The role of the tribal authority in managing human remains in South Africa: A local economic development perspective

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Abstract

Managing human remains in South Africa is becoming increasingly challenging, and the communities most affected are those in rural areas. To investigate the role that tribal authority plays in managing human remains in KwaBhaca from a local economic development perspective, a focus group interview was conducted. An open-ended question approach was adopted to interview tribal council members, municipal representatives, community members, and emerging funeral directors. Four themes, social, political, environmental, and infrastructural, served as the basis for the interview. A thematic analysis was conducted based on the responses from the study participants. Findings revealed that the role of tribal authority in South Africa has evolved from handling communal matters to being part of the developmental agenda in rural areas. The study also revealed that rural areas still face infrastructural challenges such as road and water shortages, which hinder burial processes. The study concluded that the role of tribal authority is clearly articulated by the Department of Cooperative Governance and Traditional Affairs, and they have a mutually inclusive role in human remains management.

Keywords: Burials, Human remains, Infrastructure, Local economic development (LED), Rural communities, Tribal authority.

1. Introduction

The management of human remains is a delicate process undertaken mainly by funeral directors in South Africa [1]. In all nine provinces of South Africa, each region has a growing number of funeral directors who undertake the task of managing human remains and preparing them for burial. This task hinges on some of the principles of the Sustainable Development Goals, whereby society, environment, and economics interact. While in other countries, the management of human remains is solely in the hands of the government [2], in South Africa, this process unfolds differently. Human remains are temporarily held by the Department of Health until the family of the deceased transfers the remains to another

storage facility, which typically belongs to a designated funeral director [3]. To the funeral directors, this activity is classified as a business transaction between the family of the deceased and the nominated funeral director.

The storage, preparation of burial, and burial by the funeral directors in local areas amount to the concept of local economic development (LED) [4, 5]. Local economic development (LED) is defined by Cooperative Traditional Governance Affairs CoGTA (Cooperative Governance and Traditional Affairs) [6] as an approach towards development that allows and encourages local people to work together to achieve sustainable economic growth and development, thereby bringing economic benefits and improved quality of life for all residents in a local community area. Though managing human remains is not seen as being in the mainstream of business in South Africa, as there are varieties of informal, formal, and small businesses [7, 8]. Consequently, these businesses play an essential role in the afterlife services, which are often overlooked in emerging business categories.

In the rural setting, the tribal authority, the municipality, communities, and funeral directors are the main players in managing human remains [9]. The tribal authority in the South African context is recognized by the Constitution of the Ramolobe [10] as one of the state organs in the local government sphere, mainly in the rural areas. Voola and Kalyanasundaram [11] define a rural area as a geographical region outside towns or cities. The Department of Cooperative Governance and Traditional Affairs (CoGTA) plays a role in conjunction with local municipalities on local governance issues in rural areas, in cooperation with tribal authorities, which have a community development function. Since the apartheid era, traditional authorities have undertaken the role of overseeing the affairs of local communities and seeking solutions to community development issues.

This study investigates the role that local authorities play in managing human remains from a local economic development perspective. It seeks to understand the level of support from various stakeholders in the human remains management sector. Although other studies have been conducted in Gauteng and Mbombela, this research aims to replicate the same inquiry in a rural setting. The selected study area was Mount Frere, KwaBhaca, in the Eastern Cape region. Consequently, this study conducted a focus group interview to determine the role of the tribal authority, primarily as a community development agent, and how they engage with funeral directors in rural areas. Four themes, social analysis, political analysis, environmental analysis, and intrastromal analysis, were developed to gather relevant data from participants. The study is organized into the following sections: introduction, conceptual review, methodology, findings, discussions, and conclusion.

2. Conceptual Review

2.1. Tribalism

The term tribalism is often seen as an ideology that separates ethnic groups and, at times, nations. Chaka and Adanlawo [12] theorized tribalism as a state of being organized and advocating for a tribe. Tribalism is often defined as a cultural term that sets a way of thinking or behaving in which people believe in collectivism within the tribes. Xaba, et al. [13] ensure that the articulation of tribalism is often based on variables such as a combination of kinship-based organizations, reciprocal exchange, manual production, oral communication, and ideological inquiries. Therefore, tribalism orients itself around the values of genealogy and mythology. Every customary tribe has its foundations in some variations of known tribal orientations [14, 15]. Tribalism practices are based on known tribal orientations. The body of literature on "tribalism" tends to define the term negatively. For example, Masuku and Nzewi [7] and Auguste, et al. [16] view tribalism in the South African context as a pandemic that tears apart black communities.

2.2. Self-Help and Community Development

Self-help in a rural setting is defined by Tyagi, et al. [17] as economic and social reform aimed at developing societies. Often, self-help is understood from a psychological perspective, Petrini et al. [18], where such self-help theories emphasize interpersonal relations. In this study, self-help is referred to only as critical examination as a guiding framework for contemporary rural settings, where discourses and outcomes of specific policy actions are analyzed for local development initiatives. Cheek and Corbett [18] state that self-help in the rural setting context refers to the efforts of contemporary governments to harness both individualistic and communal expressions of self-help to align with various rural policy measures. These measures aim to encourage individual citizens and communities to develop sustainable strategies rather than relying on governments for aid and other forms of support.

According to Adanlawo [20], community development works best when it is tailored to the diversity and complexity of local conditions and informed by the knowledge of local people. The authors emphasize the self-help approach and critical policy evaluation as approaches that encourage the formulation of policies. Therefore, self-help highlights the importance of community involvement in local government decision-making processes. In line with Cheek and Corbett [18] definition of communal self-help, The study drew on the municipalities' integrated development plan (IDP). An integrated development plan (IDP) is a planning process that is regarded as a central tool for local government and is considered a pathway towards a comprehensive service delivery plan [19-21]. An IDP has been developed by municipalities as a strategy that prioritizes locality in terms of available workable resources to enhance the socio-economic status of a given area. The objectives of the IDP include an enhanced service delivery plan. This being a rural area, the role of the tribal authority cannot be downplayed as a coordinator of activities towards effective service delivery. Adanlawo and Chaka [22] explain that municipalities are required by law to prioritize the development of local communities.

Constitutionally, community development is part of the development agenda. Mensah [23] asserts that community development requires intentional and critical reflection on the social, political, economic, environmental, and historical structures that shape the distribution of opportunities, resources, and risks in and across communities. Maher [24] posits

that community development places people at the center of the developmental process. Eliminating poverty in impoverished rural areas has been one of the South African government's strategic objectives. A successful strategy, according to Xaba et al. [13], must include all stakeholders, regardless of their origin. In this case, for any intended developmental strategic plan to succeed, the tribal authority is regarded as a coordinator. Therefore, the tribal authority in rural areas plays an important role in the development of the local community.

2.3. Brief history of Tribal Authority

Before colonization in Africa, the governance system was characterized by traditional leadership. SAHO [25] notes that during the pre-colonial era (1880–1893), tribal authority in South Africa was an important institution. These institutions guided traditional governance structures, where traditional leaders dealt with various issues related to traditional communities. Muchaku, et al. [26] and Buthelezi [27] claim that traditional leadership in rural areas remains necessary to support cultural identity and cohesion in regulating local communities within each jurisdiction. Tribal authority is revered for its leadership in local communities' political, societal, economic, cultural, and religious matters. The institution is highly respected as the law presiding in the land. Kompi [30] avers that tribal authority evolved over centuries, where colonialism and apartheid strategies used its existence as a strategy for indirect rule and a divide and rule strategy.

This divide-and-rule approach was prevalent in rural communities, assisted by the Bantu Administration Act No. 68 of 1951. This Act consolidated the powers of the Dikgosi/Amakhosi/Inkosi for the administration of the independently developed "homelands." During this time, traditional leaders occupied a position comparable to that of a governor, with overarching authority in judicial, social, and welfare giving the leader full power to manage the affairs of the people in a designated homeland. However, after 1994, the role of traditional authority shifted to that of a developmental catalyst in impoverished rural communities. Chaka and Adanlawo [28] argue that modernized communities now exist in rural areas since there is information exchange. This means that even the manner of doing things, such as burial, has changed.

2.4. Death in the Past

Kastenbaum and Moreman [29] explained that death was not seen as the end of life in the past, but it was believed that the deceased person continued to exist thereafter. Thus, this led to the practice of handling the death process in such a manner that appeases the ancestors. During the process, the chiefs in the homeland played a major role in prescribing what should and should not happen, such as the dress code, who could be at the gravesite, and who would handle the burial process. During this period, there were no mortuaries. The burial practices varied across customs, traditions, clans, and regions.

2.5. Death in the Modernized Communities

According to Fobella et al. [33], people may perceive death differently now than they did in the past. Yet, it remains an inevitable part of life. Even in modern times, every culture has its own beliefs and rituals surrounding death. African cultures' views on death and the afterlife are rooted in traditions, customs, and spiritual beliefs.[30]. In a modernized society, tribal authority is often still responsible for balancing the scales of traditions, customs, and modern burial methods. Globalization has impacted traditional funerals in urban and contemporary rural areas [31, 32]. Although people still adhere to traditional practices, the new method of conducting burials has become the norm. People are no longer buried on the same day as their death; instead, mortuaries manage and store the remains until a designated burial date. Many work in cities and commute to their hometowns weekly, monthly, or annually. When death occurs, families need to coordinate arrangements, highlighting the important role of mortuaries.

2.6. Kwabhaca Tribal Authority and the Management of Human Remains

Ramolobe [10] points out that neither the Constitution of the Republic of South Africa nor other policy documents provides a clear role for traditional institutions, except for broader narratives. Chapter 12 institutions of the Constitution diminish the role of traditional institutions to a minor position in the post-apartheid era. The functions of the traditional leadership institution are consolidated in Chapter 12 of the Constitution, which envisages that the broad transformation of society necessitates the crucial role played by tribal authorities. Chapter 12 of the Constitution thus confers powers on the institution as per the Bill of Rights of South Africa [6]. It was envisaged that the transformation of tribal authority would respond to the following:

- Promote policy response and adaptability to change.
- This modification must support democratic government and the ideals of an open and democratic society while remaining consistent with the Constitution and the Bill of Rights.
- Promote human dignity, freedom, equality, and the absence of sexism.
- Draw its main authority and mandate from relevant customary laws and practices.
- Strive to improve customs and culture.
- Respect the tradition of the community.
- Promote peace and unity among people.
- Encourage and support positive interactions among the various branches of government, especially local government.
- Encourage rural residents to participate in local governance to fulfill their human potential and accomplish the RDP objectives, as well as local economic development projects.

- Manage a system of customary law courts for traditional local communities that is effective, efficient, and equitable in resolving disputes.
- Collaborate with the municipality to establish cooperative relationships that enhance service delivery and ensure safe rural areas.

Unfortunately, the traditional leaders have become mere community workers.

3. Methodology

This study is qualitative in nature; a focus group interview was adopted to collect data from selected stakeholders. The participants were selected from one area to gain and consolidate their different views on human remains management. An open-ended interview guide was used to allow the interviewees to express their thoughts and feelings on the discussed topic. The group that was the focus of the interview consisted of the tribal council, municipal representatives, the communities, and emerging funeral directors. Four themes emerged: social, political, environmental, and infrastructural analysis. A thematic analysis was conducted based on the responses from the participants. Nkomo and Adanlawo [33] explain that a thematic analysis involves careful reading and re-reading of the transcribed data.

3.1. Research Setting

This study was conducted in KwaBhaca. KwaBhaca is a small rural area that falls under the Alfred Nzo District Municipality in the Eastern Cape Province of South Africa. KwaBhaca was previously known as Mount Frere; it covers 6% of the geographical area. The District Municipality is made up of four local municipalities, namely Matatiele, Ntabankulu, Winnie Madikizela-Mandela, and Umzimvubu, as shown in Figure 1. This study focuses on KwaBhaca, which falls under the Umzimvubu local municipality.
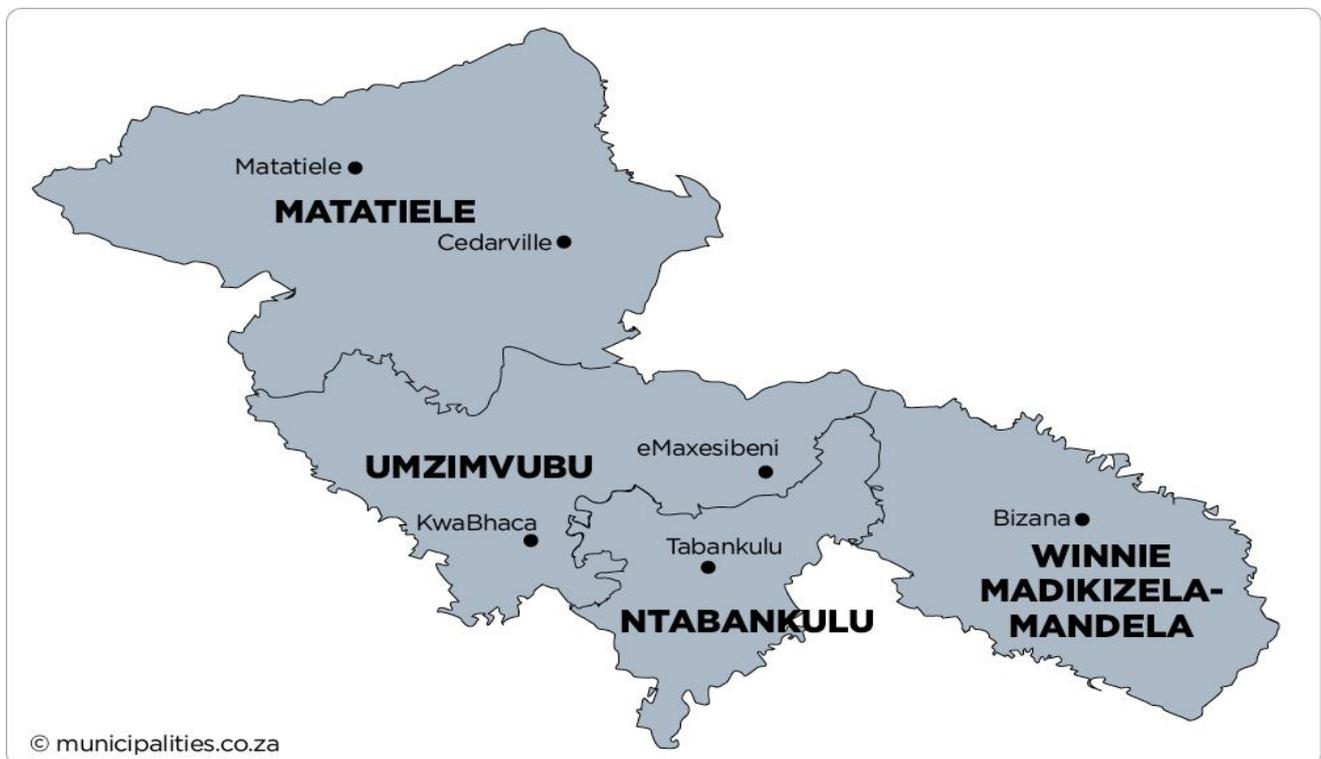

Figure 1.
Alfred Nzo District Municipality.
Source: National TreasuryDC44 [34].

The Member of the Executive Council (MEC) established Umzimvubu, a local municipality responsible for cooperative governance and traditional affairs in the Eastern Cape. According to Section 152(1) of the Constitution of the Republic of South Africa and in terms of Section 12 of the Local Government Act, [19] local governments were mandated with the following objectives [35].

- Striving for a democratic and accountable government for local communities.
- Finding mechanisms for sustainable service provision to local communities.
- Encouraging social and economic development within communities.
- Ensuring that the environment is kept safe and healthy to be liveable by communities

The Umzimvubu Local Municipality, located in the Alfred Nzo District in the North-Western region of the Eastern Cape Province, is a category B municipality covering an area of 2,406 km2. Its borders are with Matatiele to the west, OR Tambo District Municipality to the southeast, and KwaZulu-Natal to the north. The majority of the population resides in rural areas, which constitute most of the municipality. The primary economic sectors include government services, trade,

banking and business services, manufacturing, transportation and commuting, construction, and agriculture. In 2021, the community of Umzimvubu entrusted the municipal council with the mandate to review the Integrated Development Plan (IDP) and to initiate outreach efforts to encourage community engagement in contributing to the 2021 IDP. The focus was on service delivery as a key function of the area.

4. Findings

4.1. Social Analysis

The chief of KwaBhaca opened the focus group meeting by explaining that the tribal authority plays a role in various aspects of community life, such as assisting with marriage ceremonies, dealing with inheritance matters, maintaining peace, resolving conflicts, and addressing living conditions. The articulation by the chief aligns with the promotion of the spirit of Ubuntu, as mentioned earlier [6]. The tribal authority collaborates with the local government and hosts gatherings to discuss community issues. While the municipality employee spoke as a community member, they confirmed that local municipalities do work hand in hand with the tribal authority in aiding and supporting families in need, including funeral arrangements. During the planning process for burials, when death is reported in the community, it is not only those in financial distress who come and report to the chief. The members of the tribal authority reiterated that it is mandatory for all community members to report any death, regardless of their financial capability to handle burial expenses.

They also mentioned the importance of maintaining customs and traditions within the community, as explained by Muchaku, et al. [26], and emphasized that the tribal authority plays a significant role in preserving culture. This view was corroborated by one of the lady Chiefs, who elaborated on the role currently played by the Chiefs in looking after the welfare of the people by ensuring decent livelihoods. In dire situations, the tribal authority provides financial assistance through indigent resources from the municipality. Pillay and Mutereko [36] explain that the indigent policy framework aims to reduce poverty and promote the development of rural and urban communities. Thus, if a family has an income of less than R1500, they qualify to be included in the indigent register of their respective municipalities. In such cases, the funeral director appointed by the municipality to handle indigent burials would be responsible for conducting the burial. However, the tribal authority expressed concern that they often struggle with access to these services from their respective municipalities, which hampers their role in LED. During the preparation of burials, households that are not affiliated with organizations such as churches are assisted by funeral directors, who provide priests to conduct the burials; this arrangement plays a pivotal role in supporting grieving families. Overall, there is a mix of positive and negative experiences with the municipality and other organizations within the community.

During the focus group process, members of the tribal authority expressed the need to elaborate on other matters affecting their daily service delivery to the community. One member of the tribal authority alluded to feeling neglected by the local government regarding the services they provide to the communities. They have no official office hours; communities expect them to be available on call during times of distress. The tribal authority mentioned that kings are not adequately compensated; they do not receive bonuses, leave, medical aid, or other benefits. Additionally, there is an issue of demarcation, where some homelands overseen by the kings now fall under different municipalities. The kings in KwaBhaca need to receive adequate compensation for overseeing the homelands, and challenges with demarcation and multiple municipalities pose significant issues. The chief requested that these points be included in the research.

In dire situations, the tribal authority sometimes collaborates with the directors in the area to assist families in distress. Maphela [4] stated that most emerging funeral directors struggle with issues of compliance when it comes to the guidelines of the Department of Health [37] (Regulation 363 of the Human Remains Management Guidelines). The participant from the tribal authority suggested that the council should assist funeral parlors by resolving operational issues they face, such as drainage problems or broken windows. This will ensure that the parlors remain compliant and have the municipality's support, in addition to addressing existing challenges.

4.2. Political Analysis

South Africa is rated as one of the most unequal countries in the world [38]. In a country where there is a significant wealth gap and inequality, the funeral business plays a crucial role in providing support and alleviating trauma, especially in poor families. The members of the tribal authority lamented that bureaucratic processes prevent them from responding quickly to urgent situations where indigent families need help with the burials of their departed family members. Thus, while the municipality may claim that they are waiting for budget approvals or dealing with other priorities, the reality is that the community's immediate needs should be attended to, which is part of the service delivery agenda. This lack of response and support is causing immense hardship for the families who lost loved ones and are struggling to give a proper burial. The chief mentioned that the municipality is primarily concerned with agriculture and farming, while the funeral business is not a priority.

In most instances, because of the socioeconomic status of many households, funeral directors contribute financially to support the funerals. At the same time, they also face financial constraints and mostly operate below profit margins. They suggested that government funds to support funeral directors should be available to help them provide better services as a social development and support initiative. The funeral director mentioned that there are ward councillors and a priest in the area who can be helpful, but sometimes there is a power dynamic, and help may depend on the willingness of the ward committee. The challenge was that the municipality was inconsistent regarding the help rendered to challenged households.

4.3. Environmental Analysis

One of the lady chiefs shared a personal experience where the road conditions were so poor that they had to remove the coffin from the hearse and carry it to the graveyard. This challenge is mainly experienced during the rainy season. In cases where the roads are inaccessible due to rain, community members typically assist funeral directors by offering their cows to pull the caravan transporting the remains in terrain where vehicles cannot drive.

This was not only physically taxing but also emotionally traumatizing for the family. The plea is for the municipality to prioritize these issues and provide the necessary assistance and infrastructure to ensure that burials occur without such difficulties and traumatic experiences. Again, it was found that the municipality does help, but the construction was very slow, especially in the deep rural areas. The community members often help each other during funerals when the burial terrain is challenging. However, in some instances, there would be an exceptional leveling of the road after the communities have logged numerous complaints to the king, who would successfully engage with the municipality. Challenges in terms of water and load shedding were also raised as major concerns during the discussions. According to the funeral directors, the challenges are not new; they were regularly communicated to the municipality.

A traditional leader expressed dissatisfaction with a response regarding funeral parlors and cemetery issues during meetings between the municipality and the community. In some cemeteries, there is soil erosion, which complicates the burial process. Certain areas experience soil erosion during heavy rains, and the grave sites are often significantly affected. Regarding this challenge, it was mentioned that environmental health authorities are frequently approached for assistance as per the Regulation of Human Remains Management Act. In such cases, relocation of grave sites has been necessary, but the community holds conflicting opinions about removing bodies from the affected graveyard. Regulation 363 of the Human Remains guidelines states that if there is a need to exhume a cadaver, the Environmental Health Department must contact the South African Police Service to obtain a permit for exhumation.

This matter is facilitated by the chief, who ensures that there are no disputes or that issues are resolved. However, if there are conflicting claims within the family, the matter may be referred to the police. Therefore, when floods affect the cemetery, the entire matter becomes a communal issue. The environmental health office will explain the requirements and request an agreement from all family leaders. They will also provide a list of funeral parlors to assist with the exhumation. After choosing a funeral parlor, the office will send them a letter with questions about the methods and chemicals they will use for the exhumation. If the response satisfies the environmental health office, they will grant permission to proceed. Environmental health officials will check if the requirements are followed on the specified date, and then the exhumation can occur.

The municipality is focused on local economic development and forestry, but funeral parlors also have environmental implications. The representative from the tribal authority mentioned that there are delays and issues in the design of graveyards due to environmental assessments and social planning requirements. These issues cannot be ignored and need to be addressed.

4.4. Infrastructural Analysis

The focus group participants were unanimous regarding infrastructural facilities such as roads for funerals that are lacking in KwaBhaca municipality. After a request was made by the traditional leaders, the municipality repaired the road leading to the cemetery, but surrounding areas still need attention. Funeral directors provide dignified services regardless of the deceased's financial situation. The funeral directors highlighted the need for water availability and road infrastructure and expressed their hope for more support and funding from the government.

One of the kings mentioned that the municipality's support for funeral directors is inconsistent. Sometimes, they aid with burial necessities such as tents and water, while at other times, they may not. This indicates a variable level of cooperation between funeral directors and the municipality. The compliance of struggling funeral directors was also discussed, and suggestions were made to allocate a portion of the municipal budget for such service providers as they play an essential role in managing human remains in the area. Environmental hazards, such as an improper drainage system, were among the main challenges faced by the funeral directors. Even in urban areas, compliance is mostly challenging according to the funeral directors' guidelines for human remains management.

5. Discussions and Conclusion

Since the period of the apartheid regime in South Africa, the tribal authority has played an important role, especially in the rural areas of South Africa. The tribal authority operates under the jurisdiction of a local municipality, overseeing local communities' affairs and seeking solutions to community development issues. The article discusses the role of the tribal authority in matters of community management involving human remains in rural communities. A focus group was convened, consisting of members of the tribal authority of KwaBhaca, funeral directors, and individuals working for the municipality who participated as community members. The tribal authority is so significant that all events within a given community must go through it. It remains a norm that community members report all intended activities, including death, to the tribal authority. The poorest members of communities still rely on the tribal authority to assist with the burials of family members, where the tribal authority must approach the local municipality to assist through the indigent budget allocated to the municipality.

The tribal authority acts as a facilitator and convener of various stakeholders, such as the municipality, especially where poor families are unable to bury their loved ones, and plays other developmental roles. This engagement is typically conducted through consultation with community members, funeral directors, municipalities, and, in some cases, the South African Police Service and the Environmental Health Department. In rural areas, visible signs of neglect persist, including

poor road infrastructure, particularly at grave sites, and inadequate water supply. Due to societal inequalities, the tribal authority sometimes needs to collaborate with municipalities by utilizing indigent funds to assist families in burying their deceased members. The study revealed that rural areas continue to face challenges related to road infrastructure and water shortages, complicating burial processes. Funeral directors encounter similar difficulties across different provinces, primarily due to the cumbersome guidelines they must follow to serve impoverished communities.

Therefore, the challenges faced by emerging funeral directors also impact the welfare services that fall under the responsibility of the tribal authority in rural areas. The role of the tribal authority in South Africa has evolved from managing communal matters to being part of the developmental agenda in rural regions. In addition to other responsibilities, the traditional authority acts as an intermediary between rural communities and local government. It is anticipated that the tribal authority could also facilitate support for emerging funeral directors serving these communities through local municipalities. The tribal authority remains relevant in rural areas, serving as a custodian of customs and traditions, thereby preserving institutional memory for future generations. The study was conducted in KwaBhaca, a small rural area within the Umzimvubu local municipality; therefore, the findings may not be generalizable to other regions outside the district. Future research could explore the implications of the absence of local authority in managing human remains.

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