

# Multi-Level Governance and Contested Authority in Thaba Phatswa: An Institutional Mechanisms Approach under TRANCRAA

*Malefu Brenda Mabalane, Thulisile Ncamsile Mphambukeli*

(PhD candidate Malefu Mabalane, University of Johannesburg, mmalefubrenda@gmail.com)  
(Prof. Thulisile Mphambukeli, University of Johannesburg, tmphambukeli@uj.ac.za)

## 1 ABSTRACT

The Transformation of Certain Rural Areas Act (TRANCRAA) represents a pivotal legislative intervention in South Africa's post-apartheid land reform trajectory, designed to devolve land administration powers from national to municipalities and communities. Unlike restitution or redistribution, TRANCRAA focuses on governance transformation rather than ownership transfer, aiming to embed participatory decision making and tenure security. Its national ambition, however, has produced uneven local outcomes. This paper examines TRANCRAA's implementation in Thaba Phatswa, a rural settlement in the Free State where the absence of traditional leadership placed community leaders/members at the centre of negotiations with municipal authorities. The case highlights how national legislation interacts with local institutional dynamics, producing contested authority and hybrid governance arrangements. By narrowing the focus to institutional theory, the study analyses how four mechanisms of ambiguity, layering, silence, and bricolage shaped the trajectory of transformation. Ambiguity reflected unclear mandates, layering added new procedures without retiring old ones, silence manifested in non decisions, and bricolage captured adaptive blending of formal rules with local practices. Methodologically, the paper employs a qualitative case study with mechanism tracing, drawing on archival records, interviews, and procedural timelines. Findings show that contested authority is not simply a failure of policy design but an emergent property of institutional processes. Outcomes included partial tenure recognition, governance vacuums, and uneven empowerment of community leaders. The contribution is twofold: empirically, it provides a grounded account of TRANCRAA's local implementation; theoretically, it advances institutional scholarship by demonstrating how transformation can be studied through mechanisms rather than broad policy outcomes. Policy implications include the need for mandate clarity and procedural retirement to reduce ambiguity and layering, while recognising bricolage as a constructive adaptive practice.

Keywords: TRANCRAA, Land reform, Spatial Justice, Regional transformation, Participatory governance

## 2 INTRODUCTION

South Africa's post-apartheid land reform trajectory has been characterised by ambitious legislative interventions aimed at redressing historical dispossession and restructuring rural governance (Hall, 2004; Cousins, 2007). Among these, the Transformation of Certain Rural Areas Act (TRANCRAA) of 1998 represents a pivotal attempt to devolve land administration powers from national to local structures (South African Government, 1998). TRANCRAA sought to empower rural communities by transferring authority over land tenure and resource management to municipal and community-based institutions, thereby promoting participatory governance and spatial justice (Walker, 2008).

However, the implementation of TRANCRAA has been uneven, exposing tensions between national policy ambitions and local institutional capacities (Lahiff, 2007). Rural settlements such as Thaba Phatswa in the Free State provide critical insights into how transformation is negotiated through multi-level governance arrangements. Here, municipal authorities, community leaders and members interact in complex ways, producing outcomes marked by contested authority, procedural silences, and adaptive governance practices.

This paper critically examines the institutional theory of transformation, foregrounding four mechanisms: ambiguity, layering, silence, and bricolage as the analytical lens (Cousins & Hall, 2011; Scott, 1985). By situating Thaba Phatswa within a multi level governance framework (Marks & Hooghe, 2004; Bache & Flinders, 2004), the study asks how these institutional mechanisms produce and sustain contested authority in the implementation of TRANCRAA. In doing so, it contributes to institutional scholarship on land reform by showing that contested authority is not simply a failure of national policy, but an emergent property of institutional processes negotiated across multiple levels of governance.

### 3 LEGISLATIVE AND HISTORICAL CONTEXT: FROM SEGREGATION TO TRANSFORMATION

To understand the institutional friction in Thaba Phatswa, one must recognise that TRANCRAA was not written onto a blank slate. Instead, it was an attempt to overwrite a deeply entrenched, colonial-era administrative logic that prioritized state control over communal autonomy.

#### 3.1 The Legacy of the 1963 Coloured Rural Areas Act

Before the 1998 enactment, Thaba Phatswa along with 22 other rural settlements was governed under the Coloured Rural Areas Act (Act 24 of 1963) (South African Government, 1998). This legislation was a tool of the apartheid state designed to manage “Coloured” reserves through a paternalistic, top-down structure. Under this system, land was held in trust by the Minister, and local “Management Boards” acted as administrative extensions of the central government rather than representative bodies of the people. This created a path-dependent legacy of land being viewed as a state-managed asset rather than a community right.

#### 3.2 TRANCRAA: A Mandate for Devolution

The Transformation of Certain Rural Areas Act (Act 94 of 1998) was introduced to dismantle this legacy which comprises three pillars: restitution, redistribution, and tenure reform (Hall, 2004; Cousins, 2007). Its primary objective was to facilitate a “handover” of land from the national trust to either a local municipality or a Communal Property Association (CPA). The Act mandated a strict, two-year transitional period during which:

- (1) Community Consultations were to determine the preferred entity for land ownership.
- (2) Rights Inquiries were to be conducted to identify legitimate residents and land users.
- (3) Governance Structures were to be established to ensure democratic land administration.

#### 3.3 The Thaba Phatswa Deviation

While the national legislation assumed a smooth transition, the reality in Thaba Phatswa diverged sharply. In many other rural areas, Traditional Authorities played a significant role in mediating these transitions. However, Thaba Phatswa’s history as a “Coloured” rural area meant it functioned without a recognised traditional leader, leaving a power vacuum.

When the local implementation finally gained momentum in 2007, nearly a decade after the Act was passed, the Mantsopa Local Municipality and community leaders found themselves in a state of Institutional Layering. The old Management Board mentalities had not been “retired,” and the new TRANCRAA procedures were being superimposed onto a community that was already skeptical of municipal capacity. This historical baggage transformed an administrative handover into a decade-long struggle for spatial justice and tenure security.

This historical backdrop illustrates that the “silence” and “ambiguity” observed in the 2000s were not accidental. They were the result of a modern, democratic Act (TRANCRAA) attempting to function within a spatial and administrative framework built for segregation and control. The timeline below illustrates the significant delay between national policy creation and local execution in Thaba Phatswa, highlighting the breakdown of statutory timelines.



Fig. 1: TRANCRAA Legislative & Implementation Timeline

## 4 THEORETICAL FRAMEWORK: AN INSTITUTIONAL MECHANISM APPROACH

This paper is anchored in institutional theory, which emphasises that institutions are not static structures but evolving systems of rules, norms, and practices that shape governance outcomes (Cousins & Hall, 2011). Institutional theory provides a lens for understanding how transformation under TRANCRAA is mediated by processes internal to institutions rather than being determined solely by policy design. It highlights how authority is contested, negotiated, and adapted through mechanisms that produce both continuity and change.

Transformation occurs when these interact, often producing unintended outcomes. In the case of TRANCRAA, a national Act designed to devolve authority, institutional theory helps explain why local implementation in Thaba Phatswa generated contested authority rather than seamless governance. It shows that institutional change is rarely linear; instead, it is mediated by mechanisms that actors use to interpret, adapt, or resist rules (Mahoney & Thelen, 2010).

### 4.1 Justice-Oriented Models

This paper draws on four normative frameworks to evaluate whether TRANCRAA advanced justice in Thaba Phatswa:

- Fraser's Tripartite Model of Justice (2008) argues that transformation must be assessed across three dimensions, redistribution, recognition, and representation as dimensions of justice. In Thaba Phatswa, redistribution relates to tenure security, recognition to the inclusion of community voices, and representation to participation in governance forums.
- Sen's Capabilities Approach (1999) frames transformation as the expansion of substantive freedoms and opportunities. TRANCRAA's success can thus be evaluated by its ability to enhance the capabilities of rural residents to access land, resources, and socio-economic opportunities.
- Young's Five Faces of Oppression (1990) identifies marginalisation, powerlessness, cultural imperialism, exploitation, and violence as structural barriers to justice. These categories help interrogate how contested authority and procedural silences perpetuate exclusion in Thaba Phatswa.
- Scott's Everyday Resistance (1998) highlights subtle forms of resistance silence, negotiation, and informal practices that communities employ to navigate imposed structures. This lens is particularly relevant for understanding how Thaba Phatswa residents respond to institutional ambiguity and uneven support.

These models provide the normative benchmarks against which transformation is assessed.

### 4.2 Institutionalism Theories

To explain why TRANCRAA's implementation diverged from legislative intent, this paper integrates four strands of institutional theory:

- Rational Choice Institutionalism views institutions as rule systems that structure strategic behaviour. TRANCRAA altered incentives by clarifying authority and embedding accountability (North, 1990; Ostrom, 1990).
- Historical Institutionalism highlights how past arrangements and critical junctures shape present governance trajectories (Hall & Taylor, 1996). In Thaba Phatswa, apartheid-era tenure systems and early TRANCRAA decisions created path dependencies that continue to constrain authority distribution. TRANCRAA's delayed rollout (1998–2007) reflects institutional inertia and layering (Pierson, 2000; Thelen, 2004).
- Sociological Institutionalism focuses on legitimacy and cultural scripts it emphasises adaptive, hybrid arrangements where actors recombine formal procedures with local norms to craft workable governance solutions. In Thaba Phatswa, bricolage is evident in community negotiations, procedural silences, and pragmatic compromises which reflects normative adaptation (Meyer and Rowan, 1977; DiMaggio and Powell, 1983).
- Discursive Institutionalism highlights how ideas and narratives shape institutional acceptance. Competing discourses of transformation and cultural autonomy mediated compliance and resistance (Schmidt, 2008; Schmidt, 2010).

These theories explain how institutional mechanisms ambiguity, layering, silence, and bricolage mediated outcomes.

### 4.3 Institutional Mechanism

Four mechanisms are central to this analysis:

- **Ambiguity:** Lack of clarity in rules and mandates, allowing multiple interpretations of authority. In Thaba Phatswa, municipal and community leader responsibilities overlapped, creating contested spaces of governance (Hall, 2004).
- **Layering:** The accumulation of new rules without retiring old ones, producing institutional complexity. TRANCRAA's transitional procedures layered onto municipal practices, generating confusion about applicable rules (Mahoney & Thelen, 2010).
- **Silence:** Strategic non decision and deferral, which create governance vacuums. Municipal officials often avoided tenure decisions, leaving community leaders without clear guidance (Scott, 1985).
- **Bricolage:** Adaptive blending of formal rules with local practices. Community leaders reworked institutional arrangements to fit local realities, producing hybrid governance structures (Clever, 2012).

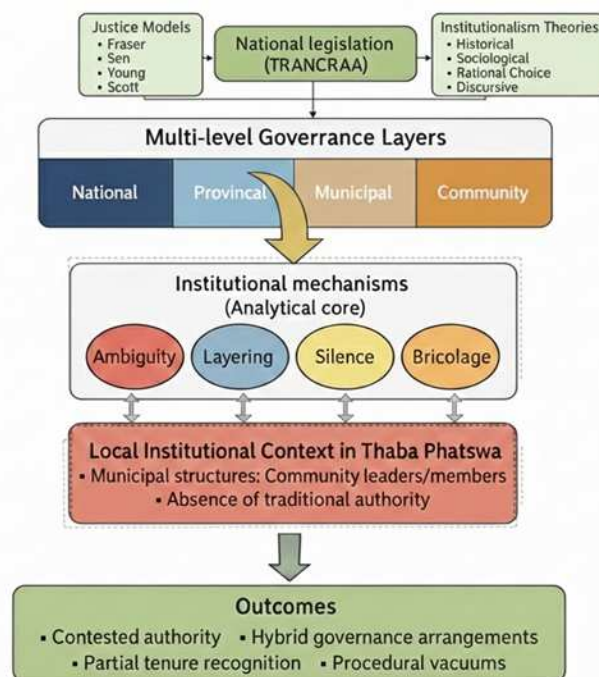


Fig. 2: Dynamic Conceptual Framework for Transformation under Thaba Phatswa

### 4.4 Multi-Level Governance Context

These mechanisms operate within a multi-level governance (MLG) framework, which highlights the distribution of authority across national, provincial, municipal, and community levels (Marks & Hooghe, 2004; Bache & Flinders, 2004). TRANCRAA sets the national legislative framework, but its outcomes depend on how provincial oversight, municipal capacity, and community agency interact. Institutional theory, combined with MLG, provides a robust framework for analysing how contested authority emerges in Thaba Phatswa.

Together, these frameworks provide a multi-dimensional approach: MLG situates the case within governance structures, while Fraser, Sen, Young, and Scott illuminate the substantive and procedural aspects of transformation. This layered theoretical foundation enables a nuanced analysis of how TRANCRAA's implementation both empowers and constrains communities in practice. By integrating institutional theory with mechanism-based analysis, this study demonstrates that contested authority is not simply a failure of national policy but an emergent property of institutional processes. Ambiguity, layering, silence, and

bricolage are therefore not peripheral dynamics but central to understanding how transformation is negotiated under TRANCRAA.

#### 4.5 Conceptual Framework

Figure 1. below visually integrates these justice models and institutionalism theories. It shows how both lenses converge on the Thaba Phatswa case study and explain the observed outcomes.

Justice models provide the evaluative lens for assessing whether TRANCRAA advanced equity and empowerment. Institutionalism theories explain why transformation was uneven, highlighting the role of strategic behaviour, historical legacies, normative adaptation, and discursive framing. Together, they illuminate how institutional mechanisms shaped outcomes in Thaba Phatswa: contested authority, hybrid governance, procedural silences, and partial tenure recognition.

### 5 METHODOLOGY

This study employs a qualitative case study design centred on Thaba Phatswa in the Mantsopa Local Municipality. To move from descriptive narrative to causal explanation, the research utilises mechanism tracing. This method allows for the identification of the intervening steps (the "cogs and wheels") between the legislative input (TRANCRAA) and the governance outcomes (Contested Authority).

#### 5.1 Case Study: Thaba Phatswa as an Institutional Battleground

##### 5.1.1 Socio-Spatial Context and the Mantsopa Local Municipality

Thaba Phatswa (GPS coordinates: 29.3139 S, 27.1181 E) is a rural settlement near the Leeu River and Amenia Dam (downstream), situated in the eastern Free State, falling under the jurisdiction of the Mantsopa Local Municipality as depicted in Fig. 3 (locality plan) and Fig.4 (Mantsopa town typology), respectively. Its history is distinct from the surrounding commercial farming areas; it was established as a "Coloured" rural area, which placed it under a specific legislative trajectory the 1963 Coloured Rural Areas Act.

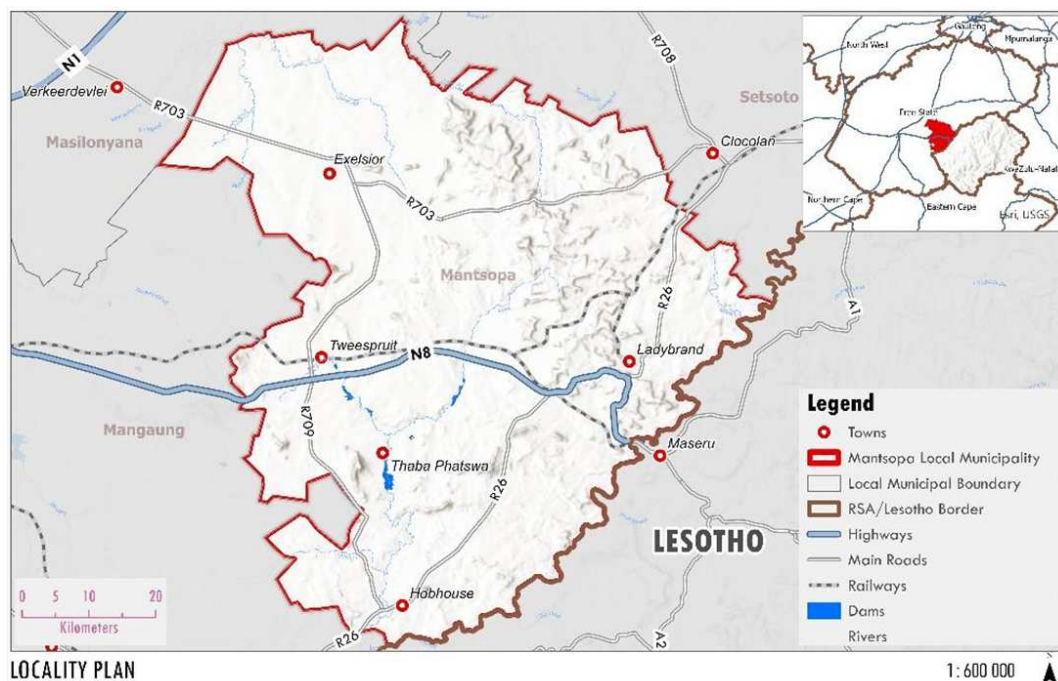


Fig. 3: Thaba Phatswa within Mantsopa Local Municipality; Source: (Mantsopa SDF, 2025)

This historical classification is critical. Unlike many South African rural areas governed by a Kgosi or traditional council, Thaba Phatswa lacks a recognised traditional leadership structure. This absence of a "traditional buffer" meant that when TRANCRAA was enacted, the community of 228 households was forced into a direct, unmediated confrontation with municipal bureaucracy. The settlement's classification under TRANCRAA has paradoxically impeded its development, perpetuating spatial inequality and socio-economic exclusion. Currently, Thaba Phatswa functions as a dormitory settlement with a low population density and no industrial land uses. The local economy is stagnant, with only three business sites located

peripherally on the main access road. Consequently, the community remains highly dependent on the urban nodes of Thaba Nchu, Tweespruit, and Ladybrand for basic social amenities and economic support.

### 5.1.2 The "Negotiated" Implementation (2007–Present)

While TRANCRAA was passed in 1998, formal implementation in Thaba Phatswa only gained momentum in 2007. This nine-year delay created a "procedural vacuum" where residents lived in a state of legal limbo. For a community plagued by high unemployment and a heavy reliance on social pensions and grants, this stagnation has been devastating. When the Mantsopa Local Municipality eventually initiated rights inquiries, they did not encounter a passive community. Instead, they met a group of active "bricoleurs" – residents who had already begun to develop informal land-use practices to survive the state's strategic silence. This agency is a survivalist response to the municipality's failure to provide social support or protect local assets, such as livestock, which is continually threatened by cross-border theft from Lesotho.

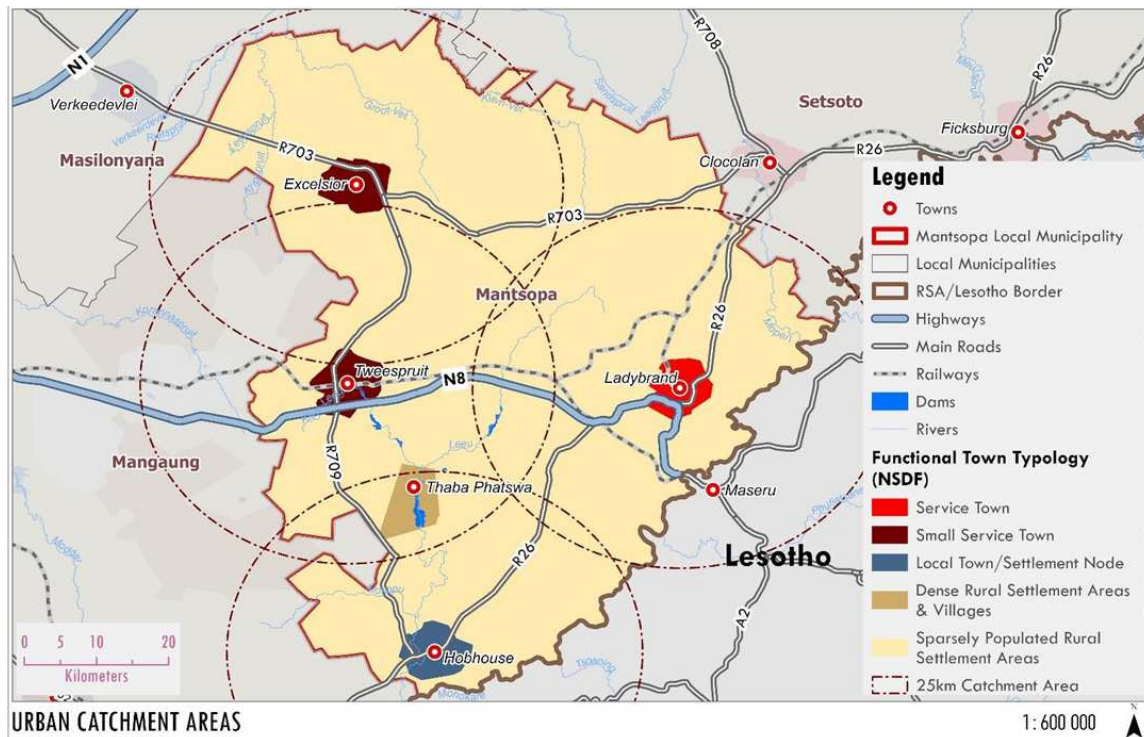


Fig. 4: Mantsopa Town Typology Source: (Mantsopa SDF, 2025)

### 5.1.3 The Convergence of Mechanisms

- The “battleground” in Thaba Phatswa is defined by three primary institutional frictions that sustain this socio-economic marginalisation:
- Jurisdictional Friction (Ambiguity): The municipality often treats Thaba Phatswa as municipal-owned land for administrative convenience. This prevents the community from leveraging their land for development, as authority remains unclear.
- Administrative Residue (Layering): Municipal officials often resort to paternalistic, top-down governance styles inherited from the apartheid-era Management Boards, stifling participatory decision-making.
- Adaptive Agency (Bricolage): In response to the lack of clear directives from the DALRRD, community members have “cobbled together” local committees to manage grazing rights and residential allocations. This is an attempt to create order in an area served by only a single primary school and minimal state presence.

### 5.1.4 Outcomes: Partial Recognition and Stalled Justice

The result of this case study is a state of contested authority. The community has successfully resisted total municipal overreach through bricolage, but they have yet to achieve full tenure security. They exist in a state of partial tenure recognition, where their rights are acknowledged in practice but remain unresolved in the

formal deed registry. This lack of finality ensures that Thaba Phatswa remains a peripheral dormitory settlement, where spatial justice is deferred, and the residents' economic vulnerability is institutionalised.

The methodological approach ensures that the findings are grounded in evidence, and not a random occurrence but a traceable outcome of how ambiguity and layering were navigated by local actors. Whilst by utilising the rigorous coding strategy, the paper confirms that the concept of "Hybrid Governance" is not used as a vague descriptor but is presented as the logical and traceable result of specific institutional behaviours.

## 5.2 Mechanism Tracing as an Analytical Tool

Mechanism tracing was operationalised by searching for specific "diagnostic signals" within the case study data that correspond to the four mechanisms:

- **Tracing Ambiguity:** Identifying contradictions in official municipal correspondence and interview transcripts where jurisdictional boundaries between the state and community leaders regarding land allocation and grazing rights were left undefined.
- **Tracing Layering:** Mapping instances where administrative "residue" from the 1963 Coloured Rural Areas Act (such as Management Board logic) influenced the modern implementation of 1998 mandates.
- **Tracing Silence:** Analysing chronological gaps in the procedural timeline and identifying "non-decisions" in municipal records that effectively stalled development for the 228 households.
- **Tracing Bricolage:** Documenting the adaptive behaviours of community members who substituted missing formal procedures such as local registries to manage livestock safety with local informal practices.

## 5.3 Data Collection and Sources

The study draws on a triangulated dataset to ensure validity:

(1) **Archival and Document Analysis:** A review of national legislation (TRANCRAA), municipal reports, and community meeting minutes dating back to the 2007 implementation start.

(2) **Procedural Timelining:** The construction of a decade-long timeline to visualise the temporal disconnects and "strategic silences" of the state.

(3) **Semi-Structured Interviews:** Engaging with key stakeholders to capture the "lived experience" of institutional friction. This included:

- Community leaders and long-term residents.
- The Ward Councillor and municipal officials.
- Representatives from the Provincial Department of Land Reform and Rural Development (DALRRD).

## 5.4 Ethical Considerations and Site Selection

Thaba Phatswa was purposively selected as an extreme case due to the absence of traditional authority. This provides a "clearer view" of community-municipal power dynamics without the mediating influence of a chief. This site is particularly significant given the socio-economic vulnerability of the residents and the sensitive nature of land tenure in the region. Ethical clearance was obtained to ensure the total anonymity of participants.

## 5.5 Data Analysis: Coding via Institutional Mechanisms

The analysis followed a deductive thematic approach, utilising the Dynamic Conceptual Framework as a coding template to identify patterns of institutional behaviour:

- **Coding for Ambiguity:** Applied to data reflecting jurisdictional friction, such as conflicting accounts between the Mantsopa Municipality and residents regarding the veto power over land use.
- **Coding for Layering:** Focused on language where stakeholders referred to pre-1998 administrative procedures (Act 24 of 1963) still being applied to current TRANCRAA applications.

- Coding for Silence: Identified “procedural deferrals” where residents expressed a sense of being “ignored” or “stalled”. These were mapped against the timeline to prove that municipal silence was a strategic choice.
- Coding for Bricolage: Captured “adaptive agency” where community leaders improvised governance structures such as informal land-use registries to fill vacuums created by state absence.

### 5.6 Constructing the Mechanism-Outcome Chain

The final stage involved pattern matching to reconstruct the causal chain: from the initial Legislative Mandate (input), through the intervening Mechanisms (process), to the final Governance Outcomes of contested authority and partial tenure recognition. This methodological approach ensures that the findings are not anecdotal, but are grounded in evidence. It confirms that the current state of Hybrid Governance and the socio-economic exclusion of Thaba Phatswa are traceable results of how institutional ambiguity and layering were navigated by local actors.

## 6 FINDINGS AND DISCUSSION: THE CAUSAL PATH TO CONTESTED AUTHORITY

The study identifies that the state of governance in Thaba Phatswa is not a random failure of policy, but a traceable result of four institutional mechanisms interacting over two decades. By combining the empirical data with theoretical interpretation, this section demonstrates how the "negotiated gridlock" structures the socio-economic reality of the settlement.

### 6.1 The Production of Contest: Ambiguity and Layering

The initial state of contested authority was produced by the collision of two contradictory administrative “rulebooks”.

- The Evidence: Interviews with municipal officials and the Ward Councillor revealed a persistent “Management Board” mindset, where top-down directives from the 1963 Act era still dictate local land-use logic. Simultaneously, archival correspondence between the Mantsopa Local Municipality and the DALRRD showed no clear consensus on who holds the final “veto” over grazing land allocation.
- The Discussion: This represents a classic case of Institutional Layering (Thelen, 2004). Because the 1963 rules were never formally retired, they became "sedimented" beneath the 1998 TRANCRAA mandates. This layering creates Institutional Ambiguity (North, 1990), where the “rules of the game” are ill-defined. Consequently, both the municipality and community leaders claim legitimate authority, sparking a jurisdictional battle that prevents any formal development of business sites.

### 6.2 The Sustenance of Contest: Strategic Silence

Once the contest began, the findings show that the state utilised “silence” to maintain the status quo without resolving the underlying conflict.

- The Evidence: The constructed Procedural Timeline confirms a near-total cessation of formal activity between 1998 and 2007. More recently, residents reported that requests for formal title or security interventions regarding cross-border stock theft from Lesotho were met with "procedural deferrals" and non-decisions.
- The Discussion: This Strategic Silence (Schmidt, 2008) functions as an administrative tool. By remaining silent, the municipality avoids the political cost of choosing between community autonomy and municipal control. However, this silence has a high human cost: it justifies the institutional deferral of capital expenditure, explaining why a community of 228 households still relies on a single primary school and must travel to Ladybrand or Thaba Nchu for basic amenities.

### 6.3 The Institutionalisation of Contest: Bricolage and Hybridity

The findings highlight how the community “settled” into this contest through adaptive agency, creating a permanent, albeit precarious, governance structure.

- **The Evidence:** In the absence of a traditional leader or municipal support, community members acted as “bricoleurs”. They established local grazing committees and informal land-use registries to fill the procedural vacuum.
- **The Discussion:** This is Institutional Bricolage (Cleaver, 2012) in its purest form. While this bricolage allows for survival, it institutionalises a Hybrid Governance Arrangement. These informal systems now exist in a permanent friction with formal state authority. This "ordered disorder" represents a stalled form of spatial justice, the community is empowered enough to resist municipal overreach, but too marginalised to achieve the formal tenure security required to break the cycle of high unemployment and grant dependency.

The interaction of these mechanisms produces a state of Partial Tenure Recognition. As summarised in the framework below, the socio-economic fragility of Thaba Phatswa is the direct physical manifestation of this institutional gridlock.

Mechanism	Institutional Manifestation	Socio-Economic Impact
<b>Layering/Ambiguity</b>	"Clash of rules" between 1963 and 1998 Acts.	No investment in business sites; dormitory status.
<b>Strategic Silence</b>	Procedural deferrals and non-decisions.	Lack of social infrastructure and state support.
<b>Bricolage</b>	Informal community committees.	Survival without protection from stock theft.

## 7 CONCLUSION AND POLICY RECOMMENDATIONS

The implementation of TRANCRAA in Thaba Phatswa serves as a poignant reminder that land reform in post-apartheid South Africa is not merely a legislative event, but a continuous and contentious institutional process. By applying an institutional mechanisms approach, this study has moved beyond a binary "success-failure" narrative to reveal the "cogs and wheels" of stalled transformation.

### 7.1 Synthesising the Findings

The central enquiry of this research sought to understand how specific mechanisms produce and sustain contested authority. The study concludes that the institutional landscape of Thaba Phatswa is defined by three critical phases:

- **Production:** Ambiguity and Layering produced the initial contest by forcing modern democratic mandates to compete with "sticky" apartheid-era administrative residues.
- **Sustenance:** Strategic Silence served to sustain this contest, as procedural deferrals by the Mantsopa Local Municipality prevented the finality of land handover and kept the 228 households in a developmental “grey zone”.
- **Institutionalisation:** Bricolage, while a testament to community agency in the absence of traditional authority, ultimately institutionalised the contest by creating parallel, hybrid governance systems that manage local livestock and grazing in the face of threats like cross-border theft.

### 7.2 Contribution to Scholarship and Practice

Theoretically, this paper advances Multi-Level Governance discourse by demonstrating that contested authority is an emergent property of institutional friction. It highlights that in "Coloured" rural areas where traditional buffers are absent, the confrontation between the state and the citizen is direct and often leads to a "dormitory settlement" stasis.

### 7.3 Policy Recommendations

To achieve genuine spatial justice and resolve the socio-economic exclusion of Thaba Phatswa, the following interventions are proposed:

- **Decommissioning Legacy Systems:** The DALRRD and the Mantsopa Municipality must prioritise the „administrative retirement“ of legacy 1963 regulations. This would reduce Institutional Layering and provide a clear legal field for TRANCRAA procedures.

- **Formalising Bricolage:** Rather than viewing local adaptations as “deviations”, policy should recognise hybrid governance arrangements as constructive responses to local context. Formalising community-led committees could bridge the gap where traditional authority is absent.
- **Ending Strategic Silence:** Municipal performance must be tied to the resolution of long-standing tenure arrangements. Resolving the “procedural vacuum” is the only way to attract investment into local business sites and reduce the community's total dependency on Ladybrand and Thaba Nchu.
- **Integrated Security and Tenure:** Addressing cross-border livestock theft requires a governance structure that grants community “bricoleurs” the formal authority to collaborate with state security organs.

## 7.4 Final Reflection

The journey of Thaba Phatswa reflects the broader South African struggle to align national aspirations with local realities. While authority over land remains contested, the resilience of the community's residents suggests that the path to spatial justice lies in a more flexible, adaptive governance framework, one that acknowledges that transformation is not just about changing title deeds, but about resolving the historical and institutional power dynamics that define rural life.

## 8 REFERENCES

- Cleaver, F. (2012) *Development through Bricolage: Rethinking Institutions for Natural Resource Management*. London: Routledge.
- Cousins, B. (2008). Contextualising the controversies: dilemmas of communal tenure reform in post-apartheid South Africa. In: B. Cousins (ed.) *Land, Power and Custom: Controversies Generated by South Africa's Communal Land Rights Act*. Cape Town: UCT Press, pp. 3–32.
- Department of Agriculture, Land Reform and Rural Development. (2024). *Transformation of Certain Rural Areas Act (TRANCRAA): Progress report, challenges and interventions*. Presentation to the Portfolio Committee on Rural Development and Land Affairs, 30 October.
- DiMaggio, P. and Powell, W. (1983). The iron cage revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48(2), pp.147–160.
- Fraser, N. (2008). *Scales of Justice: Reimagining Political Space in a Globalising World*. Cambridge: Polity Press.
- Hall, R. (2007). Transforming rural South Africa? Taking stock of land reform. In: L. Ntsebeza and R. Hall (eds.) *The Land Question in South Africa: The Challenge of Transformation and Redistribution*. Cape Town: HSRC Press, pp. 87–106.
- Mahoney, J. and Thelen, K. (2010). *Explaining Institutional Change: Ambiguity, Agency, and Power*. Cambridge: Cambridge University Press.
- Meyer, J.W. and Rowan, B. (1977). Institutionalized organizations: Formal structure as myth and ceremony. *American Journal of Sociology*, 83(2), pp.340–363.
- North, D.C. (1990). *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.
- Ntsebeza, L. (2005). *Democracy and Traditional Authorities in South Africa: A Case of Rural Governance*. Cape Town: HSRC Press.
- Ostrom, E. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge Univ Press.
- Parliament of South Africa. (n.d.). Committee receives briefing on progress and challenges facing TRANCRAA communities. Available at: <https://www.parliament.gov.za>
- Pierson, P. (2000). Increasing returns, path dependence, and the study of politics. *American Political Science Review*, 94(2), pp.251–267.
- Republic of South Africa. (1996). *Constitution of the Republic of South Africa*. Pretoria: Government Printer.
- Republic of South Africa. (1998). *Transformation of Certain Rural Areas Act 94 of 1998*. Pretoria: Government Printer.
- Republic of South Africa. (2000). *Local Government: Municipal Systems Act 32 of 2000*. Pretoria: Government Printer.
- Republic of South Africa. (2013). *Spatial Planning and Land Use Management Act 16 of 2013*. Pretoria: Government Printer.
- Schmidt, V.A. (2008). Discursive institutionalism: The explanatory power of ideas and discourse. *Annual Review of Political Science*, 11, pp.303–326.
- Schmidt, V.A. (2010). Taking ideas and discourse seriously: Explaining change through discursive institutionalism as the fourth “new institutionalism”. *European Political Science Review*, 2(1), pp.1–25.
- Scott, J.C. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press.
- Sen, A. (1999). *Development as Freedom*. Oxford: Oxford University Press.
- Thelen, K. (2004). *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States, and Japan*. Cambridge: Cambridge University Press.
- Van Wyk, J. (2012). *Planning Law*. Cape Town: Juta.
- Young, I.M. (1990). *Justice and the Politics of Difference*. Princeton: Princeton University Press. AUTHOR, Author: Title of the source. Vienna, 2009.
- Walker, C. (2008) *Landmarked: Land Claims and Restitution in South Africa*. Johannesburg: Jacana Media.