

Annexure B: Roles of traditional authorities in the Local Government: Municipal Structures Second Amendment Bill

The Local Government: Municipal Structures Second Amendment Bill, published in 2000 was concerned with amending the Municipal Structures Act, 1999 to make provision for the functions of traditional authorities, to make provision for municipal councils to delegate functions to traditional authorities and to make provision for the role of traditional leaders in certain community matters. However, the bill was subsequently withdrawn because of a procedural problem and discussions around the amendments continue in late 2001. Nonetheless, its lists of traditional authorities may be a useful contribution. The Bill defined the functions of traditional authorities as follows:

- (a) to collect and administer all fees and charges which are, according to custom, payable to the traditional authority within the traditional area of that traditional authority;
- (b) to receive fines and fees collected with regard to the exercise of customary law;
- (c) to administer any funding allocated to it from any source;
- (d) to make recommendations in connection with the appointment of headmen;
- (e) to perform such functions as may be delegated to it by a municipal council;
- (f) to provide direction and leadership in cultural activities;
- (g) to be the custodian of culture and customs;
- (h) to attend to matters relating to witchcraft and divination within its communities;
- (i) to carry out all orders given to it by competent authorities;
- (j) to make known the requirements of any new laws to the community;
- (k) to convene meetings of community members;
- (l) to promote the interest and well being of residents in its traditional area;
- (m) to control the holding of initiation ceremonies;
- (n) to facilitate the gathering of firewood;
- (o) to co-ordinate first fruit ceremonies;
- (p) to co-ordinate rainmaking ceremonies; and
- (q) to co-ordinate the clearing of fields to ensure good harvests.

The role of traditional leaders in community affairs, according to the legislation, includes the following:

- (a) officiating at the opening and closing ceremonies of municipal councils;
- (b) presiding over the opening of customary proceedings;
- (c) liaising with communities on behalf of municipal councils in respect of matters which affect the communities concerned;
- (d) presiding over traditional customary and wedding ceremonies;
- (e) participating in burials;
- (f) mediating during ancestral worship; and
- (g) presiding over the inauguration of headmen (in IPT 2002: 31-32).