

# Spatial Planning-Housing Nexus: The Ramifications of Dual Governance in Rural Areas Under Traditional Leadership at the eThekweni Metropolitan Municipality

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## Abstract

This article examines the multi-faceted interplay between spatial planning and housing development in rural areas under traditional leadership within the eThekweni Metropolitan Municipality, KwaZulu-Natal Province, South Africa. It explores the ramifications of dual governance, in which traditional authorities and municipal structures co-exist, often with overlapping mandates and conflicting priorities. The study highlights how this duality impacts land allocation, housing delivery, and spatial planning processes, leading to inefficiencies, tenure insecurity, and uneven development. Using a desk-based qualitative research approach and legal policy analysis, the article identifies key challenges, including power dynamics, jurisdictional disputes, limited co-ordination, and the marginalisation of traditional governance in formal planning frameworks. It argues for an integrated governance model that harmonises traditional and municipal systems to enhance equitable and sustainable housing and spatial development. The study's recommendations for policy and practice include strengthening participatory mechanisms, clarifying land rights, and fostering collaborative policy frameworks to bridge the gap between the two systems, thereby significantly contributing to achieving equitable development in South Africa.

**Keywords:** housing-spatial planning nexus; dual governance; right to adequate

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housing; rural and traditional authority areas; eThekweni Metropolitan Municipality

## Introduction

The focus of this article is on the eThekweni Metropolitan Municipality in KwaZulu-Natal Province, South Africa. The municipality was formed from the merger of six local sub-structure authorities in 2000. Its municipal area comprises former homeland (rural) areas and additional open space. As a result, approximately 68% of the municipality comprises rural areas (eThekweni Municipality 2022a). Thus, the new municipal boundaries ushered in a dual governance system, which refers to the co-existence and interaction between formal, state-established local government structures and informal, customary institutions led by traditional leaders (e.g., chiefs, elders, or tribal councils). This system is common in many African countries, where colonial and post-colonial state systems integrate with pre-existing indigenous governance structures (Poswa 2019). The government owns the land, but it is administered by the tribal authority (Grain SA 2015). Within the jurisdiction of a metropolitan municipality, the dual governance system is best reflected in the eThekweni Metropolitan Municipality in South Africa.

In KwaZulu-Natal, land in rural areas is reportedly owned by the KwaZulu-Natal Ingonyama Trust Board and other traditional leaders (*Amakhosi*). The Ingonyama Trust Board was established in terms of the KwaZulu-Natal Ingonyama Trust Act 3KZ of 1994, as amended by the KwaZulu-Natal Ingonyama Trust Amendment Act 9 of 1997. The land falls beyond the urban development line and has communal land tenure. Pieterse and Coggin (2023) allude to the fact that the “uncivilised” rural land, largely an unmapped and unplanned space, is indirectly governed “typically through traditional leaders as intermediaries.” Meaning, traditional leaders, who are the face of local government (Harber and Bryer 2020), oversee communal land, while municipalities handle service delivery. This leads to disputes over spatial planning and development projects (Mudau and Manthwa 2025).

According to Faboye et al. (2024), the ambiguous role of traditional leaders hinders development efforts in municipal governance. Complicating land-use planning, traditional leaders may resist state-driven housing or infrastructure projects that conflict with customary land practices or do not align with their wishes. Hence, Faboye et al. (2024) “proposes a formalised polycentric governance framework that elevates traditional authorities as key actors in local government, with a focus on areas such as administrative hierarchy, development planning, land governance, and natural resource management.”

Against this backdrop, this article examines the multi-faceted interplay between spatial planning and housing development in rural areas under traditional leadership within the eThekweni Metropolitan Municipality, KwaZulu-Natal Province, South Africa. Using a desk-based qualitative research approach, assesses the nature of the legal, institutional,

and structural role of traditional leadership in the dual governance system and highlights the areas requiring improvement and opportunities for integrated governance. The article is made up of six sections. The first section provides the introduction and background. In the second part, the article unpacks the dual governance system through the intersectionality between decentralisation, local government, and traditional leadership. The third section provides the legal framework for local government's housing and spatial planning powers, functions, roles, and responsibilities. The legal analyses of traditional leadership's role in spatial planning for housing are offered in part four of the article. Section five deals with the case study in the eThekweni Metropolitan Municipality. Finally, the article includes the conclusion and recommendations sections.

## Conceptual Framework

Across Africa, colonial legacies, including the decentralisation process, created a bifurcated system where modern state structures were superimposed on pre-existing traditional systems (Agyemang 2024). It must be noted that through decentralisation, which transfers powers, authority, and resources from central governments to local governments, the latter are enabled to make decisions and deliver services to local communities more effectively. The decentralisation policies aim to empower local governments, while traditional authorities historically wielded significant influence over land allocation and community affairs (Mudau and Manthwa 2025). Post-independence, many African states retained traditional leadership in rural areas to maintain legitimacy and social cohesion, but this often led to tensions with formal state institutions. As a result, a dual governance system was established. The system is premised on the co-existence and interaction of formal state institutions (e.g., local governments) and informal or traditional governance systems (e.g., chiefs, customary law, and community-based structures) in managing societal affairs (Mudau 2026). Thus, this can lead to co-operation, conflict, or co-optation, depending on the specific context.

Generally, the dual governance system creates power dynamics, with traditional authorities historically playing a significant role in land governance and community decision-making, while local governments are responsible for delivering services and promoting development (Faboye et al. 2024). Traditional leaders often command local legitimacy and cultural knowledge, making them critical for mobilising communities and mediating conflicts in rural development. Their control over communal land in rural areas creates tensions with state-driven development, as they may prioritise cultural preservation over modern housing or infrastructure. Some traditional leaders align with political parties, complicating their neutrality in development processes. For instance, in Limpopo Province, traditional leaders have resisted municipal housing projects on communal land, citing cultural significance or lack of consultation (Ntthe 2022).

Traditional leaders remain influential in rural Africa, serving as custodians of communal land, resolving disputes, and preserving cultural heritage. Some of the roles and functions of traditional leadership in rural development include “community

participation, land management and sustainable settlements, cultural heritage and community identity, disaster management, and environmental stewardship” (Agyemang 2024). However, while traditional leaders enjoy local legitimacy, their unelected status and sometimes authoritarian practices can conflict with democratic principles. Traditional systems may perpetuate gender inequalities or exclude marginalised groups, posing challenges for inclusive development (Enwereji and Uwizeyimana 2020). In addition, owing to overlapping roles, conflicting interests, and power dynamics, the relationship between local government and traditional leadership often raises challenges. Nonetheless, there are opportunities for collaboration and mutual benefit, such as leveraging traditional leaders’ knowledge and influence to promote development, improve service delivery, and enhance community participation (Mudau and Manthwa 2025).

## Legal Framework for Local Government’s Spatial Planning and Housing Powers, Functions, Roles, and Responsibilities

### **Spatial Planning**

To begin with, it is important to succinctly outline the legal framework for “municipal planning” within the broader spatial planning. The Constitution of the Republic of South Africa, 1996, provides the foundation for municipal planning. Section 152(1) outlines the objectives of local government, including ensuring sustainable service delivery, promoting social and economic development, and encouraging community participation. Section 156(1) confers on municipalities the executive authority over local government matters listed in Part B of Schedules 4 and 5 of the Constitution. Thus, “municipal planning” is a local government matter as provided by Part B of Schedule 4 of the Constitution. This means, “local government is responsible for the promulgation, development, and implementation of municipal planning by-laws and policies in its area of jurisdiction” (Mudau 2025). These powers, functions, and responsibilities are exercised in full compliance with the uniform regulatory frameworks established by the national and provincial governments.

Nonetheless, it should be noted that the functional area of “urban and rural development” is a power constitutionally shared by national and provincial governments, and both are empowered to legislate and administer urban and rural development. In *City of Johannesburg Metropolitan Municipality v Gauteng Development Tribunal and Others*, the Constitutional Court also confirmed that “the scope of the functional area of ‘urban and rural development’ excludes ‘municipal planning’” (para 13). It must also be noted that several functional areas of local government relate to different types of land-use activities and significantly affect the enjoyment of rural life. This includes local amenities, local sports facilities, local tourism, municipal parks and recreation, municipal roads, municipal public transport, and public places.

In terms of Section 20 of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), municipalities have the authority to prepare, adopt, and amend municipal Spatial Development Frameworks (SDFs) as part of their Integrated Development Plans (IDPs). SDFs guide spatial growth, land use, and development within the municipal area. They can designate specific areas for development priorities, such as urban growth, conservation, or infrastructure investment. Municipalities control land use through zoning, town planning, and building regulations, ensuring housing developments align with spatial plans. They develop IDPs to integrate housing needs into broader municipal strategies and address urban-rural disparities. They can establish Municipal Planning Tribunals to adjudicate on land-use and development applications, ensuring that decisions align with spatial planning policies (Section 35(1) of SPLUMA). Municipalities can also designate municipal officials to make certain planning decisions, streamlining the approval process

## **Housing**

Section 26 of the Constitution guarantees all individuals the right to adequate housing, placing an obligation on the state to take reasonable measures to progressively achieve this right. Local government is one of three autonomous spheres alongside national and provincial government, with powers and functions outlined in Schedules 4B and 5B. Housing is a concurrent function, primarily allocated to national and provincial governments, but local governments play a critical role in implementation. Section 152 of the Constitution mandates that municipalities be responsible for providing services sustainably, promoting social and economic development, and involving communities in governance. Section 156 grants municipalities executive and legislative authority over municipal planning, building regulations, and services like water and sanitation, which are integral to housing delivery. Municipalities pass by-laws to regulate housing-related issues, such as building standards and rental practices, with the same legal force as national/provincial laws.

The Housing Act 107 of 1997 defines roles across different spheres of government. The Act provides for the local government's role in implementing housing programmes, facilitating development, and ensuring equitable access. The Local Government: Municipal Systems Act 32 of 2000 requires municipalities to develop IDPs that prioritise basic needs, including housing, and align with national and provincial goals. The Local Government: Municipal Structures Act 117 of 1998 outlines municipal categories (metropolitan, district, and local) and their service-delivery responsibilities, including housing-related infrastructure. Finally, the Rental Housing Act 50 of 1999 empowers municipalities to support fair rental housing practices and resolve disputes through tribunals.

The Social Housing Act 16 of 2008 allows municipalities, in consultation with the provincial government and the Social Housing Regulatory Authority (SHRA), to identify and designate restructuring zones, specific geographic areas targeted for social housing to promote spatial, economic, and social integration. These zones aim to

address historical spatial inequalities and urban fragmentation. Municipalities propose restructuring zones to the Minister of Human Settlements for approval, ensuring they align with national and provincial housing policies.

## Legal Analyses of Traditional Leadership's Role in Spatial Planning for Housing

Section 211 of the Constitution of the Republic of South Africa, 1996, recognises the institution, status, and role of traditional authority. In addition, the Constitution, in Section 212(1), requires that national legislation may provide for the role of traditional leadership at the local level on matters affecting local communities. The involvement of traditional leaders in a municipal council without voting rights could diminish their impact on council decisions. Furthermore, the authority granted to the provincial Member of Executive Council for Local Government (the MEC) to select traditional leaders for participation may conflict with the status conferred on the institution of traditional leadership by the Constitution (Mathenjwa and Makama 2017).

To this end, Section 212(1) of the Constitution and the Traditional Leadership and Governance Framework Amendment Act 41 of 2003 (TLGFA) were promulgated. However, the TLGFA was replaced in 2019 by the Traditional and Khoisan Leadership Act 3 of 2019 (TKLA). The latter has provisions similar to those found in the TLGFA (Du Plessis 2023). Both the TLGFA and TKLA will be succinctly outlined. These Acts provide, among other things, for the recognition, establishment, functions, roles, and administration of traditional councils.

Section 20(1) of the TLGFA provides that, through legislative or other measures, the national or provincial government may provide a role for traditional councils in land administration, the environment, economic development, and the management of natural resources. These aspects directly concern land use and would invoke the need for mutual respect and recognition of the status and roles of both parties, as guided by the principles of co-operative governance (Section 5(2)(a) and (b) of the TLGFA). Section 5(3) of the TLGFA encouraged efficient partnerships between municipalities and traditional councils, in which the two institutions enter into delivery agreements in accordance with the Municipal Systems Act. However, commenting on the TLGFA, Poswa (2022a) observes that:

... it allocated functions to traditional leaders; these were of a supportive nature to clearly defined functions performed by municipalities. All of the functions allocated to traditional leaders were phrased as duties to 'cooperate', 'recommend', 'facilitate', 'alert' etc and, therefore, did not vest real decision-making powers in traditional councils.

With the intent to give effect to Section 211(1) of the Constitution, Sections 5 and 20 of the TLGFA "envisaged a quasi-governmental role for traditional leaders" (Du Plessis

2023, 13). Section 5 of the TLGFA provides for “partnerships” between municipalities and traditional leaders, fostering co-operative relationships and collaborative governance. According to Section 20(1) of the TKLA, national and provincial governments are empowered to involve traditional leaders in decision-making processes related to land administration and natural resource management, among other areas, through legislative or other measures. These provisions recognise the importance of traditional leadership in governance and aim to promote co-operative relationships between government and traditional leaders.

Section 23(2) of SPLUMA, South Africa’s primary legislation for spatial planning and land use management, requires a municipality to allow a traditional council to participate in the development, preparation, and adoption or amendment of the municipality’s land use scheme. This provision allows traditional councils to participate in land-use planning and decision-making, particularly in areas under customary tenure. However, their role is advisory, subordinate to municipal authority, which has led to tensions (Sambo 2018). This framework attempts to balance municipal autonomy with customary governance but often marginalises traditional leaders in practice (Du Plessis 2023).

More so, Section 81(1) of the Municipal Structures Act stipulates as follows:

Traditional authorities that traditionally observe a system of customary law in the area of a municipality may participate through their leaders, identified in terms of subsection (2), in the proceedings of the council of that municipality, and those traditional leaders must be allowed to attend and participate in any meeting of the council.

Through appropriate legislation, the Constitution obliges the State to ensure that individuals and communities are conferred with legally secured tenure of land (Section 25(6) of the Constitution). Several legislative attempts were made to provide people with tenure security for communal land, including the Communal Land Rights Act 11 of 2004 (CLRA). In *Tongoane and Others v National Minister for Agriculture and Land Affairs and Others*, the Constitutional Court declared the CLRA invalid because its adoption contravened the procedures prescribed by the Constitution. Its purported replacement, the Communal Land Tenure Bill, still has not been adopted. As a result, since 1994, South Africa has lacked clear-cut legislation providing people with tenure security for communal land.

In rural areas, the tenure system is characterised by a document called Permission to Occupy (PTO) certificates, which lack legal status. The PTO “conferred occupancy, use and improvement rights to individual grantees who lived on trust-owned land with the acquiescence of traditional leaders” (Pieterse and Coggin 2023). Traditional councils’ rights and powers to allocate land and issue PTOs are confined solely to communal land under their custodianship. Still, traditional leadership reluctantly issues PTOs. The PTO holders faced significant vulnerability, as they could be forcibly removed from their land without consultation or compensation if the nominal landowner decided it was

necessary (Du Plessis 2023). This was evident in the implementation of “betterment plans,” development schemes aimed at re-arranging land use in areas occupied by Black people. Under these schemes, homes were demolished without recourse to legal protections or fair compensation. Furthermore, PTOs were often not recognised as valid by financial institutions, limiting the rights and opportunities available to PTO holders. It must be noted that people who fail to benefit from land redistribution or restitution are affected more when traditional councils deny them land rights and claims (Deochand 2022; South African Human Rights Commission 2019).

## Case Study at the eThekweni Metropolitan Municipality

Despite the introduction of SPLUMA, the KwaZulu-Natal Planning and Development Act, a statute enacted by the former self-governing State of KwaZulu, remains in place. Notably, the KwaZulu Land Affairs Act, the KwaZulu Ingonyama Trust Act, and the KwaZulu Land Affairs (Permission to Occupy) Regulations GN 32 of 1994 still apply in communal lands. These legal instruments affect planning procedures and land-use management in rural areas. Applications for development under the control of the Ingonyama Trust are determined by the Trust’s administrative arm, the Ingonyama Trust Board. As part of the application, the developer needs the consent of the Traditional Council. In this context, the SDF of the Municipality laments that:

Housing provision is a challenge in that the nature of the subsidy dictates the delivery of a rural type and density of housing to be provided. This is problematic in areas that are already densifying outside of the urban development line as these are categorised as rural but have higher densities and a different character to the typical rural area (eThekweni Municipality 2022a, 130).

The Municipality is divided into four functional municipal planning regions (MPRs), namely, the North Municipal Planning Region (NMPR), the Central Municipal Planning Region (CMPR), the South Municipal Planning Region (SMPR), and the West Municipal Planning Region (WMPR). The SMPR, with a huge residential population, has the largest tribal areas within the municipal area (eThekweni Municipality 2022). During the apartheid era, these rural areas were under-serviced. Today, residents in these areas face spatial fragmentation, massive service delivery issues, and housing backlogs.

Among several challenges, the SMPR region is grappling with integrating rural communities, providing physical linkages between itself and the remainder of the Metro, creating more employment opportunities, and improving the existing built environment for lower-income communities (eThekweni Municipality 2022). This intricacy is compounded by traditional leaders’ involvement in land allocation, complicating housing delivery, especially when customary practices conflict with constitutional housing rights. Hence, hindering equitable housing distribution. Additionally, the peripheral location of communal land exacerbates spatial inequalities, as housing projects are often far from economic opportunities.

Rural areas are characterised by hilly, rugged terrain, varied settlement patterns, commercial farms, and small holdings (eThekweni Municipality 2022a). Parts of these areas are categorised as peri-urban and experience a lack of proper land use management. Consequently, the affected households are “located on environmentally sensitive land and within road reserves” (eThekweni Municipality 2022a). Due to inefficient and ineffective land management and irregular land allocation, existing rural settlements are sprawling and transforming into peri-urban settlements. Certain densities in these rural settlements have 30 dwelling units per hectare, on a par with those in urban areas. Although the Municipality has planning authority in rural areas, it has no control over the land management of these areas (eThekweni Municipality 2022a).

According to Enwereji and Uwizeyimana (2020), one of the main shortcomings in the role of traditional leaders in dual governance is the lack of information regarding development and engagement processes. The challenges to involving traditional leaders in municipal governance include illiteracy, lack of administrative ingenuity, the vagueness of their roles, inability to cooperate, being members of municipal councils or employees of employees while expected to represent their communities in the local councils, and the lack of voting rights in the municipal council, being members of the council. Historically, traditional leaders vehemently opposed the establishment of the wall-to-wall system of local government. Tensions and contestations between municipal councils and traditional councils concern how traditional leadership may be involved in land allocation to residents or prospective residents, as well as in major public services and development initiatives (Poswa 2022a). The co-administration of land development constitutes a persistent issue that negatively impacts social and economic development and has also compromised the efficiency of social housing developments (Msomi 2016). In practice, during land allocation, traditional authorities do not necessarily conform to the municipal SDF. They allocate land under indigenous law. This system raises concerns, particularly when individuals and communities need to access communal land for human settlements and feel aggrieved by the process.

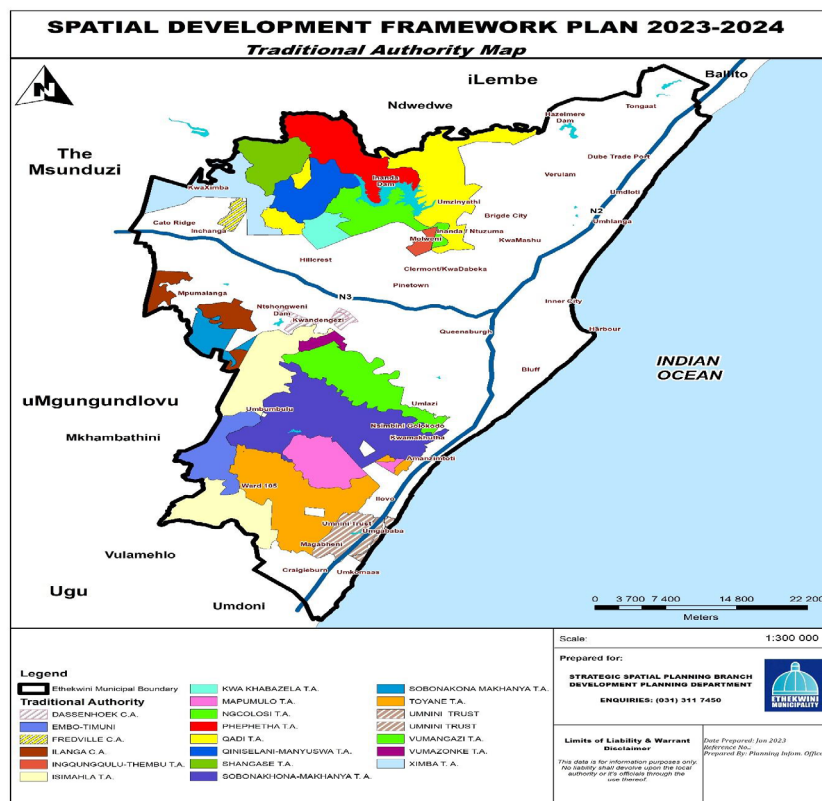
Msomi (2016) investigated the role of the Ingonyama Trust Board in the distribution of communal land administered by traditional leaders for the development of low-income housing in rural communities. The findings identified key challenges encountered during the delivery of the Turton low-income housing project. These challenges included the reluctance of the Turton traditional leadership to release land for low-income housing delivery due to low capital gains, as well as issues related to social and traditional norms that hinder development at the local level (Msomi 2016).

Providing housing in rural areas presents serious spatial challenges. A major challenge is the unavailability of suitable land for housing developments. Rural areas often face land scarcity when identifying and acquiring suitable land parcels for housing projects (Du Plessis 2023). These areas mostly lack basic infrastructure such as roads, water supply, sanitation, and electricity, which are crucial for housing developments and the

realisation of the right of access to adequate housing. A salient challenge is accessibility to public services such as education, healthcare, and public transportation. Rural areas are often underserved in terms of these services. Therefore, spatial planning should consider the proximity of housing developments to existing service facilities or plan to establish new facilities to meet residents' needs. As Ntlhe (2022) notes:

The land tenure system is divided into communally owned rural land and state-owned urban land, regulated by different regulations and institutions. Therefore, the division between urban and rural land governance perpetuates inequalities between urban and rural populations.

Ntlhe's (2022) observation further reveals that the dual land tenure system contributes to spatial inequality. Rural land is largely governed through communal ownership structures, while urban land is generally state-owned and managed under different legislative frameworks. This separation creates unequal access to land, services, and development opportunities, often favouring urban populations. As a result, rural communities continue to experience delayed development and reduced access to adequate housing and related services.



**Figure 1:** Rural and traditional authority areas

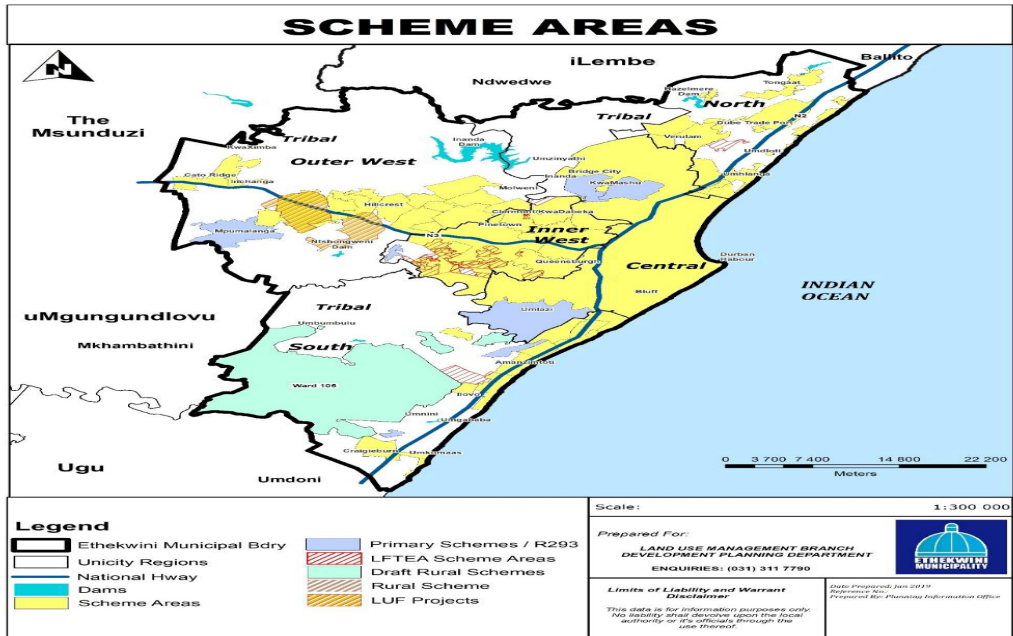
Source: eThekweni Metropolitan Municipality (2023).

Chapter 14 of the eThekweni Municipality Planning and Land Use Management By-Law is dedicated to traditional areas. Section 79(1) of the By-law stipulates that: “The Municipality may conclude a service level agreement with a Traditional Authority concerning the processing of land development applications.” When a service level agreement is concluded, the traditional authority must carry out its functions in its area, subject to the provisions of the agreement (Section 79(2) of the Planning and Land Use Management By-Law). In addition, the traditional authority must inform the Municipality when it receives an application for land development or land allocation accompanied by proof of the allocation of land rights in terms of the customary law applicable in that traditional area (Section 79(3) of the Planning and Land Use Management By-Law). The purpose of the application must be to promote -

- (a) economic growth;
- (b) social inclusion;
- (c) efficient land development;
- (d) minimal impact on public health, the environment and natural resources; and
- (e) the development principles of SPLUMA, within that traditional area (Ibid).

The preparation of a land use scheme under Section 14(4) of the Planning and Land Use Management By-Law obliges the Municipality to allow the traditional authority to participate, in accordance with the agreement between the two parties. One of the factors serving as a guiding principle in the adoption of a land use scheme, as recognised by Section 14(6)(f) of the By-law, is any land allocation rules set by a traditional authority in the area concerned. Nevertheless, the implementation of IDPs, MSDFs, and land-use scheme processes in communal lands administered by the Ingonyama Trust Board and other traditional councils often encounters fierce contestation (Ndebele 2016). Traditional leadership is often reluctant to encourage social housing developments on communal land.

Within the jurisdiction of the municipal council, there are three forms of land parcels: (a) land contained within Scheme areas; (b) land contained outside Scheme areas; and (c) land parcels that are under the jurisdiction of the Ingonyama Trust Board. See **Figure 2**.



**Figure 2:** Scheme areas

Source: eThekweni Municipality (2023).

In the province of KwaZulu-Natal, the PTO is governed by Chapter X1 of the KwaZulu Land Affairs Act, the KwaZulu Land Affairs (Permission to Occupy) Regulations, and national legislation, namely the Interim Protection of Informal Land Rights Act 31 of 1996 (IPILRA). In *Council for the Advancement of the South African Constitution and Others v Ingonyama Trust and Others*, the KwaZulu-Natal High Court declared the conversion of PTOs into residential lease agreements illegal and unconstitutional. The Court also ordered the Ingonyama Trust to refund all money paid to the Trust or the Board under the lease agreements. The Minister of Rural Development and Land Reform “may implement an alternative system of recording customary and other informal rights to land of persons and communities residing in Trust-held land” (Ibid, para 5). Accordingly, the Minister was directed to reinstate the administrative capacity necessary to implement Chapter XI of the KwaZulu Land Affairs Act and the KwaZulu Land Affairs (Permission to Occupy) Regulations efficiently and effectively.

In *Lepelle Nkumpi Local Municipality v The Bakgaga Ba Ga-Mphalele Traditional Authority and Others* (para 50), the Limpopo High Court declared that in relation to land owned by the Municipality, traditional authority does not have rights or powers to allocate land without the express written approval of the Municipality. The prohibition includes matters pertaining to any developmental rights; the disposal of undivided erven; the issuing of PTO; and assisting and/or facilitating the occupation of any land and any land development, without the Municipality’s approval. Apart from clarifying the role of traditional authorities on municipal land, the far-reaching implications of the

court judgement entail restricting potentially significant land developments that may benefit communities (Poswa 2022b). However, a major development to be drawn from the judgement is that the traditional council's exercise of authority over land must conform to the municipal IDPs, SDFs, and land use schemes. Thus, the proposed developments authorised by traditional councils must be assessed by a Municipality in line with these mechanisms.

In 2016, the Municipality adopted the Rural Development Strategy to address the identified multi-dimensional planning issues in rural areas (eThekweni Municipality 2022b). The Rural Development Strategy considers the relationship and boundaries between rural, peri-urban, and urban areas. Importantly, the Strategy seeks to fully ascertain legal and land issues affecting land use management in rural areas, develop land use guidelines, identify priority areas, and establish institutional arrangements to ensure and accelerate effective land management and service delivery.

As part of realising the intentions of the Strategy, plans on institutional arrangements contemplate the involvement of all key stakeholders, including *Amakhosi*, Ingonyama Trust Board, eThekweni municipal leadership, and the Department of Co-operative Governance and Traditional Affairs (COGTA). Given the history of alienated relations between formal government structures and traditional authorities, the basis of the institutional arrangement is the forging of working relationships between these stakeholders (eThekweni Municipality 2022b).

In addition, the Municipality is developing three main strategies that are aimed at addressing haphazard land management in rural areas. Rural Strategy 1 focuses on density challenges. Subject to the requirements of SPLUMA and implications of wall-to-wall schemes, every vacant and settled piece of land must be properly accounted for (eThekweni Municipality 2022b). The settlement layout plan must clearly indicate the proposed densities. Rural Strategy 2 is about “servicing the areas based on the area character rather than tenure character” (eThekweni Municipality 2022b). With the intention of achieving sustainable solutions and given the prevalence of challenges in tenure arrangements, the Municipality should ensure that denser areas receive services at appropriate levels. Rural Strategy 3 focuses on the capacity building of local stakeholders to effectively manage land. Land management has been carried out through various roles and responsibilities, including traditional authorities, who are generally deemed to lack the necessary skills for land management. The third strategy recommends training programmes that the Municipality will develop in conjunction with COGTA. *Amakhosi*, *izinduna*, and ward committees will be equipped with land management techniques (eThekweni Municipality 2022b).

The Development Planning Department in the Municipality also intends to prepare a Traditional Rural Spatial Framework and Land Use Management Plan (eThekweni Municipality 2022b). As part of the spatial plan for the traditional authority areas, a collaborative relationship between the Municipality and traditional authorities will

enable the effective identification, protection, and reservation of land for future socio-economic investment and environmental protection.

## Conclusion and Recommendations

The dual governance structure in rural areas under traditional leadership at the eThekweni Metropolitan Municipality creates significant challenges for the spatial planning-housing nexus. The coexistence of municipal and traditional authorities often leads to conflicting land-use priorities, undermining effective spatial planning and exacerbating housing shortages. Traditional leaders, wielding significant influence over land allocation, may prioritise customary practices over municipal development frameworks, resulting in informal settlements, fragmented land tenure, and limited infrastructure provision. These tensions hinder the municipality's ability to implement cohesive housing strategies, leaving rural communities with inadequate access to formal housing and basic services. The lack of clear jurisdictional boundaries and collaborative mechanisms further perpetuates inefficiencies, as overlapping mandates create bureaucratic delays and inconsistent policy application.

The Constitution acknowledges traditional authorities, while Section 26 establishes the right to adequate housing, placing obligations on the state, including municipalities, to fulfil this right. SPLUMA provides a unified framework for spatial planning and land use management, aiming to address the fragmented and racially biased planning systems inherited from apartheid. It assigns municipalities primary responsibility for spatial planning but includes provisions for the structurally and institutionally limited roles of traditional authorities in rural and communal land areas under their jurisdiction.

With the dual governance system, the findings highlight issues related to jurisdictional conflicts between local governments and traditional leaders, weak institutional capacity in rural municipalities, resistance to modern planning among traditional authorities, and gender and social inequalities embedded in traditional governance. The Municipality's Rural Development Strategy aims to address these issues by fostering working relationships between stakeholders, including *Amakhosi*, the Ingonyama Trust Board, and municipal leadership. The Municipality's strategies to address haphazard land management, including capacity building for local stakeholders and the preparation of a Traditional Rural Spatial Framework and Land Use Management Plan, are crucial steps towards effective land governance. However, the current legal framework, as consistently affirmed by courts, has disempowered traditional leaders from crucial decision-making processes regarding spatial planning and land use management.

As a result, the recommendations below aim to contribute significantly to addressing the disjuncture between policy and practice regarding the strangled legal, institutional, and structural role of traditional leadership in spatial planning and housing development in rural areas of South Africa. First, the national government must end the nominal recognition of traditional leaders and empower them to participate in concrete decision-making processes for spatial planning and land use management in rural areas. This

requires the appropriate amendment of SPLUMA and other relevant legislation. Such a drastic change should be accompanied by the development of clear guidelines and protocols to define the roles and responsibilities of traditional authorities and municipal governance structures in spatial planning and housing development.

There is a clear need to encourage active community participation in spatial planning and housing development processes to ensure that local residents' needs, aspirations, and concerns are taken into account. Thus, the Municipality must prioritise the incorporation of Indigenous Knowledge Systems (IKS) in rural spatial planning and housing developments. In addition, where needed, the government must also provide training and capacity-building programmes for traditional leaders, municipal officials, and community members to enhance their understanding of collaborative spatial planning and housing development principles and practices. These initiatives must prioritise inclusive and sustainable development, considering the social, economic, and environmental needs of rural communities.

Finally, to improve spatial planning and housing development in rural areas, it is essential to consider cultural and social dynamics, ensuring that housing solutions are culturally appropriate and aligned with community preferences. The Municipality should prioritise collaborative relationships with traditional authorities and rural communities, incorporating their perspectives and promoting efficient land management and service delivery. By addressing the historical alienation between formal government structures and traditional authorities, the Municipality can work towards more inclusive and sustainable development in rural areas.

Cultural and social dynamics in the spatial planning of housing developments in rural areas must be taken into account. Rural communities usually have strong cultural and social ties (Mudau 2026). It is important to consider these dynamics when planning housing projects to ensure that the housing solutions are culturally appropriate and aligned with community preferences. This also resonates with the aspect of "cultural adequacy," which forms part of the seven baseline factors that determine if a certain form of shelter meets the requirements of "adequate housing" as provided by General Comment 4 of the United Nations Committee of the Economic, Social and Cultural Rights (1991, para 8(g)). Engaging with traditional leadership and rural local communities through appropriate channels can help incorporate their perspectives and ensure that housing interventions meet the cultural adequacy aspect of the right of access to adequate housing.

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