government, dismissing concern raised by one delegate that this would be counterproductive if there was a lack of capacity, as was the case with many municipalities in South Africa.

Prof Shah said a study by the World Bank had found that local governments with no technical capacity often performed better in service delivery than those with this capacity. The community decided what was required and sought outside technical help when necessary to achieve their objectives.

"In my view, technical capacity is a red herring in terms of the empowerment of local government. It should not be a prerequisite," the professor said.

He believed local government should be responsible for delivering services with finance provided by national government.

Being close to the people, they were in a better position to design programmes that were consistent with what was needed and could monitor implementation.

The possibility of fraud diminished significantly the closer the government institution was to citizens.

Prof Shah also noted that in many countries, metropolitan governments had the status of provinces.

Where this was not the case, the powers of metropolitan governments were constrained by provinces and they suffered injustices of a "one size fits all" system where they were treated on the same basis as small towns and villages.

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