

**Traditional Leaders in Post-1996 South Africa,
with Particular Reference to the Eastern Cape.**

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ABSTRACT

The failure of democracy in Africa can be partially attributed to the Eurocentric assumptions that belie Western recommendations for Africa. This thesis focuses on the failure of the modernisation school to account for the resiliency of tradition in the modern African state, which is described by Sklar (1991) as amounting to a form of 'mixed government', combining the traditional with the modern to create a uniquely African form of governance. This notion of a 'mixed government' is addressed from the vantage point of traditional leaders in the Eastern Cape. It maps the vacillating relationship between the chiefs, the people and the government through colonialism, Apartheid and democratisation. It concludes that although the Eastern Cape provincial government has subordinated the chiefs, this does not signify a victory for modernity over tradition because the chiefs are not a spent force. History has shown that when the government fails to act in the interests of the people, they seek an alternative authority namely, the chiefs. The ANC government's centralising tendencies have negative implications for democracy and consequently for the people. This opens up space for the chiefs to assert themselves provided they play an active role in furthering democracy, development and modernisation in the interests of the people. Hence, although 'mixed' government in the post-1996 South Africa is currently on the ANC's terms, traditional leaders may someday play a vital role in the modern democratic state.

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INTRODUCTION

“Traditional leadership in our country has lived for centuries and will continue to do so. It is our pride as the people of South Africa, and a tradition that cannot be divorced from us. Now that we have put history behind us, traditional leaders now occupy a critical place in the great partnership of all sectors whose joint effort will make our country just and prosperous. Government alone cannot transform this country, but as a united nation we will succeed”.¹

The nature of this ‘joint effort’ continues to be the site of great debate. Chief Mopeli of the Basuthu argued that South Africa needs a “democracy with African characteristics”.² One interpretation of this is a post-apartheid version of a bifurcated state based on separate rules of governance for rural and urban areas.³ Sklar’s definition of a ‘mixed’ government is one in which the state and traditional authority constitute relatively autonomous spheres that do not compete for authority. Under this interpretation, traditional authorities “complement, sustain and legitimise the modern state”.⁴ Although the African National Congress-led government has emphasised the importance of “co-operative governance”⁵ it has effectively sidelined, subordinated and contained the chiefs. Any attempts at mixed government are on the government’s terms as the institution of traditional leadership is haunted by its history of dependency and collaboration with the Apartheid state. In addition, it is divided by party and intra-chieftaincy disputes, it is financially dependent on the government, constrained locally and is being threatened from below by civics and the youth. Hence, it has been convenient for the ANC and the chiefs to invent the myth of an ahistorical, precolonial democratic institution of traditional leadership; but this myth simply masks the true power relations of a dominant,

¹ Nelson Mandela, At the installation of Paramount Thovhela Toni Peter Mphemphu Ramabulana. Issued by the Office of the President, 28/11/1998.

² R. Singer. “South African Tribal Chiefs Assert Power” in *Christian Science Monitor*, V92 issue 208. 09/19/2000: 6.

³ Ntsebeza, L. “Traditional Authorities Rule” in *Land & Rural Digest*. No.15. 2000: 22.

⁴ R. L. Sklar, “The African Frontier for Political Science” in R. H. Bates, V. Y. Mudimbe and J. O’Barr (eds), *Africa and the Disciplines*. Chicago: University of Chicago Press. 1983: 86.

⁵ Department of Provincial and Local Government, *A Draft Discussion Document Towards a White Paper on Traditional Leadership and Institutions*, 11 April 2000.

centralising party manipulating the weak, divided and dependent institution of chieftaincy for its own purposes.

This thesis focuses on the complex interactions of three main actors, namely the government, traditional leaders and the people. The relationship between these actors has been manipulated by the precepts of colonialism, neocolonialism (Apartheid) and democratisation. In each phase, the government appears to be the prime mover because of its legislative and coercive power. However, state support is not necessarily tantamount to chiefly legitimacy. The chief could be endowed with material and military backing but in real terms, the chief may continue to be the target of popular discontent. The chiefs' power is largely determined by the extent to which the people regard the chief as a rightful authority. Their complete survival depends on whether they can reconcile two contrasting roles, being loyal to the people and to the state. In the past, chiefs sought government recognition and material benefits even if this meant becoming the government's 'new jockeys' wielding the whip of oppression over the rural population.

However, in post-1996 South Africa, the chiefs have been excluded from governance and the benefits that this entailed in the past. Their continued survival largely depends on whether the people continue to regard the chiefs as legitimate. Without this legitimacy, the ANC would not feel compelled to dangle 'carrots' in front of them to ensure their support (and their bloc votes) in elections. In their attempts to remain legitimate, the chiefs focus on tradition and culture, appealing to a romantic, ahistorical and democratic past, and their role as protectors of this heritage. In other words, they appeal to the past to gain legitimacy in the present even if it involves a degree of invention and creative glorification. However, this strategy is shortsighted. The chiefs should be adapting and playing a greater role in democratisation, modernisation and development in the interests of the people. Prior to the 1940's the chiefs were largely excluded from local governance, but they were regarded as legitimate because they acted as bulwarks against state intrusion and offered the people a sense of protection and security. As the government is increasingly centralised, and increasingly failing to act in the interests of the people, the

chiefs have the chance to stand as an alternate authority provided they act in the interests of the people.

In discussions about traditional leaders, little is known of the people and their interests; instead, the issue has become a 'political football' manipulated by parties vying for power. According to Buthelezi, "It is obvious that the state was under the false assumption that traditional leadership does not have a broad constituency".⁶ In agreement, Singer states that there is "no doubt" that the majority of people still respect the institution of traditional rule.⁷ In contrast, Maloka argues that chiefs are "not representing popular feelings in the rural areas. We do not see the rural masses rising...to oppose central government and defend the institution of chieftaincy"⁸ The assumption that the people continue to recognise chiefs as legitimate leaders has not been proven. On the one hand, one could point to the 1995 Eastern Cape local elections in which people voted against their chief's orders.⁹ On the other hand, one could point to meetings held by the Independent Electoral Commission (IEC) in the Eastern Cape in which rural groups overtly backed traditional leaders against the demarcation process. However, this support was partially motivated by fears that taxes would be increased by incorporation into urban districts.¹⁰ Alternatively, one could argue that traditional leaders had the power and influence to disrupt seven registration booths in Qumbu.¹¹ Hence, one must agree with Ewing's argument that "the opinions of those who live under customary law have not been adequately canvassed or considered".¹² In general, contemporary studies lack real quantitative evidence, they do not show the extent to which legitimacy is assigned to traditional leaders and they lack proper historical and ethnographic focus.¹³

⁶ *Gazette*: 24/11/2000.

⁷ Singer, "Chiefs Assert Power", p. 6.

⁸ E. Maloka. "'Traditional' leaders and the Current Transition" in *The African Communist*. Second Quarter. No141-145. 1995: 41.

⁹ E. Maloka. "Populism and the Politics of Chieftaincy" in *Journal of Contemporary African Studies*. V34. No 2 (July). 1996: 160.

¹⁰ *Daily Dispatch*: 14/09/2000.

¹¹ *Daily Dispatch*: 24/11/2000; *Eastern Province Herald*: 26/9/2000

¹² Ewing, D. "The rocky road to democracy and development in Kwa-Zulu Natal" in *Sash* V37 no.2. 1995: 7.

This thesis attempts to overcome these shortcomings. It is emphasised that the issue does not simply revolve around two actors, the chiefs and the state, who compete for the support of the people, but is played out at the local level amongst the people. The people do not deal in dichotomies that are implicit in all discussions on traditional leadership, which divide the issue into rural/urban, developed/underdeveloped, primitive/civilised and traditional/modern. Rather, the people deal with issues that affect them directly; these include impoverishment, state intrusions, customs and the violation thereof. These factors are often ignored in Eurocentric writings on Africa and the chiefs. This is evident in the failure of modernisation theory to comprehend the resiliency of culture in modern African state. It ignores the extent that the modern state needs the chiefs, the extent that the people need the chiefs and the extent that chiefs can adapt to these changing needs.

This thesis explores the dynamic relationship between the government, people and chiefs, with particular reference to the Eastern Cape. Utilising varied secondary sources as well as primary sources in the form of archival documents, ANC and SACP documents, government publications, parliamentary debates (hansards) and newspaper articles this thesis attempts to provide a respectful, historical account of the lives of rural dwellers who have been repeatedly subject to state intrusions. Even now, these intrusions do not act in their interests. It also sketches the tale of the liberation movement whose attitude to the chiefs was largely contingent on the popular support that this latter group enjoyed. Lastly, it provides the story of the chiefs who were given the ultimate choice of becoming 'bad chiefs,' favouring the government over the people; or 'good chiefs' protecting the people from the government. The majority of chiefs chose the former option and thereby betrayed their people for the sake of material benefits. Nevertheless, the chiefs continue to play a role in the new, modern, democratic South Africa because of the needs of the ANC playing in a new political terrain characterised by transition, negotiation and elections; and the 'intangible' legitimacy bestowed upon them by the people.

¹³ Keulder, C. *Traditional Leaders and Local Government in Africa: Lessons for South Africa*. HSRC: Pretoria. 1998: 13.

By focusing on the Eastern Cape this thesis offers a local perspective on issues that crop up at national level. The history of traditional leaders in the Eastern Cape informs the general discussion on the role that chiefs can play in furthering democracy and their future in an increasingly modernised African country. It appears that through their subordination, modernity is victorious over tradition, thereby living up to modernisation theory's predictions. However, this view is shortsighted. Chiefs will continue to play a role in the modern democratic state, although the exact nature of this role is contingent on its shifting relationship with the government and the people.

CHAPTER 1:

MIXED GOVERNMENTS AND MIXED METHODOLOGIES

In the aftermath of World War Two political scientists turned to Africa as a new frontier of research with the explicit aim of advancing freedom, by developing a new truly 'universal' human, social or behavioural science. The modernisation paradigm which emerged in this context saw democracy as the end result of social, institutional and behavioural transformations largely associated with the rise of bureaucratization and industrial civilization.¹⁴ Using 'the West' as a yardstick it offered newly independent 'non-western societies' 'advice' regarding the consolidation of democracy in the 'modern' state. However, modernisation scholarship failed to deliver the desired results as statist mismanagement, corruption, economic stagnation, dictatorships and increased human rights abuses came to characterise the new independent 'modern' states.¹⁵ The failure of modernisation theory lay largely in its Eurocentric assumptions that modernisation was inextricably interlaced with Western values and culture. In so doing modernisation theorists underestimated the adaptability of African culture to an increasingly modernized African state. The resilience of African traditions is evident in the figure of the chief "who is a socio-political phenomenon which forces a synthesis between antagonistic forces stemming from different state models, bureaucracies and world views".¹⁶ This synthesis is evident in the notion of a 'mixed government,' which to varying degrees incorporates the modern and the traditional in a uniquely African version of democracy.

¹⁴ R.L Sklar and C.S Whitaker, "A Perspective on Scholarship in African Studies" in R.L Sklar and C.S Whitaker (eds), *African Politics and Problems in Development*. USA: Lynne Rienner. 1991: 3-4.

¹⁵ Ibid, p.9.

¹⁶ E.A.B van Rouveroy van Nieuwaal, "Chieftaincy in Africa-Three Facets of a Hybrid Role" in E.A.B van Rouveroy van Nieuwaal and R. Van Dijk, *African Chieftaincy in a New Socio-Political Landscape*. Hamburg: Lit Verlag. 1999: 21.

Modernisation Theory

Broadly modernisation is “a process of increasing complexity in human affairs within which the polity must act”.¹⁷ Modernisation theorists believed that through this increasing complexity, democracy should, could and would spread to the colonial ‘backward’ world. This notion of societal and cultural transformation was greatly informed by classical and nineteenth century philosophy in which civilization was linked to the urban arena while rural dwellers were regarded as primitive and barbaric. Aristotle regarded the *polis*, the Ancient Greek City as central to political forms of social organisation in which men were “fit to rule...rule and are ruled in turn”. The Latin translation of the Greek word *polis* is the *urbs*, a population dense center or the *civitas*, the political center or town of the ‘native’ tribes. In Rome, civilised citizens inhabited and ruled *colonia*, urban-based areas.¹⁸ In other words, it was assumed that civilization emerged from a transformation from the un-political hinterland or rural arena to the political urban domain.

This notion of transformation was also evident in the Hegelian formula of Universal Absolute and the Final Cause in the quest for World Reason. Hegel described aboriginal Americans as vanishing in the European presence. Africans were described as cannibals, traffickers in the sale of their children, primitives, heathens and needing of Western slavery. He argued that one must not mention Africa again because “it is no historical part of the World, it has no movement or development to exhibit. Historical movements in it - that is in its northern part - belong to the Asiatic or European world”.¹⁹ Hegel’s legacy survived in the general Eurocentric assumption that Western ‘excesses’ such as slavery, modern colonialism, the African partition and neo-colonialism were justified as necessary to import modern progress to the barbarian tribes of Africa.²⁰

¹⁷ D.E. Apter, *The Politics of Modernisation*. Chicago and London: University of Chicago Press. 1965: 3.

¹⁸ R. Thornton, *What is ‘civil’ about ‘civil society’ in Africa? A Review Essay*. Internet: <http://www.wits.ac.za/fac/arts/socanth/Civil%20society.html>. April 1997: 8.

¹⁹ G.W.F Hegel, *The Philosophy of History*, New York: Dover Publications. (1837) 1956:

²⁰ C.M Jean, *Behind the Eurocentric Veils: The Search for African Realities*. Amherst: University of Massachusetts Press. 1991: 16.

The underlying logic informing this assumption was that structures and processes of human societies develop from simple forms of traditionalism to complex expressions of modernity. In 1876 Herbert Spencer wrote that progress with respect to “size, coherence, multiformity and definiteness” in the structure of society would lead to change from simplicity to complexity.²¹ In his classic study ‘Ancient Law’, Sir Henry Maine argued that legal development was a shift from “status to contract in legal principles, processes and institutions of progressive societies”.²² This was echoed by the German theorist Ferdinand Tonnies who stated that the process of modernisation would transform customs and folkways to formal legislation as the structural basis of society shifted from a community in which ‘natural will’ predominated to an association dominated by ‘rational will.’²³ Durkheim also saw a transformation as necessary from a ‘mechanical’ primitive society in which repression was utilised to enforce compliance with custom, to an ‘organic’ modern society based on functional interdependence.²⁴

The early twentieth century theorist Max Weber regarded modernity as emerging from a transformation in which political traditionalism expressed in the highly personal but unaccountable forms of gerontocracy, patriarchy and patrimonialism developed into a rational-legal modern state. He excluded racial determinism from the complex forces of history and disavowed suggestions of Western cultural superiority; however, he regarded the West as unique in terms of its emphasis on rationalism. He argued that no other culture had invented harmonious music based on rational intervals of scales, nor had any other culture produce a science that moved beyond observation to experiment. The West developed rational calculation in the form of book keeping, transformed profit making and invented the notion of a wage. Furthermore, Western societies were based on a technically superior form of administration in the form of the modern rational-legal bureaucracy. This modern bureaucratic rationalism was regarded as the inescapable destiny of the world; the fact that the West led the transformation meant that it was more

²¹ H. Spencer, *Principles of Sociology*. S. Andreski (ed) London: Macmillan. 1969: 155.

²² H. Maine, *Ancient Law*. London: John Murray. 1908: 151.

²³ F. Tonnies, *Community and Association*. London: Routledge and Kegan Paul. 1955.

²⁴ E. Durkheim, *The Division of Labour in Society*. New York: Free Press. 1964.

advanced, not necessarily superior. Hence, traditional culture was regarded as an evolutionary stage in the modernisation process.²⁵

Talcott Parsons utilised Weberian typology to characterise other subsystems and cultural formations. He argued that in non-literate societies, kin networks are intertwined with instrumental, political and religio-cultural structures and thus social life is ascriptive, diffuse, affective, particularistic and dominated by concern for the group's welfare. In contrast, the West (United States in particular) is quintessentially rational as social action is governed by norms of achievement, specificity, neutrality, universalism and self-interest because social institutions are differentiated from the kinship system. The transformation of non-literate societies depends on this differentiation; however, "there seems to be no doubt that there is an inherent factor of the directionality of change in social systems, a directionality which was classically formulated by Max Weber in what he called the 'process of rationalization'... We may speak of the process of rationalization with considerable confidence as a general directional factor in the change of social systems".²⁶

Karl Marx also conceived of a modernisation process driven by a class struggle from one mode of production to another. The economic structure of society conditions the social, political and intellectual process (superstructure), thus one cannot conceptualise of a democratic form of governance in a largely peasant society or one governed by feudal means and forces of production. Industrial capitalism is necessary to create the conditions for a worker revolt and the subsequent development of a true democracy based on an industrial order in which classes and private property are absent and science and secularism dominate, thereby "replacing the domination of circumstances and change over individuals by the domination of individuals over chance and circumstances".²⁷ Marx likened the French peasantry to a "sack of potatoes"²⁸ engaging in the "ideocity of

²⁵ M. Weber, *The Theory of Social and Economic Organisation*. (Ed) Talcott Parsons. New York: Free Press. 1964.

²⁶ T. Parsons, *The Social System*. Glencoe: Free Press of Glencoe. 1951.

²⁷ K. Marx, *Selected Writings*, (ed) D. McLellan. Oxford: Oxford University Press. 1977: 190.

²⁸ K. Marx, "The Eighteenth Brumaire of Louis Bonaparte" in *Selected Works*, Vol 1. Moscow: Foreign Languages Publishing House. 1958 (1853): 334.

rural life”.²⁹ Traditional Asian life was described as an “undignified, stagnatory and vegetable life” under “oriental despotism” which “restrained the human mind, making it the unresisting tool of superstition...depriving it of all grandeur and historical energies”.³⁰ Although his democratic solution differed to that advocated by liberal democrats, Marx followed the broad pattern of castigating traditional cultures and societies by regarding them as a mere step in the evolution of a modernized, rational and democratic society. In short, “the country that is more developed industrially only shows to the less developed, the image of its own future”.³¹

In general, theorists in the 1960’s drew on the liberal or democratic-socialist traditions by defining modernisation as “the process of change towards those types of social, economic and political systems that have developed in Western Europe and North America”.³² As “a modernizing force” colonialism was “the model by which modernisation has been universalized”³³; in other words, by means of colonialism the modernized Western world brought ‘primitive’ Africans to their ‘civilised’ destiny. Further factors stimulating modernisation include an increase in population size, environmental changes, technological innovation, urbanisation and industrialisation. Modernisation does not necessarily involve industrialisation as industrialisation is just one aspect of modernisation; a period in society when manufacturing determines societal roles. In many African countries, modernisation occurred as a result of commercialization and bureaucratization rather than industrialisation.³⁴

Nevertheless, modernisation theorists such as Apter and Fallers conceptualised a broad model by which modernisation’s effects on society and culture could be analysed. In brief, new economic activities lead to the development and differentiation of new stratifications and societal roles. Apter highlighted the three forms of social stratification

²⁹ K. Marx, “Manifesto of the Communist Party” in *Selected Works*, Vol 1. Moscow: Foreign Languages Publishing House. 1958 (1853): 38.

³⁰ K. Marx, “British Rule in India” in *Selected Works*, Vol 1. Moscow: Foreign Languages Publishing House. 1958 (1858): 350.

³¹ K. Marx, *Capital*, I. Harmondsworth: Penguin. 1976: 91.

³² S. N. Eisenstadt, *Modernisation: Protest and Change*. Englewood Cliffs, NJ: Prentice Hall. 1966: 1.

³³ D.A. Apter, *The Politics of Modernisation*. Chicago: University of Chicago Press. 1965:52.7

³⁴ *Ibid*, p.43, 67.

that frequently co-exist in modernizing societies. These include the caste system (in the widest sense as including racial and cultural stratifications), the class system and the system of statutory hierarchies within which individual competition occurs. He also highlighted three 'ideal type' roles found in modernizing societies namely traditional, adaptive (partial transformation of traditional roles) and innovatory (new) roles.³⁵ The competition of these roles can take two courses namely, 'reconciliation' and 'mobilization.' In the former case, the diversity of roles and stratifications is maintained, but the enlargement of the 'modern sector' ensures that competition puts traditional roles at a disadvantage. In the latter case the state or ruling party assumes control of the economy and the development of new social roles, resulting in radical cultural transformations.³⁶ Hence, in both cases traditional roles are challenged.

In this modernizing society, income, wealth and ascription come to determine social status as opposed to lineage and kinship groups.³⁷ In addition, kinship groups shrink as occupation roles exist outside the domestic context and are more mediated by the educational structure and labour market than by relationships with kinship members.³⁸ Furthermore, in this external sphere, local particularistic links are forged between different members of class and status groups thereby ensuring that members of kinship groups become members of a more impersonal polity. In this new polity, new values and social morals compete with traditional values particularly since members of the new class and status groups attempt to justify and defend their positions by manipulating culture and the image of the 'admirable man'.³⁹ As old cultures are questioned, old forms of power decline and change. For example, the fact that "the libations and sacrifices he (the chief) offers have lost their full significance for some of his Christian subjects, who no longer believe that the crops will fail or that misfortune will befall the tribe if the sacrifices to the ancestors are not performed"⁴⁰ largely contributed to the decline in the

³⁵ Ibid, p. 123-124.

³⁶ Ibid, p.25, 36.

³⁷ K.A. Busia, *The Challenge of Africa*. London and Dunmow: Pall Mall Press. 1962: 131.

³⁸ L. Fallers, "Equality, Modernity and Democracy in the New States" in C. Geertz (ed), *Old Societies and New States*. London: Free Press of Glencoe. 1963: 167.

³⁹ Ibid, p.182, 162.

⁴⁰ K.A. Busia, *The Position of the Chief in the Modern Political System of Ashanti*. London: Oxford University Press. 1951: 197.

power of the Ashanti chiefs in Ghana. Furthermore, old leaders lose power as their economic position is eroded; for example, the traditional tributes received by the chief in exchange for protection, land, and cattle are not forthcoming because members of the 'tribes' can accrue economic resources beyond the scope of the tribe.⁴¹ In other words, modernisation has "destroyed the old correlation between the chief's political power, religious authority, economic privilege and military strength, with the consequent decline in his prestige and authority".⁴²

The declining power of old authorities results in the emergence of new authorities. At the political level, a party system and administrative sphere based on bureaucratic principles are established to maintain social order. This politico-administrative system links different social groups and strata on the basis of rational criteria. It is in this context Apter's 'sacred collectivity model' becomes transformed into a 'secular-libertarian model'⁴³ which fosters 'democratic' personality types. The development of skills, awareness of time and mastery over nature is transformed into a search for personal integrity, work and respect. Tolerance is a result of the exposure to socio-economic change and education.⁴⁴ According to Lipset, education reflects the higher levels of political capacity, interests and participation.⁴⁵ This in turn increases popular expectations from government, a greater ability to comprehend and participate in national-level politics and the development of a civil society. This ensures that expertise forms the basis of the new, modern political realm and that secular, universalistic values are diffused throughout the system;⁴⁶ thereby providing the impetus towards a liberal democracy which is based on an 'ethic of science'⁴⁷ and is thus, the embodiment of political modernity.

⁴¹ Ibid, p.199; L. Mair, "African Chiefs Today" in P.F.M. McEwan and R.B. Sutcliffe (eds), *The Study of Africa*. London: Methuen. 1965: 112.

⁴² K.A. Busia, "The Chief in Ashanti", p.214.

⁴³ D.E. Apter, 'The Politics of Modernisation', p. 28-30.

⁴⁴ M. Moore, "Is democracy rooted in material prosperity?" in R. Luckham and G. White (eds), *Democratization in the South: The Jagged Wave*. Manchester: Manchester University Press. 1996: 54.

⁴⁵ S. M. Lipset, *Political Man*. London: Mercury Books. 1960: 55.

⁴⁶ G. White, "Civil Society, Democratization and Development" in R. Luckham and G. White (eds), *Democratization in the South: the Jagged Wave*. Manchester: Manchester University Press. 1996: 190;

L. Fallers, "Equality, Modernity and Democracy", p.205.

⁴⁷ D.E. Apter, "The Politics of Modernisation", p.461.

Marxist political scientists portray a similar great transformation. The rise of a bourgeoisie provides the political impetus for liberalization, and subsequent democratization. The growth of this class is conditioned by a number of variables, these include the pluralisation of social power; separation of public and private spheres; the assertion of public ownership rights; demands for political rights and freedoms; state power being undermined by the force of the market; the desire of dominant classes to tame the state and to use it to serve their interests and lastly the democratizing influence of other groups brought into existence through successful capitalist development.⁴⁸ In other words, economic growth through industrialisation provides the platform on which democratic values, institutions and processes can be sustained. Capitalist socio-economic development enhances the power of the working class as a democratic force and diminishes the power of 'anti-democratic' social groups.⁴⁹ Hence, as Gavin Kitching argues, "materially poor societies cannot produce the democratic life which is an essential pre-requisite for the creation of socialist democracies".⁵⁰

Both liberal and socialist theorists used modernisation theory to identify longer term, glacial factors such as changes in cultural and socio-economic systems that are vital in the historical transition from 'traditional' to 'modern' societies. Although the economic prerequisites for democracy are an important facet of modernisation theories⁵¹, for the purposes of this study I will focus on the tenet that modernisation and democracy inevitably undermines tradition and traditional forms of authority. As Mair argues, "It is quite easy to predict that the chiefs will eventually disappear from the scene...Although their position differs in many respects from that of a landed aristocracy in Europe, it is equally vulnerable to the forces of modern economic development".⁵² Modernisation theorists falsely assumed that African culture would emulate European cultural history. Thus, these theorists used "the measuring rod of Western democracy to describe the

⁴⁸ G. White, "Civil Society, Democratization", p. 190.

⁴⁹ A. Leftwich, "On the Primacy of Politics in Development" in A. Leftwich (ed), *Democracy and Development*. USA:Polity Press. 1996:9-10.

⁵⁰ Cited in Leftwich, "Politics in Development", p.9.

⁵¹ See Lipset, "Political Man". Moore, "Material Prosperity". Leftwich, "On Primacy of Development".

⁵² L. Mair, "African Chiefs Today", p.120.

working of regimes that by tradition and necessity cannot be measured in this way".⁵³ This is evident in Fallers' analysis of the persistence of tradition amongst the Soga in Uganda: "If something resembling the liberal democratic state for Uganda as a whole is the aim, then we may say that the prerequisite institutions do not yet exist or are as yet only partially institutionalized".⁵⁴ Thus, the prerequisites used by these political 'scientists' were derived from Western history and Western assumptions thereby ensuring that African cultural factors such as concepts of power, the person, witchcraft, polity and chieftainship were largely ignored.

In reality, "in modern Africa, signs of the traditional past are everywhere apparent".⁵⁵ As Appiah recalls, "I grew up knowing we were democrats and that we respected chieftaincy".⁵⁶ But, modernisation theorists were unable to conceive of this combination as their rhetoric was based on dichotomies such as rural/urban, traditional/modern, subject/citizen, underdeveloped/developed, and primitive/civilised largely derived from the Eurocentric philosophical traditions of Aristotle, Hegel, Weber and Marx. Their failure to understand the complexity of Africa ensured that they were unable to conceive of a democratic formula that combined the modern and the traditional in the form of a 'mixed government.'

Mixed Government

In the search for parliamentary democracy the new states sought partly to adapt traditional African systems and partly to adapt Eurocentric models. The result was a fusion in which "western-type executive, judicial, and legislative institutions exist side by side with 'traditional' institutions - familial, religious, economic and political".⁵⁷

⁵³ E. Shils, "On the Comparative Study of the New States" in C. Geertz (ed), *Old Societies and New States: the Quest for Modernity in Asia and Africa*. USA: Free Press of Glencoe. 1963:24.

⁵⁴ L. Fallers, *Bantu Bureaucracy*. Cambridge: Heffer and Sons. 1965: 246.

⁵⁵ E.O. Awogu, *Political Institutions and Thought in Africa: An Introduction*. New York: Vantage Press. 1975:179.

⁵⁶ K.A. Appiah, *In My Father's House - Africa in the Philosophy of Culture*. Great Britain: Methuen. 1992:256.

⁵⁷ W.S.T. Clair Drake, "Traditional Authority and Social Action in Former British West Africa" in *The Study of Africa*. London: Methuen. 1965: 121.

Modernisation theorists regarded the fact that “the two types of authority systems to-day stand side by side in the same society, both institutionalised and both in large measure treated by the same persons as legitimate,” as “unusual” and “interesting”⁵⁸ precisely because modernisation theory was unable to conceive of a role for tradition in the modern society, beyond that of a ‘buffer’ to ease the pain of modernisation. In reality, tradition came to play a prominent role in the new African states as one dimension of a dualistic authority.

Plato, Aristotle and Polybius highlighted the notion of ‘mixed government’ to refer to a mixture of political institutions designed to protect the interests of both the poor and the rich. In its modern form, the notion has been used to refer to the Estates-Generals of France, which represented the clergy, nobles and citizens of towns, and the Mixed Monarchy of England. Neither one of these usages accurately comes to grips with the African form of ‘mixed government.’ On the other hand, Medieval Europe’s bifurcated political life consisting of two “self-subsistence realms of government at arms length from one another” known as *Princeps* (King and military organisation) and *Populus* (Judicial and municipal officials independent of the King), shares the political cleavages prevalent in modern Africa.⁵⁹ Under a single undisputed sovereign, two dimensions of government co-exist namely, a state sovereignty and traditional government. Both dimensions govern the same communities of citizens and subjects.

Mamdani also describes modern African politics as bifurcated but argues that traditional authorities rule subjects who act in a traditional, ‘non-political’ way and are thus not included in the citizenship of the state, while the elected government rules citizens in urban areas who are fully incorporated into the politics of the rational-individualist state.⁶⁰ It is clear that Mamdani falls into the Eurocentric trap by focusing too much on dichotomies, epitomised by the title of his book, *Citizen and Subject*, and in so doing he fails to understand the linkages between urban and rural areas facilitated largely by the

⁵⁸ L.A. Fallers, “Bantu Bureaucracy”, p. 19.

⁵⁹ R.L. Sklar, “The African Frontier for Political Science” in R.H Bates, V.Y Mudimbe, J O’Barr (eds), *Africa and the Disciplines*. Chicago: University of Chicago Press. 1993: 86.

migrant labour system and the power of the chiefs in both these areas. Furthermore, Mamdani makes the Eurocentric fault of assuming that the power of chiefs is restricted to the sphere of society which is bound up by ethical conviction, ties of affection and shared worlds of meaning, or is confined to the private realm, the realm of individual beliefs and actions. In other words, he shares the Western view of the state as claiming supreme authority over a territorial domain, having the right to back up its authority with force and functioning without personal affection, religion, ethnicity and tradition.⁶¹ The public domain on this account includes the government of the territorial states, their subdivisions and international organisations created by territorial states.⁶² Mamdani fails to understand the dynamics of a 'mixed government' in which both chiefs and the sovereign state are regarded as legitimate by citizens in both urban and rural areas.

In modern Africa, the state shares the public realm with a second state or 'state-behind-the-state.' The officials of the second state are traditional authorities; in other words, these individuals owe their positions of public trust to customary, rather than statutory rules although statutory law usually regulates their duties and appointments.⁶³ The nature of the 'mixed government' differs from country to country. In some states, the mixed government is dual rather than consolidated into two systems of authority; in other words, traditional rulers have advisory, ceremonial and extra-constitutional powers. In others, the constitution incorporates traditional leaders into the basic processes of modern government. Hence, mixed government follows two broad patterns: first, the participation of traditional authorities in the exercise of sovereign authority occurs on a privileged basis and is usually designed simply to enhance the legitimacy of the modern state. Second, traditional authorities function in accordance with customary law, and practice in their own domains at national and local levels. Botswana, Nigeria and Senegal follow the former pattern, while Ghana and Lesotho follow the latter.⁶⁴ In Botswana, the

⁶⁰ Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. USA: Princeton University Press. 1996: 25-26.

⁶¹ K.A. Appiah, "In my Father's House", p.257-258.

⁶² R. L. Sklar, "The African Frontier", p.87.

⁶³ Ibid, p.87.

⁶⁴ Ibid, p.92.

government consults the *kgotla* (public meetings conducted by chiefs)⁶⁵ have an impact on the grass-roots level. In Nigeria, the constitution of Traditional Councils presided over by traditional leaders, to advise Government Councils although they lack executive, legislative or judicial powers. In most cases, the secular system of modern government is superior in terms of its control over political resources particularly finances, but technically there is supposed to be mutual accommodation between the two states. The extent to which this occurs and the nature of the mixed government depends largely on the outcome of zero-sum games in which the chiefs and the state are locked into a mutually dependent but competitive relationship.⁶⁷

Chiefs and the State

Mamdani argues that the institution of chieftainship is a “legacy of late colonialism”⁶⁸; in other words, the survival of the chiefs “depended largely on the pattern of colonial administration”.⁶⁹ Indirect Rule as formulated by Lord Lugard ensured that the power of the chiefs was like a “clenched fist” in which administrative, bureaucratic, judicial, legal, and executive powers were fused, thereby entrenching their elite status and economic superiority.⁷⁰ However, this view fails to recognise that colonial principles of devolution, hierarchisation and bureaucratisation served to undermine the authority of the chiefs in the eyes of the people, and thus undermined their long-term survival. The fact that the chiefs continue to exercise considerable power in modern Africa points to an alternative explanation for their continued existence which includes colonialism, modernisation, the

⁶⁵ Traditionally attendance of these meetings was restricted to men but now they include women and non-Tswana minority groups. This highlights the adaptability and resiliency of traditional institutions to democratic settings. Sklar, “The African Frontier”, p.91.

⁶⁶ Ibid, p.90.

⁶⁷ E.A.B. van Rouveroy van Nieuwaal, “Chieftaincy in Africa: Three Facets of a Hybrid Role” in E.A.B. van Rouveroy van Nieuwaal and R. Van Dijk (eds), *African Chieftaincy in a New Socio-Political Landscape*. Hamburg: Lit Verlag. 1999: 24.

⁶⁸ Mamdani, “Citizen and Subject”, p.26.

⁶⁹ E.O. Awogu, “Political Institutions and Thought”, p.184.

⁷⁰ Mamdani, “Citizen and Subject”, p. 26.

legitimacy crisis faced by the new states, the adaptability of the chiefs and the “indestructible appeal”⁷¹ of African culture.

Colonialism’s impact on the chiefs varied depending on whether direct or indirect forms of rule were utilised.⁷² Without going into too much depth at this stage, direct rule simply abolished the formal authority of the chiefs while indirect rule sought to rule the indigenous people through the chiefs. In other words, indirect rule incorporated the institution of chieftaincy into the political and administrative structure using the three main principles of devolution, hierarchy and administration districts. In terms of devolution, the central state through the figure of the district officer would reserve the right to appoint, install and dismiss chiefs thereby overriding traditional rules of divesture. In addition, the colonial government invented or strengthened hierarchical relations between different chiefs. It also placed the chief in an intermediary position between the local colonial administration and population. Furthermore, colonial regimes created administrative districts on the bases of artificial territorial boundaries. This altered the principles of authority and leadership between the chief and his subjects, which were previously based on social, cultural, political and personal relations.⁷³ These three principles facilitated the development of a “civil-service chief”⁷⁴ who was totally dependent on the state for recognition and financial resources.

As the agent of colonial intrusions, the chief was further alienated from the people and further came to depend on the colonial government for political, economic and military support. This support enhanced the chief’s power and ability to extract resources from the

⁷¹ R. Thornton, “What is ‘civil’ about ‘civil society’ in Africa”, 9.

⁷² For an extensive discussion on various forms of direct and indirect rule see E. A. B van Rouveroy van Nieuwaal, “Chiefs and African States: Some Introductory Notes and an Extensive Bibliography on African Chieftaincy” in *Journal of Legal Pluralism*. Vo. 25-26. 1987: 9-14. The structure of indirect rule also varied from country to country. In Eastern Nigeria, chiefs were *ex officio* presidents or chairmen of local councils. In Ghana and Western Nigeria, up to a third of local councillors were chiefs and an advisory council of chiefs was established at a later stage. In Zambia and Malawi, chiefs dominated rural local councils. See D. A Kotze, *Traditionalism in African Local Government with Special Reference to the Transkei and Lesotho*. PHD thesis. Stellenbosch: University of Stellenbosch. 1968: 95-96.

⁷³ T. Van Trotha, “From Administrative to Civil Chieftaincy” in *Journal of Legal Pluralism* (37&38). 1996: 77-82. E.A.B. Rouveroy van Nieuwaal, “Chiefs and States - Are Chiefs Mere Puppets?” in *Journal of Legal Pluralism* (37&38) 1996: 41-43.

⁷⁴ L.A. Fallers, “Bantu Bureaucracy”, p. 188.

poverty-stricken peasants. Experience in the colonial administration increased the adaptability of the traditional chief to the new modern bureaucracy. This experience and the resources accumulated, served to place chiefs in the African modern elite. However, collaboration and great misuse of power served to delegitimise the chiefs. Thus, the chiefs were not only materially dependent on the new independent state but also needed it to buttress their fading popular legitimacy. On the other hand, the needs of the new African states salvaged the position of the chiefs whose role as ‘protectors’ of the traditional world came to be emphasised and manipulated.

The elites of the newly independent countries attempted “simultaneously to elevate the dignity of their traditional culture and their standing in the world. But they also wish(ed) to have for the sake of economic progress and because it is entailed in being modern, a modern culture”.⁷⁵ They were faced with the problem of establishing and maintaining a modern political apparatus as well as the problem of bridging the cultural gap left by the West because “no state, not even an infant one, is willing to appear before the world as a bare political frame. Each would be clothed in a cultural garb symbolic of its aims and ideal being”.⁷⁶ By donning the ‘cultural garb’ these elites attempted to develop a sense of national pride by countering the negative and racist connotations implicit in the intellectual and cultural dominance of their previous colonial overlords. Thus, because they saw the chiefs as “symbols of national pride” they could not simultaneously repudiate them altogether and assert the value of their own historic tradition.⁷⁷ Furthermore, they needed the chiefs and the tradition they embodied to ‘buffer’ the modernisation process and the imposition of an alien bureaucratic culture, in an attempt to overcome the problem of accruing support for activities and social relations that “were not only different from those familiar to traditional societies but that also had developed out of an alien tradition and came backed by an alien power”.⁷⁸ Generally, the new elites needed tradition, and chiefs in particular, to enhance their popular legitimacy and to act

⁷⁵ E. Shils, “On the Comparative Study of the New States” in C. Geertz (ed), *Old Societies and New States: The Quest for Modernity in Asia and Africa*. USA: Free Press of Glencoe. 1963: 2.

⁷⁶ M. Marriott, “Cultural Policy in the New States” in C. Geertz (ed), *Old Societies and New States: The Quest for Modernity in Asia and Africa*. USA: Free Press of Glencoe. 1963: 27.

⁷⁷ L. Mair, “African Chiefs Today”, p. 114.

⁷⁸ L. Fallers, “Equality, Modernity and Democracy”, p. 193.

as voting banks. Utilizing modern forms of political expression such as the political party and ideology, leaders manipulated tradition because it was a valuable resource in the sphere of power. For example, in the Congo, the image of the president was projected as a reflection of a traditional sovereign, seizing the throne to protect his people, acting as a just and charismatic chief in the best interests of the collectivity.⁷⁹ Leaders across Africa literally donned the garb and rhetoric of their chiefly counterparts in an attempt to legitimize their presence.

Thus, chiefs and the state were locked in a dependent relationship but they also competed for control over resources and the allegiance of the people. All African countries sought a means of controlling the chiefs, because “just as the chief was the center of opposition to colonial rule at the initial stages, so too the chief constituted a new threat to the political power of the new African leaders”.⁸⁰ Legislation attempted to encapsulate the chiefs into the bureaucratic structure so that recalcitrant chiefs could be punished like mere civil servants or simply dismissed; in other words, the state attempted to use the colonial principles of devolution, hierarchy and administrative districts to subvert the power of the chiefs. However, these efforts met with limited success because chiefs were actors who had access to a number of different resources.

First and most importantly, chiefs had a resource in the legitimacy bestowed from below by the people. As chiefs were regarded as a ritual and moral authority they served as a buffer against foreign intrusions, which came in the form of the state and its accompanying bureaucracy. Many people did not comprehend the nature of the new states so they turned to the ‘old language’ of tradition which seemed to offer them protection and peace of mind. Space for the chiefs to maneuver was created by this “gap that exists between a modern, bureaucratic, organised state that derived its authority from state law, and the social context of the majority of the African citizens associated with a completely different ideological, symbolical and cosmological world view”.⁸¹ Thus the

⁷⁹ G. Balandier, *Political Anthropology*. Translated by A.M. Sheridan Smith. Great Britain: Penguin Press, 1970: 177,

⁸⁰ E.O. Awogu, “Political Institutions and Thought”, p. 189.

⁸¹ E.A.B. Rouveroy van Nieuwaal, “Chiefs and States”, p. 53.

chief was used as an icon against external threats and as a figure through which people could voice their concerns. As Mair argues, “it is around their office that much local opposition rallies in an attempt to preserve long-cherished prerogatives and old methods of social control. Where these happen to be local economic interests, which it is felt the State does not sufficiently recognise, these also may seek to use the chief as a mouthpiece and political front”.⁸² This was evident in Kabylia in Algeria where peasants were incapable of conceiving in what way they belonged to an abstract state so they revived their old forms of authority to place pressure on the state. In Aures, peasants used the chiefs to service ends opposite to tradition namely, to complain about under-administration and the slowness of modernisation in their area.⁸³ Thus, the allegiance of the masses ensured that chiefs had access to a powerful bargaining chip in their relations with a modern state that was desperately seeking legitimacy and respect.

Whilst emphasising their role as ‘guardians of tradition’, many chiefs simultaneously turned to modern enterprises to entrench their position as members of the entrepreneurial elite. Not only were chiefs highly educated and part of the state bureaucracy but, changes in the modern economy had created new economic opportunities for them. Busia cites the case of an Ashanti chief who was a cocoa-broker, rubber-processor, and an owner of a tile and water-cooler factory.⁸⁴ Although this removed the chief’s dependence on the state for resources it was a risky strategy because the chief was involved in the modernity that his subjects feared, thereby creating a situation of mistrust and suspicion.

Thus, the chief had a foot in both the traditional and modern realms but achieving the balance between two inherently conflicting roles and loyalties was often difficult. Nevertheless, the chief’s ability to “take off his traditional garment and trade it for a European outfit”⁸⁵ enhanced his ability to maneuver in conflicts with the state. As van Rouveroy van Nieuwaal argues, “chiefs and states are profit-maximizing actors who

⁸² L. Mair, “African Chiefs Today”, p. 107.

⁸³ G. Balandier, “Political Anthropology”, p. 173.

⁸⁴ K.A. Busia, “The Chief in the Modern Political System of Ashanti”, p. 200.

⁸⁵ E.A.B. Rouveroy van Nieuwaal, “Chiefs and States”, p.62.

constantly strive to expand or at least stabilize their power".⁸⁶ However, the fact that their relationship was also characterised by mutual dependence, ensured that the conflict could be contained and diverted to serve democratic ends.

Chiefs and Democracy

In the last section I focused largely on the transition to modernisation and democracy in the newly independent African states. As was shown, the new elites and the masses desperately clung to tradition to offset what they believed were the negative effects of bureaucratization and other forms of modernisation. Although I referred to the chief's mutually dependent yet competitive relationship with the state in past tense, this is not where the story ends, contrary to what modernisation theorists would have us believe. Many African citizens lost faith in the ability of the modern state to serve their needs. This was based on a gross overestimation of the ability of these states as well as the inability of the state to foster socio-economic development. Thus, the relationship between the state and civil society degenerated into oligarchic patrimonialism. The African state frequently resorted to force to accrue support and thus African states became characterised by human rights abuses, chronic instability, glorification of personalities, poverty, increased national debts and the flight of African intellectuals. Once again, the people turned to the chiefs as an alternative form of power, and the state desperately sought an alliance with the chiefs to increase its legitimacy. Thus to many, a coalescence between tradition and modernity would increase the ability of a uniquely African version of democracy to gain a foothold in a war-torn and poverty-ridden continent.

Opponents of this notion of 'mixed democracy' argue that the existence of chiefs in national government increases the negative and divisive effects of ethnicity on the sense of nationhood; they block innovation and development; enhance patrimonialism; and the nature of their institution contradicts the essence of democracy. According to Fallers and Geertz, the existence of chiefs enhances the conflict between primordial and civil

⁸⁶ E.A.B. Rouveroy van Nieuwaal, "Chieftaincy in Africa", p. 25.

sentiments, and in so doing undermines the nation and the government itself⁸⁷ by “sapping people’s loyalty to the wider society and polity”.⁸⁸ Fallers cites the case of the Baganda who view the traditional kingdom as the natural vehicle for modernisation and thus refuse to give loyalty to the wider national unit.⁸⁹ However, this argument is based on the assumption that loyalty to the State is ‘modern’ while loyalty to the tribe is anachronistic. In other words, it falsely assumes that one cannot simultaneously be loyal to one’s lineage or tribe and to a larger unit, the nation.

Apter argues that the existence of tradition in a modern state undermines innovation and development and would thus contribute to Africa’s economic impoverishment and state mismanagement.⁹⁰ However, this view fails to recognise the adaptability of tradition, and chiefs in particular. As Busia argues, “The chiefs have adapted themselves to the new situation and have led in the construction of roads, the establishment of treasuries, the building of schools, the provision of wells, sanitary services, and the like”.⁹¹ Furthermore, innovation coated in tradition would appear more as an endogenous initiative and thus have a greater chance at success in a continent wary of alien intrusions.

Fallers argues with reference to the Soga in Uganda that the hierarchically, centralised state and lineage organisation is structurally antagonistic and thus “makes for strain and instability”⁹². In the modern bureaucracy, authority pertains to the office not the person but rules are designed to maximise disinterestedness and impersonality. But by introducing an element of tradition and personal loyalty in the form of kinship, this notion of rationality is distorted and thus “behaviour which in the traditional system contributed to laudable personal loyalty becomes, in terms of the civil service system, ‘nepotism’ and ‘corruption’”.⁹³ This argument is based on two Eurocentric assumptions: first, the rational, impersonal Western notion of bureaucracy is the superior form of institutional

⁸⁷ C. Geertz, “The Integrative Revolution” in C. Geertz, *Old Societies and New States*. London: The Free Press of Glencoe. 1963: 111.

⁸⁸ L. Fallers, “Equality, Modernity and Democracy”, p. 203.

⁸⁹ *Ibid*, p. 203.

⁹⁰ D.E. Apter, “The Politics of Modernisation”, p.82.

⁹¹ K.A. Busia, “The Chief in Ashanti”, p. 197.

⁹² L.A. Fallers, “Bantu Bureaucracy”, p. 17.

⁹³ *Ibid*, p. 19.

organisation. Second, Fallers fails to understand the nature of the traditional political system in which loyalty, tributes and so forth were monitored by checks and balances to ensure that a misuse of authority did not occur.⁹⁴ Thus, there is no reason to assume that the traditional system would necessarily allow for nepotism in the modern state.

In general, opponents of the role played by traditional leaders in the modern democracy argue that it undermines the precepts of democracy. Traditional leaders are the embodiment of rural patriarchy; its hereditary title, male-centredness, racial and tribal nature and history of repression during colonial times is an obstacle to a non-sexist and non-racist democracy.⁹⁵ These objections are valid but fail to recognise how traditional leaders can advance the consolidation of democracy in Africa in terms of increasing popular participation, maintaining social order, acting as a form of checks and balances, increasing government accountability and aiding the state in executing its policies.

Skalnik describes these 'mixed governments' as being characterised by elements of direct democracy complementing representative democracy.⁹⁶ The fact that "the vast majority of Africans in all probability know only their immediate local, traditional, or religious rulers and governing councils"⁹⁷ places the chief in an important position. The masses have a direct relationship with the chiefs with whom they can share their grievances personally. The chief may in turn approach the head of the modern state with these problems. This scenario ensures that the state is linked to the people and is aware of their needs as well as ensures that it can be held accountable by the people. In other words, this chiefly linkage is responsible for increasing popular participation in the processes of governance and enhances the effectiveness of government policies. The chief could also be an important executor of these policies at local level.⁹⁸ Furthermore, the chief could

⁹⁴ These checks and balances came in the form of a council of elders, council of men, the ability of unhappy subjects to leave the tribe and succession disputes. See W. D. Hammond-Tooke, *Command or Consensus: the Development of Transkeian Local Government*. Cape Town: David Philip. 1975; J. L. Comaroff, "Chiefship in a South African Homeland" in *Journal of South African Studies*. Vol. 1-3. 1974-77: 41; C. B. Maclean, *A Compendium of Kafir Laws and Customs*. Grahamstown: Slater. 1906: 24.

⁹⁵ C. Keulder, *Traditional Leaders and Local Government in Africa: Lessons for South Africa*. Pretoria: Human Sciences Research Council. 1998: 2.

⁹⁶ P. Skalnik, "Authority versus Power" in *Journal of Legal Pluralism* (37&38). 1996: 118.

⁹⁷ H. L. Bretton, *Power and Politics in Africa*. Chicago: Aldine Publishing Company. 1973: 141.

⁹⁸ K.A. Appiah, "In My Father's House", p. 275.

act as a set of vertical as well as horizontal checks and balances where it is incorporated into the state structure.⁹⁹ Lastly, the chiefs and the traditional values they represent are necessary to maintain civic morale and a degree of social order and stability in societies in flux and in times of hardship.¹⁰⁰ Thus, Africa's political revival could be aided by uniting the modern and the traditional in a political framework. As Harris argues, "The urgent task for political leadership in the new African republics is to seize the idea of constitutionalism by limiting the power of the rulers, reconstituting the polity and engendering new forms of political solidarity that incorporate fragments of the African political tradition into a new constitutional framework".¹⁰¹

Hence, the fact that African states have accepted modernisation selectively does not necessarily hinder the success of democracy in the continent. After all, "democratic norms and principles are universal, but the institutions which inform democracy and the concrete forms of its political space may vary in times and space".¹⁰² The success of democracy is not determined by the existence of modern Western institutions but by the extent to which a society reaches the ideal of a "government by the people, for the people, and of the people". As an ideal, Africa's 'mixed government' is an attempt to solve Africa's unique problems with a unique African solution; only time will tell whether this solution will fare better than that advocated by modernisation theorists. It may produce negative results but in the meantime,

"those who have the courage, and enough respect for the African to point out the shortcomings of contemporary political experiments, as measured against the accepted and avowed standards, perform a valuable service for democracy as well as for Africa; those who fall over backwards, whether out of desire to please, or fear to give offense, or contempt for the African, to defend the shortcomings and represent them as the best that can be achieved are being pernicious to both the

⁹⁹ P. Skalnik, "Authority versus Power", p. 118.

¹⁰⁰ Sklar, "The African Frontier", p. 91.

¹⁰¹ Cited in Sklar, "The African Frontier", p.105.

¹⁰² G. Nzongola-Ntalaja, "The State and Democracy in Africa" in Nzongola-Ntalaja and Lee (eds), *The State and Democracy in Africa*. Zimbabwe: AAPS Books. 1997: 2.

freedom and welfare of the African societies and to international relations and world peace".¹⁰³

Mixed Methodologies

The Eurocentric paradigm does not provide an adequate account of African culture and African realities because it assumes a hegemonic universal character. Western culture is placed at the center of the social structure and is used as a reference point, or yardstick by which other cultures are measured. As shown above, modernisation theorists were more concerned with explaining the fate of Western institutions, values and power in an African context. This paradigm is based on dichotomies, which regard deviations from the Eurocentric model as defective conditions. As Whitaker and Sklar argue, social scientists in Africa need to revise their methodologies to include Afrocentricity (Afrocentrism), which broadly states that "those who interpret Africa should acquire a sympathetic understanding of African thought and values".¹⁰⁴ Thus, one needs to question not only what methods researchers use in the field but also what they conceptually take to the field.¹⁰⁵

Afrocentrism has its origin in three areas of inquiry: first, it emerged out of the intellectual trends of post-modernism, Marxism, and the destruction of other ideas in post World War Two academia. Writers such as Foucault, Derrida, Jameson and Greenblatt castigated the bourgeois social order as corrupt, repressive and arbitrary, and argued that anyone is capable of forming their own truth to suit their own political and social purposes.¹⁰⁶ Second, it had its roots in the black power movements of the 1960's and 1970's and drew inspiration from Marcus Garvey, Malcom X, Eda Wells and W.E.B Du Bois. Third, it further drew strength from the rise of African nationalism, 'Negritude'

¹⁰³ K.A. Busia, *Africa in Search of Democracy*. London: Routledge. 1967:171.

¹⁰⁴ R.L. Sklar, "The African Frontier", p.99.

¹⁰⁵ C.S. Whitaker, "A Coda on Afrocentricity" in R.L. Sklar and C.S. Whitaker (eds), *African Politics and Problems in Development*. USA: Lynne Rienner Publishers. 1991:358.

¹⁰⁶ G. Early and W.J. Moses, "Symposium: Historical Roots of Afrocentrism" in *Academic Questions*. April 1994.(7:2): 44.

advocated by Leopold Sedar Senghor in the 1930's, African Socialism propagated by Julius Nyerere and the Black Consciousness Movement led by Biko.¹⁰⁷

At one level Afrocentrism argues that the West views the world through Eurocentric eyes and thus suppresses or denies the achievements of other cultures. Afrocentrism seeks to put Africa at the center of world history, so that African concerns, standards and values are considered.¹⁰⁸ This, it is argued, is necessary to allow Africans to come to full self-determination and achieve humanity.¹⁰⁹ In so doing, Afrocentrism does not aim to replace Eurocentrism as a perspective but seeks to allow for the recognition of the validity of other non-hegemonic perspectives, Asia-centered, Africa-centered, America-centered and European-centered. As the world is multicultural, it must be analysed from different angles in order to understand the complexity of different peoples and communities centered in their own histories and cultures.¹¹⁰ It is thus based on one uncompromising principle namely, the rejection of notions and principles that have 'universal tendencies.' As a methodological principle, 'Afrology' seeks to focus on Afrocentric issues and to interpret those issues in such a way that will expose the 'essential' cultural factors that constitute the subject and motivate the subject's actions.¹¹¹ It thus seeks to analyse events, thoughts and behaviour critically in order to understand the diversity inherent in a multicultural world.

At another level, Afrocentrists argue that history must be rewritten and Eurocentric myths rectified. Anta Diop and Bernal argue that Afrocentrists must use ancient Kemetic (Egypt) civilization as the classical reference point for studying African civilization. They argue that Egypt was of African origin and since it was the earliest known civilization,

¹⁰⁷ K. Chowdhury, "Afrocentric Voices: Constructing Identities, (Dis) Placing Difference" in *College Literature*. June 1997 (24: 2): 35. R.L. Sklar, "The African Frontier", p.101.

¹⁰⁸ M. K. Asante, *Afrocentricity*, New York and Eritrea: Africa World Press. 1996 (2nd ed):6.

¹⁰⁹ M. Njeza, "Fallacies of the new Afrocentrism: A Critical Response to Kwame A. Appiah" in *Journal of Theology for Southern Africa* 99. November 1997: 48.

¹¹⁰ B. Oyebade, "African Studies and the Afrocentric Paradigm" in *Journal of Black Studies*. Vol. 21 (2). December 1990: 234.

¹¹¹ M. K. Asante, *Afrocentricity*, New York and Eritrea: Africa World Press. 1996 (2nd ed): 60-61.

Africa is the birthplace of humanity and the cradle of civilization.¹¹² They further argue that these ancient roots unite diasporic Africans (Afro-Americans) with Africans in a common culture. This culture is based on a shared anthropological and theological foundation and is revealed in shared oratory forms of expression found in African societies across the globe. This unity forms the basis of a cultural call to arms: "Up from the intellectual and spiritual pit which has held our mighty people! Let each person take his post in the vanguard of the collective consciousness of Afrocentrism! Teach it! Practice it! And victory will surely come as we carry out the Afrocentric mission to humanise the universe".¹¹³ According to Asante, liberation can be achieved by following Nija, "the collective expression of the Afrocentric worldview which is grounded in the historical experience of African people...It places Afrocentricity in the African population of the Diaspora and the continent".¹¹⁴

Criticism is mainly directed to this latter, more extreme version of Afrocentrism on the grounds that it incorporates the Eurocentric dichotomies that it abhors, it is racist and divisive; falsely assumes the existence of a single, unified, pure African culture; it assumes that there is only one oppressor and one group of oppressed and it is intellectually weak, inaccurate and mythical. Afrocentrism is accused of adopting Eurocentric viewpoints. As Appiah argues, Afrocentricism is "thoroughly at home in the frameworks of nineteenth-century European thought...(and that it) seems very much to share the presuppositions of the Victorian ideologies against which it is reacting".¹¹⁵ Diop's theory of history begins with the origins of humanity then traces it to the rise of Nubia and the subsequent evolution of an authentic Black Egyptian civilization. This suggests a Hegelian notion of totality and continuum, which ignores the alternate micro-narratives that may disrupt or rupture the continuum of history. Asante on the other hand, replicates the Western hegemonic systems he so criticises.¹¹⁶ His work is essentially

¹¹² C. A. Diop, *The African Origin of Civilization: Myth or Reality*. Trans: Mercer Cook. Westport: Lawrence Hill. 1974; M. Bernal, *Black Athena: the Afroasiatic Roots of Classical Civilization*. Brunswick: Rutgers. 1987.

¹¹³ M. K. Asante, "Afrocentricity", p.6.

¹¹⁴ *Ibid*, p. 22.

¹¹⁵ K. A. Appiah, "Europe Upside Down: Fallacies of the new Afrocentrism" in R.R Grinker and C. B Steiner (eds), *Perspectives on Africa*. London: Blackwell Publishers. 1997: 729.

¹¹⁶ K. Chowdhury, "Afrocentric Voices", p. 49.

reactionary and thus becomes an adversarial ideology. In so doing, it falls into the Eurocentric trap of assuming that there is one version of the truth and one privileged agent of social and historical change.¹¹⁷ Thus, “the colonized legitimizes the colonizer by miming his authority”. As Appiah argues, Afrocentrism is simply “Europe turned upside down”.¹¹⁸

Afrocentrism also shares the Eurocentrist racial orientation by glorifying African (black) culture as humanist and just while repudiating European (white) culture as individualist, competitive, selfish, exploitative and engaged in cultural and material thievery.¹¹⁹ This is evident in its preoccupation with the skin colour of Ancient Egyptians. Its racial fundamentalism is divisive; instead of highlighting the similarities between Africans and Europeans, it emphasises the differences and is thus dangerous in a multicultural setting.¹²⁰ By stressing the essential cultural differences between the races, it assumes the existence of a single, homogenous African culture once again echoing the insensitivity and uncritical nature of Eurocentrism. In reality, Africans are a culturally heterogeneous group and thus to assume a unified African culture is false particularly if one postulates a cultural commonality between Africans and Afro-Americans, who are a highly Westernised grouping.¹²¹ Furthermore, it assumes that there is one oppressor and one group of oppressed. It tends to downplay continued economic domination and the plight of women. In so doing, it ignores a large volume of feminist thought that could buttress its criticism of Eurocentric concepts of person and community.¹²² Lastly, in its attempts to wage a war against European myths it disseminated new myths, which are inaccurate and fraught with “intellectual weaknesses”.¹²³

¹¹⁷ Ibid, p. 52.

¹¹⁸ K. A. Appiah, “Europe Upside Down”, p. 730.

¹¹⁹ A. J. Andrea, “Mythic History” in *Historian*. Vol. 54 (4). Summer 1992: 782.

¹²⁰ S. Howe, *Afrocentrism: Mythical Pasts and Imagined Homes*. London and New York: Verso. 1998: 5, 13.

¹²¹ K. A. Appiah, “In my Father’s House”, p. 26; A. J. Andrea, “Mythic History” in *Historian*. Vol. 54 (4). Summer 1992: 780.

¹²² K. Chowdhury, “Afrocentric Voices”, p. 52.

¹²³ M. L. McPhail, “From Complicity to Coherence: Rereading the Rhetoric of Afrocentricity” in *Western Journal of Communication*. Vol 62 (2) Spring 1998: 118; M. Leftkowitz, *Not out of Africa: How Afrocentrism Became an Excuse to Teach Myth as History*. USA: Harper Collins. 1996: 157.

According to Early and Moses, “the Afrocentric tradition must be understood as a variety of utopian or millenarian movement, although the Afrocentric utopia is in a romanticized past, rather than a chiliastic future”.¹²⁴ Like all utopia, Afrocentricism provides an ideal society and in doing so, reflects the flaws of the present. The sad truth is that cultural domination continues to oppress groups such as black people and women by constructing a negative view of the self, which is described by Fanon as an “inferiority complex”.¹²⁵ Steven Lukes was correct in his description of the ‘third dimension’ of power as being exercised indirectly over people’s subconscious beliefs about who they are and what they can achieve.¹²⁶ This highlights the importance of formulating new methodologies that critique past assumptions and stereotypes so as to ensure that the cycle of domination does not continue.

Although a broad account of the Afrocentric debate has been sketched, a number of important methodological points are evident. First but not least, it is important to respect indigenous customs and beliefs. This requires critical analysis and the recognition that diverse cultures do exist. Although Afrocentrists claim to respect cultural differences, they are not sensitive to the complexities that exist among Africans as a group; these include cultural, ethnic, gender, class and individual differences. Furthermore, Afrocentrists claim to accommodate the existence of alternate paradigms; however, they offer their version of African history as the truth without recognising that their own biases and intentions have warped their historical rendition. This highlights the importance of adopting a critical viewpoint towards one’s own and other’s motivations and assumptions. One needs to recognise that true objectivity in the social sciences is virtually impossible because the researcher’s perspective is conditioned by specific experiences rooted in one’s culture and upbringing. Lastly, the failure of Afrocentrists to escape the Eurocentric influence highlights the futility of offering a single historical or methodological account in a globalising and multicultural world. By seeing these

¹²⁴ G. Early and W.J. Moses, “Symposium: Historical Roots of Afrocentrism” in *Academic Questions*. Vol. 7 (2). Spring 1994: 49.

¹²⁵ F. Fanon, *Black Skin, White Masks*. London: Pluto Press. 1986.

¹²⁶ S. Lukes, *Power*. New York: New York University Press. 1986.

paradigms as separate and distinct, opportunities to understand the similarities, differences and ways in which they can complement each other, are undermined.¹²⁷

Thus, one needs to utilise a mixed methodological approach in the social sciences. One needs to reject the positivism paradigm, which adopts a 'scientific' and 'objective' approach to explain human behaviour by utilising variables and proofs.¹²⁸ This approach fails to understand the complexity of this behaviour and the extent to which both the subject and observer are influenced by their own biases and cultures.¹²⁹ The interpretive paradigm recognises attempts to understand these complexities by focusing on the subject and researcher's actions and interactions.¹³⁰ On the other hand, this approach is flawed as it offers a one-sided viewpoint; it focuses too much on the subjective meanings of the subject's action as opposed to the underlying structures and ideologies.¹³¹ In contrast the critical theory paradigm, argues that one needs to look beyond the subject's immediate behaviour and beliefs to the structures that condition them. In doing so, it aims to emancipate the oppressed by empowering them to question their actions, beliefs and the societal constraints that limit them.¹³² This approach has been criticised for concentrating on patterns and structures without recognising unique individual or small group experiences within these social arrangements.

Afrocentrism falls into both the interpretive and critical theory paradigms. It adopts a relativist position in its recognition that there is no ultimate truth and inquiries are not value-free, and it attempts to reconstruct the world from an African position without predicting or controlling that world. Furthermore, Afrocentrism seeks to highlight the cultural and intellectual oppression caused by Eurocentrism and in so doing, seeks to emancipate Africans across the world. However, as shown above, Afrocentrism is equally

¹²⁷ M. L. McPhail, "From Complicity to Coherence", p. 124.

¹²⁸ P. Lather, *Getting Smart. Feminist Research and Pedagogy Within the Post-Modern*. New York: Routledge. 1991

¹²⁹ Ibid.

¹³⁰ E. G. Guba, "The Alternative Paradigm Dialogue" in Guba (ed), *The Paradigm Dialogue*. Newbury Park: Sage. 1990: 17-30.

¹³¹ J. Goodman, "Theoretical and Practical Considerations For School-Based Research in a Post-Positivist Era" in *Qualitative Studies in Education*. Vol. 5 (2). 1992: 121.

¹³² Lather, "Getting Smart", p. 12-13.

vulnerable to the flaws of these two paradigms; it offers a one-sided viewpoint and ignores differences between Africans.

The Post-structuralist approach focuses less on researcher ontology and epistemology but looks towards 'the text' in constructing meanings and exercising power. In other words, the language used in a piece of writing, an oral exchange, artwork, play or presentation is deconstructed to produce a multiple of meanings and identities¹³³. As a methodological approach, Asanti argues that Afrocentrists must focus on the terminology¹³⁴ and language used by Eurocentrists in constructing dominance. However, unlike Afrocentrists, post-structuralists resist speaking for others in a way that imposes the researcher's interests on their subjects in the drive for emancipation, because they believe that knowledge and identities are constantly changing.¹³⁵

Used jointly, these three paradigms invite the researcher to interpret, critique and look below the surface for hidden meanings. Unlike the positivism paradigm, these three recognise the importance of subjectiveness. This mixed methodological approach works hand in hand with the notion of mixed government. In particular the support for the 'state-behind-the-state' or the traditional domain is difficult to measure mathematically because it is based on an intangible form of authority. Thus, subjective methodologies are vital in understanding the interactions between the modern and traditional realms¹³⁶. Intuition and the exercise of judgement based on participant observation or other reliable sources is indispensable. The extreme version of Afrocentricity is greatly flawed, but used moderately as a form of relativism it "requires the social scientist to represent the attitudes and values of human subjects faithfully regardless of their deviation from presumed universal norms".¹³⁷ Thus, as a methodological approach it holds great value in any study of Africa. Furthermore, Afrocentrism introduces a new range of research opportunities, which have previously been denigrated by Eurocentric scholars. One such

¹³³ Lather, "Getting Smart", p. 14.

¹³⁴ One such term is 'chief' but in order to avoid monotony this word will be used interchangeably with 'traditional leaders.' Asante, "Afrocentricity", p. 46.

¹³⁵ Lather, "Getting Smart", p. 14.

¹³⁶ R. L Sklar, "The African Frontier", p. 103.

¹³⁷ R.L Sklar, "The African Frontier", p. 107.

issue is the role of chiefs in modern states, who were previously regarded as a spent force in the era of modernisation and democratisation.

In the next chapters the history of traditional leaders in the Eastern Cape Province of South Africa will be traced from 1900 to the present day. Although no chapter has been set aside to account for pre-colonial traditional forms of rule, these social structures will be referred to in discussion throughout the thesis, so as not to make Hegel's mistaken assumption that Africans are without history. Utilising varied secondary resources as well as primary resources in the form of archival documents, government publications, hansards, African National Congress (ANC) and South African Communist Party (SACP) documents, newspaper articles and a number of unstructured interviews, I attempt to provide a sensitive and accurate account of the interactions between the state, chiefs and the people, concluding with a political analysis of contemporary events and its implications for democracy. Attention will not only be given to discourse at the national level to highlight the forces that condition the state's behaviour to the chiefs, but also to local developments and cultural factors in order to understand the people's attitude to the chiefs. These overlap at times but emphasis will be placed on distinctions between provinces, and areas within provinces, in order to show that although chiefs possess "remarkable resilience enabling them to adapt to socio-cultural change and to play a crucial role in future social, economic and cultural transformations at regional and national levels,"¹³⁸ they are largely subordinated by the current ANC-led Eastern Cape provincial government.

¹³⁸ E.A.B Rouveroy van Nieuwaal, "Chiefs and States", p.41.

CHAPTER 2: RESERVES AND CHIEFLY AUTHORITY

Segregationist Discourse

Prior to 1910, colonial rulers manipulated the concepts of direct and indirect rule as a means of controlling the indigenous population of South Africa. This control aimed to secure not only a docile and obedient population, but also a secure and regular labour force for the mining and agricultural sectors. In so doing, colonialists made a number of intrusions into rural society. In order to understand how these intrusions were justified it is necessary to address the segregationist discourse at national level. It will be shown that the language of separate development gradually undermined concepts of direct rule in favour of a more indirect approach, which placed the institution of chieftainship at the fulcrum of colonial oppression.

Indirect rule as devised by Lord Lugard in Northern Nigeria and other British administrators such as Sir Donald Cameron¹³⁹ was an administrative system in which indigenous rulers were used to control the local population. This form of rule was usually applied when limited resources (money and manpower) were available. Furthermore, the local context played an important role in its application; Northern Nigeria for example was suitable for indirect rule because its authority was highly centralised and functionally specific. This form of rule was seen as an instrument of change from “the entire decay of such tribal authority as may previously have existed”.¹⁴⁰ In other words, change was enacted through the medium of traditionally recognised authorities, even if the authorities had to be artificially created on the model of centralised chiefdoms. Cameron formulated the main purpose of indirect rule namely, the education of the ‘natives’ in the art of self-government and administrative methods and procedures. In many ways, indirect rule was

¹³⁹ Sir Donald Cameron was the Governor of Nigeria and Tanganyika, and was a pupil of Lord Lugard. He advocated Lugard’s principles of indirect rule in his “Principles of Native Administration” issued to his staff. However, unlike Lugard who did not state clearly the ultimate political objectives of indirect rule, Cameron stressed the socio-economic development functions of Native Authorities and the importance of educating the natives in the art of self-government and administration. See Cameron, *My Tanganyika Service and Some Nigeria*. Washington: University Press of America. 1982 (1939).

¹⁴⁰ F.D. Lugard, *The Dual Mandate in British Tropical Africa*. Edinburgh: William Blackwood and Sons. 1922: 215.

used to justify military and economic ventures that may have led directly to confrontation with indigenous rulers.¹⁴¹ Confrontation was avoided by ensuring that “the Native Chiefs are regarded as an integral part of the machinery of Government” through salaries and other benefits but were not deemed mere civil servants. In general, indirect rule was based on the thesis that residents/colonialists should “maintain and develop all that is best in the indigenous methods and institutions... We must utilise the existing machinery and endeavour only to improve it, but always ‘ruling’ through the chiefs and not simply ‘governing’ by advice and consent”.¹⁴² In theory, the main precondition of indirect rule was acquiescence by the people concerned; without acceptance, indirect rule constitutes direct rule. In contrast, a dual process usually enacts direct rule: first, conquer and second, exercise authority through a government, not traditionally recognised agents.¹⁴³

Sir Theophilus Shepstone (1845-76) applied Lord Lugard’s indirect rule to the indigenous population in Natal. The tribal system was initially blamed for the shortage of labour; however in the 1880’s traditionalism became viewed as a vital element of racial domination. After crushing Zulu might, Theophilus Shepstone set up a House of Zulu controlled by field agents of the government. Due to the impact of missionary schools and the absorption of Africans into the cash sector of the economy, a westernised, educated class was formed which were potential economic and political rivals. Hence, traditionalism was seen as a ‘cocoon’; a means of ‘protecting’ the Africans from forces that would lead them to question the colour-caste system. Natal segregationists such as Maurice Evans argued that in order to conserve the aesthetic qualities of African traditional life, it was vital that Africans develop separately as far as possible. Such arguments facilitated the development of reserves in which Africans were ‘allowed’ a degree of local self-government but were ultimately under the control of whites.¹⁴⁴ The

¹⁴¹ D.A. Kotze, *Traditionalism in African Local Government with Special Reference to the Transkei and Lesotho*. PHD thesis. Stellenbosch: University of Stellenbosch. 1968: 51.

¹⁴² Lugard, “The Dual Mandate”, p. 203

¹⁴³ Kotze, “Traditionalism in African Local Government”, p.54. For extensive information regarding the use of indirect rule in Africa see Emile A.B van Rouveroy van Nieuwaal, “Chiefs and African States: Some Introductory Notes and an Extensive Bibliography on African Chieftaincy” in *Journal of Legal Pluralism*, 25-26, 1987: 9-14.

¹⁴⁴ D. Welsh, *The Cultural Dimension of Apartheid*. Seminar Paper. Abe Bailey Institute for Interracial Studies: University of Cape Town. 1972: 37.

report of the South African Native Affairs Commission found that “the abolition of the tribal system and chieftainship is being left to time and evolution towards civilization, assisted by legislation where necessary”. It concluded that it “was not desirable to dispense with the administrative use of chiefs”.¹⁴⁵

In contrast, the Transvaal (TVL) and Orange Free State (OFS) were particularly intolerant of tribal institutions. In 1891 President Reitz asserted that chieftaincy and the tribal system must be abolished in order to civilise South Africa. The trekkers regarded the tribe as a military and economic threat, and a direct counter to its Calvinist morality. However, Britain’s occupation of the TVL in 1877 ensured that a number of Natal’s key principles in African administration were applied. These included the recognition of traditional laws, habits and customs, which were deemed consistent with the general principles of civilisation. Local tribal authorities administered tribal funds and their submissiveness was a prerequisite for a degree of autonomy in local affairs. The realisation that they could only entrench themselves if they cooperated with government policies ultimately converted traditional leaders into government appointees.¹⁴⁶

As in the former Boer Republics, the Cape colony placed emphasis on assimilation and the erosion of traditionalism. Native administration attempted to crush the power of the chiefs particularly the Xhosa and aimed to integrate the African indigenous population into the mining and industrial economy. In British Kaffraria, the policy as advocated by Sir George Grey was based on attempts to undermine the authority of the chiefs by introducing magistrates and by substituting customary law with Cape colonial law. This policy appeared plausible as traditional social structures had been substantially undermined by the cattle killing of 1857.¹⁴⁷ Furthermore, the increased alienation of land

¹⁴⁵ Report of the South African Native Affairs Commission. Cape Town: 1943-5. Paras 218, 233,296,308 and 342 cited in Welsh, “The Cultural Dimension”, p. 38.

¹⁴⁶ Welsh, “The Cultural Dimension”,p. 37. G. Mbeki, *The Peasants Revolt*. England: Penguin African Library.1964: 32

¹⁴⁷ The cattle killing was caused by Prophet Umhlabakaza who through his niece, Nongqause, spread the prophesy that the tribes must destroy their cattle and corn, and on a certain day, a hurricane would sweep the white man into the sea and the ancestors of the Xhosa would rise and restore prosperity. The result was widespread poverty, and those chiefs who were not arrested for encouraging their subjects to slaughter their cattle, were largely discredited. (*Standard Encyclopedia of Southern Africa*. Vol. 5. 1972: 345)

and large-scale settlement of white farmers ensured that the potential threat of African mobilisation around the chiefs had been reduced. However, in 1883 it was clear that the chiefs and headmen continued to wield influence and customary law retained its authority. In addition, the Transkeian territories and British Bechuanaland, which were annexed to the Cape in 1895, appeared resistant to British attempts at recreating a 'civilised' identity due to the continued strength and presence of large cohesive tribes under powerful chiefs. Whites feared that these tribal entities were potential threats to security. Although "chieftainship was seen as the focal point around which disaffection might unite", it was believed that any attempt to abolish the institution of chieftaincy would lead to a revolt.¹⁴⁸ As concluded by the Cape Government Commission on Native Laws and Customs "many of the existing Kafir laws and customs are so interwoven with the social conditions and ordinary institutions of the native population, especially in the recently annexed Territories, that any premature or violent attempt to break them down or sweep them away would be mischievous and dangerous in the highest degree, besides as experience has shown, defeating the object in view".¹⁴⁹ However, chieftainship was still regarded as an institution from which the Africans must be freed; hence, attempts were made to civilize the Africans through measures such as non-racial parliamentary franchise.

Thus, the Cape colony attempted to control these new territories by means of indirect rule; Mfengu chiefs in particular, served as useful allies against the resistant chiefs of the Gcaleka, Mpondimise, Griqua, Thembu and Sotho in the various frontier wars¹⁵⁰. However, indirect rule was soon abandoned in favour of direct rule utilizing a council system under magistrates and headmen, much to the chagrin of a number of British colonialists. Lieutenant Governor Andries Stockenström in a letter to the Secretary of State for Colonies argued, "Every measure tending to lower the importance of the chiefs is calculated to weaken the hold we have on the people". At a meeting with the

¹⁴⁸ Welsh, "The Cultural Dimension", p. 35-36. C.C Crais, *White Supremacy and Black Resistance in Pre-Industrial South Africa: the Making of a Colonial Order in the Eastern Cape, 1770-1865*. Cambridge: Cambridge University. 1992: 199.

¹⁴⁹ Cape Government Commission on Native Laws and Customs, cited in Welsh, "The Cultural Dimension", p. 199.

¹⁵⁰ Crais, "White Supremacy", p. 201.

Lieutenant Governor, Stockenstrom argued that Britain must “gain the confidence of the chiefs and they, with the power of the Government and the efforts of the missionaries will influence the masses...These two forces combined (church and government) will not civilise unless they make the native chiefs the principal levers in the operations on their people”.¹⁵¹

After the South African War and Union in 1910 attempts were made to exercise a more centralised and elaborate form of social control over the Africans in a common ‘native policy’ so as to cater for the booming mining industry. Gold, which was discovered in 1886 and diamonds in 1867 fuelled a labour-intensive industry, which stimulated the steady growth of manufacturing. It is in the context of this labour shortage that segregationist discourse gained force. Segregationists argued that Africans must develop separately as far as possible, thereby placing restrictions on the permanent settlement of Africans in white areas and facilitating the development of reserves. The reserves had two main functions namely, to act as reservoirs of labour and to provide standing excuses for withholding civic rights from Africans. These strategies were intended to eliminate squatting and to elicit a greater supply of labour for white agriculture while simultaneously undermining the foundations of peasant production and potential competition to white farmers. By overburdening the reserves, Africans were forced to seek employment outside these areas in order to subsist, in so doing facilitating a cheap labour supply.

In addition, segregation laid down measures whereby the flow of African labour was regulated and induced for example via pass laws, Cape Masters and Servants Law and the 1911 Native Labour Regulation Act.¹⁵² Furthermore, it was assumed that segregation would counter calls for racial equality, as different people could not expect to be equal. In the 1917 parliamentary debates Prime Minister General Louis Botha rejected racial equality on the grounds that Africans could develop on their own lines, and vote in their

¹⁵¹ Cited in I.B. Tabata, *The All African Convention: The Awakening of A People*. Johannesburg: People’s Press. 1950: 105.

¹⁵² R. Southall. *South Africa's Transkei: the Political Economy of an 'Independent' Bantustan*. London: Heinemann. 1982: 21-4.

own territories on matters directly affecting them. Nationalist Party leader General J.B.M Hertzog described the educated African who tried “to force his society on the white man” as “nothing but a traitor to his own kith and kin”.¹⁵³

In 1910 the Native Affairs Department (NAD) was created with the merger of three of the four colonial agencies (OFS had abolished its NAD in 1905). The NAD became the main government agency responsible for native administration. Although it was weak and fragmented it had extensive autonomy under the South African Coalition government (South African Party and Unionist Party). Initially English speaking officials from the Cape dominated the NAD; as a result, its members regarded themselves as secular missionaries responsible for protecting Africans as wards of the state. This liberal segregationist trend was reflected in the Native Affairs Act of 1920, which created an all-white Native Affairs Commission to advise authorities on matters involving Africans. In addition, it created a Native Conference at which government-appointed Africans from rural and urban areas met annually to discuss matters relevant to Africans. Furthermore, this Act extended Local Councils, as envisaged by the Glen Grey Act of 1894, beyond the Eastern Cape. In the urban areas, Africans were given a location advisory boards through which they could voice their grievances.¹⁵⁴

These consultative structures were the way in which the government responded to the growing crisis in the rural and urban areas. After World War One rising food prices, low wages and increasing job discrimination temporarily galvanised African workers, particularly on the Witwatersrand. In the countryside, the population suffered from outbreaks of smallpox, typhoid, cholera, drought, plant and animal diseases and threats to food and stock production. In other words, the central government attempted to use moderate African nationalists as intermediaries to offset the rising tension and resistance; the various African councils and conferences facilitated dialogue at local level to moderate racial tension, and provided opportunities for Africans to lobby for limited

¹⁵³ Cited in Welsh, “The Cultural Dimension”, p. 40.

¹⁵⁴ L. Switzer. *Power and Resistance in an African Society*. Pietermaritzburg: University of Natal. 1993: 220-1.

political and economic rights.¹⁵⁵ However, these reforms were an inadequate means of solving the racial conflict that was flourishing in the urban areas between white and black unskilled labourers competing on a limited labour market.

Increasing urbanisation among the black population raised the levels of radicalisation and militancy particularly amongst the youth, which found expression in Clements Kadalie's Industrial and Commercial Worker's Union (ICU). In the 1922 Rand Revolt, white workers placed pressure on government to enact legislation that guaranteed their superior position on the labour market. Increasingly these developments led politicians to regard traditionalism as vital in controlling the youth and maintaining the master-slave relationship, which had previously informed all racial relations. In 1924 at the Governor General's Native Conference Mr Dube argued, "Nowadays the Chiefs are figureheads with no authority and the parents had still less authority over their children...The only way to enable parents to control their children was by adjusting the relations between the people and their Chiefs".¹⁵⁶ The South African Native Economic Commission of 1932 reiterated this conclusion: "...in the larger matter of youths absconding from their homes and going to towns, against which the Natives complain bitterly all over the Union, the Chief could again fulfil a similar useful purpose...this evil can only be cured by co-operation between the administration and the Native Chief and his Council".¹⁵⁷

In general, politicians divided Africans into two distinct classes. As Senator Roberts argued in the Select Committee on the Native Bills, "There is the old native living in his tribal ways with very little of the goings or moving of the political or outside world. He is quite content, so long as he is left alone, to live his life decently and quietly. Then there is

¹⁵⁵ Ibid, p. 243.

¹⁵⁶ Document 39b : "Proceedings and Resolutions of the Governor-General's Native Conference" (1924). published in S. Johns, "Volume 1: Protest and Hope 1882-1934" in T. Karis and G.M Carter (eds), *From Protest to Challenge*. Stanford: Hoover Institution Press. 1977: 168. Dube was the founder and editor of the first Zulu newspaper, *Ilanga* and he became the first chairman of the ANC in 1912. He also served on the Native Representative Council. He was concerned with the issue of chieftaincy because the ANC was using the chiefs as a means of mobilising popular support and financial aid (See next chapter). Dube also had a personal interest in the issue of chieftaincy as he was a royal member of the Ngcobo tribe.

¹⁵⁷ Cited in M. Neocosmos, *Towards a History of Nationalities in Southern Africa*. Working Paper. Denmark: Center for Development Research. 1995: 10.

the educated native, the detribalised native, the town native...”¹⁵⁸ Educated Africans were described as “detribalised, Europeanised, chockfull of ideas and emotions which are quite alien to the ordinary native, seeking progress entirely on the lives of the European...Many of these people have drunk very deeply of the wine of European demagogy, and they spew it all over the country to unsettle the native mind”. He further argued that the integrationist Cape tradition had “forced the native in the Cape to take a far greater interest in politics. There he follows the footsteps of the white man, whereas in Zululand his political view is in another direction altogether and will be so for a hundred years to come”.¹⁵⁹ These sentiments were echoed in the parliamentary debate on the Native Administration Bill in 1927. The tribal system was described as a stabilising force among the Africans. Regrets were expressed that past policy (particularly Cape policy) had weakened the power of the chief and it was hoped that chiefs would be reinstated to positions of dignity and utility.

The 1927 Native Administration Act provided qualified recognition to African law and custom including customary courts, marriage rites and the *lobolo* system. In addition, chiefs were re-empowered and the Governor General was vested with the powers of the Supreme Chief over all Africans. In other words, the governor-general could rule by proclamation and decisions were not subject to challenge by the judiciary.¹⁶⁰ Custom in the official sense was “interpreted by the courts to mean the custom of the most reactionary sections of the community and to reject the formation of more progressive (and less narrowly tribal) customs born of changed living patterns”.¹⁶¹ It was emphasised that traditionalism must be conserved to protect Africans from the ‘demoralizing’ force of social change; however, the fact that social change had already undermined the socio-economic base of traditional society was ignored.

This Act had two main functions: first, to refurbish African traditionalism with an emphasis on ethnic and cultural separatism and second, to reverse the assimilationist

¹⁵⁸ Cited in Welsh, “The Cultural Dimension”, p. 41.

¹⁵⁹ *Ibid*, p. 42.

¹⁶⁰ H. Rogers. *Native Administration in the Union of South Africa*. South Africa: Government Printer, 1949:18-19.

trend of gradually accepting urban Africans into western industrialised society.¹⁶² As argued above, this notion of segregation served the interests of capital by providing it with labour whilst simultaneously attempting to appease the white sector by reversing the process of urbanisation. In general, whites had their bread buttered on both sides: “they received the benefit of African labour but spurned Africans as potential co-equals in a common society, justifying this repudiation with an ostensible concern for their traditions”.¹⁶³

Despite the expressed intent of the government, little was done to accord greater recognition to the chiefs. Chiefs were re-empowered officially by the 1927 Act, but in reality they were still largely excluded from the local system of administration. According to one observer, the government’s reluctance to give further power to the chiefs was “probably owing to the fear of giving Bantu nationalism such free play that it will refuse to be reconciled with European interests”.¹⁶⁴ Although a direct system of rule was still in place, the discourse of indirect rule was gaining force. Chiefs were gradually drawn into the state structure through informal alliances with the petty bourgeoisie and state officials against an increasingly volatile peasant population. Furthermore, chiefs were increasingly invited to act as representatives of the African voice in conferences and meetings with the government.¹⁶⁵

Nevertheless, the Native Administration Act signalled a new era as most liberal segregationist measures were abandoned. Annual Native Conferences were virtually abandoned after 1927, although one was held in 1930 and several regional gatherings were held in 1935 to consider the Hertzog Native Bills. The all-white Native Affairs Commission was internally divided by the 1920’s and had little impact. Urban Advisory Boards had no power to affect changes. No more local councils were established between 1920 and 1926 although more were established after the council’s authority was curtailed

¹⁶¹ Neocosmos, “Towards a History”, p. 10.

¹⁶² Neocosmos, “Towards a History”, p. 19.

¹⁶³ Welsh, “The Cultural Dimension”, p. 43.

¹⁶⁴ *Ibid.*, p.44.

¹⁶⁵ W. Beinart and C. Bundy, *Hidden Struggles in Rural South Africa*. Johannesburg: Ravan Press. 1987: 216.

by Act 27 of 1926. The Liberal segregationist NAD was rejected in favour of a more centralised, bureaucratic NAD under a Minister of Native Affairs. As a result, it was restructured into an agency of social control to repress dissent, promote cultural ethnicity and to distance Africans from the white political and legal system. In general, the NAD was “stripped of its Cape legacy and reorganised to meet the needs of a segregationist state”.¹⁶⁶

It is important to note that the Cape politicians refused to forfeit their liberal legacy. Cape Africans remained on the common voters' role, and hence had a degree of political clout. Furthermore, they did not have to carry passes, could buy property anywhere in the province and were not subject in theory to regulations imposed on Africans in segregated rural and urban locations.¹⁶⁷ Africans in the Cape were not subject to the ‘Supreme Chief’ proclamation under the 1927 Act because the policy of the Cape government (except as regards British Bechuanaland) was to break down rather than perpetuate the tribal system. Consequently, African chiefs were never officially recognised as possessing any special administrative or judicial powers over their tribesmen. Hence, in these circumstances it was believed that it would give rise to difficulties and complications if the executive powers enjoyed by the governor-general as Supreme Chief were to be extended to the Cape Province.¹⁶⁸

However, Cape Africans were denied the vote and forbidden to buy land outside the reserves by Hertzog's Representation of Natives Act and Native Trust and Land Act, which were finally enacted after several failed attempts in 1936. The Native Trust and Land Act created a new department namely, the South African Trust, which could purchase and maintain control over all land obtained exclusively for Africans. In addition, it enlarged the reserves in theory by 7.25 million morgen (15.33 million acres) until they constituted 13.7% of South Africa's total land area. Lastly, it envisaged a more

¹⁶⁶ Switzer, “Power and Resistance”, p. 221.

¹⁶⁷ Ibid, p. 196-199.

¹⁶⁸ Rogers, “Native Administration”, p. 18.

active role for the central government in terms of land conservation and resettlement in the reserves.¹⁶⁹

In 1934, Smuts and Hertzog formed the United Party Government in which Hertzog filled the role of Prime Minister and Smuts became his deputy. However, this alliance dissolved over the issue of entry into World War Two. Hertzog's neutral stance was rejected by parliament with the result that he resigned from the position of Prime Minister and merged with dissident Afrikaner nationalists under Daniel Malan to form the opposing Reunited National Party in Jan 1940.¹⁷⁰ Under Smuts, the South African government gradually adopted a reformist trend. Although social welfare and educational benefits remained unequal, leading politicians including PM Smuts, Minister of Native affairs Colonel Deneys Reitz and Minister of Finance, J.H. Hofmeyer questioned the basic tenets of racial policy. The proposition that Africans should develop on their own lines in their own areas was described as 'that worn out expression'. The Social and Economic Planning Council's report rejected the artificial perpetuation of traditionalism and insisted that areas "must not be held back from progress through inertia or a mistaken desire not to intervene where a Chief is a definite hindrance to progress".¹⁷¹ Consequently, segregationist policies were gradually relaxed; government approved the Atlantic Charter, and began to recognise African trade unions¹⁷². However after the defeat of the Smuts government in 1948 it was clear that the reformist trends would be reversed and indirect rule reinvigorated.

1925-1935 was the 'heyday' of Indirect Rule in Britain's African territories, which was seen as a pragmatic response to administrative needs, but the rise of African nationalism forced Britain to abandon this policy. In contrast, the National Party utilised indirect rule to suit its own racial and capitalist needs. After 1948 elective forms of local government were replacing Indirect Rule across Africa, but in South Africa it was being entrenched through the chiefs as a means of neutralising rising African political militancy. In order to

¹⁶⁹ Switzer, "Power and Resistance", p. 199.

¹⁷⁰ Southall, "South Africa's Transkei", p. 30.

¹⁷¹ Welsh, "The Cultural Dimension", p. 44.

¹⁷² Welsh, "The Cultural Dimension", p. 44-45.

understand the factors at local level that prompted this move to indirect rule, it is necessary to look at the changing dynamics of peasant communities in response to increased state intrusions.

State Intrusions in the Eastern Cape

The history of the colonialists in the Eastern Cape is one characterised by ignorance of chiefly power and tradition. In 1772 southward-moving Xhosa met northward moving colonialists from the Cape across the Fish River. Major General Dundas acting as governor at the end of the eighteenth century, attempted to end hostilities “by conciliatory means, by ambassadors, by presents, and by promises, to endeavour to impress the king or great chief of the Kafir nation with confidence that the government wished to maintain peace”.¹⁷³ This plan was repugnant to the chiefs because each chief was an independent ruler and the power relationships between the chiefs were relatively equal and not based on subordination or super-ordination. In 1817, Lord Charles Somerset made the same mistake by acknowledging Ngqika as the supreme authority through whom internal control could be established. This ‘blunder’ led to the fifth frontier war.¹⁷⁴

A further strategy involved enlisting the support of Mfengu chiefs against hostile Rharhabe chiefs in exchange for protection and land. Once again, this plan demonstrated ignorance of the value placed on land and territorial independence. Former chiefly allies were paid a salary and were allowed to rule the indigenous population according to custom but they remained accountable to a magistrate. In 1846 Lieutenant General Peregrine Maitland announced that “no chieftainship shall hereafter be recognised in British Kaffirland”. On 23 December 1847, Harry Smith¹⁷⁵ proclaimed British Kaffraria a British Sovereignty in the presence of all the chiefs in the area. He made each chief

¹⁷³ Theal cited in D.M. Groenewald, “The Administrative System in the Ciskei” in Charton (ed), *Ciskei: Economics and Politics of Dependence in a South African Homeland*. London: Hurst & Co. 1980: 83.

¹⁷⁴ D. M. Groenewald, “The Administrative System in the Ciskei”, p. 83.

¹⁷⁵ Harry Smith (28.6.1787 – 12.10.1860). After serving in South and North America he was sent to the Cape of Good Hope in 1829. At the outbreak of the Sixth Frontier War in 1834, he was sent to the Eastern Cape. He was placed in charge of the new province of Queen Adelaide with headquarters in King Williamstown. (*Standard Encyclopedia of Southern Africa*. Vol 10. South Africa: Nasau Limited. 1974: 9-10).

touch the staff of peace or the staff of war or kiss his foot. On 7 January 1848 he made them take another oath promising to cease the practice of witchcraft, abolish polygamy and obey all the orders of the High Commissioner in his capacity as Great Chief and representative of the Queen. In 1850 Harry Smith deposed Sandile, the Chief of the Gaika and replaced him by a European, Charles Brownlee, yet again leading to chiefly resistance. Such 'follies' fuelled eight frontier wars.¹⁷⁶

Prior to the mid 19th century the lands across the river Kei, north of the Cape colony and south of Natal were viewed as belonging to 'independent' chiefs such as Kaku and Hintsa. From the 1850's, the Cape began to extend its influence into this territory as well. Initially this occurred indirectly as missionaries and agents encouraged trade or intervened in chiefly disputes. However, from the 1870's direct attempts were made to conquer and capture land for the colony. Fingoland, which was populated by the Mfengu, was confiscated from the Gcaleka chief after the 1856/7 cattle killing. Gcalekaland, Thembuland, Emigrant Thembuland, East Griqualand and Pondoland were annexed in the years that followed. Unlike British Kaffraria, which was annexed to the Cape colony in 1866, the Transkeian territories were administered separately from the Colony proper.

The local council system, which was explicitly designed for these territories, became the basis of a system of 'indirect rule'. This was motivated by the Cape colony's inability or unwillingness to admit the Transkei into the full colonial system, the segregationist policy of freezing African areas in the form of reserves and local resistance.¹⁷⁷ Earl Grey argued with regard to the Gold Coast (Ghana) that it was best "to preserve whatever is capable of being rendered useful in the existing customs and institutions of the people" and in Western Pondoland the best policy was "to govern the several Kafir tribes...through their respective chiefs".¹⁷⁸ Although the chiefs received salaries the

¹⁷⁶ D.M. Groenewald, "The Administrative System in the Ciskei", p. 83-84. C.C.S Holdt, "Constitutional Development" in *Ciskei: A Bantu Homeland-A General Survey*. Fort Hare: Fort Hare University. 1971: 200-204.

¹⁷⁷ An example of this segregationist policy is the Royal/Crown reserve. It was a six hundred square mile triangle of land from King Williamstown to the Amatole Mountains in which Africans were forced to live in villages of not more than two hundred huts (Crais, "White Supremacy and Black Resistance", p. 197). Beinart and Bundy, "Hidden Struggles", p. 5-6.

¹⁷⁸ Crais, "White Supremacy and Black Resistance", p. 199.

governor did not aim to erode the existing power of chiefs nor ‘suddenly’ attempt to “anglicise his whole system of Government... but rather to respect the Chief” and “hold him responsible as a vassal of the Crown”. Until ‘civilization’ had spread through Western Xhosaland, it was best “to govern the chief and his people through him”.¹⁷⁹

Hence, the British colonialists used African allies to secure control, rather than by directly appropriating land. In the first half of the 19th century, Xhosa groups were defeated on the settler frontier. During the period of 1877-81 armed resistance was led by chiefs from the Mpondimise, Griqua, Thembu and Sotho tribes with support from the independent Eastern Mpondo paramount. The continued resistance forced colonialists to seek out intermediaries who came in the form of Mfengu chiefs. In the 1860’s the Mfengu collaborated with the British in exchange for land formerly under Gcaleka’s control. After the 1877-81 rebellions, the Mfengu received new locations and their chiefs were promoted to headmanship positions. The rebels on the other hand, had land confiscated and their chiefs were removed.¹⁸⁰

However, at the turn of the century the political balance in Transkeian territories began to shift and former ‘allies’ were no longer favoured. As colonial rule became more extensive and bureaucratic, individual alliances with ‘loyal’ chiefs were no longer necessary. Furthermore, as colonial policy became more direct and structured in order to increase and regulate the supply of migrant workers to the mines, peasant agriculture declined due to the rise in taxes, shortage of arable plots and restricted access to markets.¹⁸¹ With regard chieftaincy, the policies of Sir George Grey¹⁸² dominated both British Kaffraria and the Transkeian Territories. Sir George Grey was a committed reformist; he believed that direct rule, which abolished ‘barbarian’ customs would ‘save’

¹⁷⁹ Crais, “White Supremacy and Black Resistance”, p. 199.

¹⁸⁰ Beinart and Bundy, “Hidden Struggles”, p. 7-9.

¹⁸¹ Ibid, p.9-10.

¹⁸² Sir George Grey (14/4/1812 – 20/9/1898) became the Cape Governor in 1854. He was allegedly highly esteemed by the Maori chiefs while he was the Governor of New Zealand (1845). He used this experience to pacify the chiefs in the Eastern Cape and in the Orange Free State. He mediated between President Boschhoff of the Orange Free State and Moshesh, the Basotho chief. Britain eventually lost faith in him after his attempt to bring about a federation of the Cape, Natal and OFS. He was recalled in 1861 and returned to place as Governor of New Zealand in 1861. (*Standard Encyclopedia of South Africa*. Vol. 5., p. 346-7).

the African. He tried to 'civilise' British Kaffraria by establishing schools and missions, encouraging the growth of an African working class and by undermining the role of chiefs. Under Grey's policies, only the senior son of the royal house was assured of becoming a chief. In 1858 Grey specified that only eleven chiefs would receive salaries. Furthermore, payment of councillors no longer went via the chief but were modified in the form of direct payments, thereby, destroying the chiefs ability to engage in patronage politics and undermining the practices of redistribution and reciprocity in pre-colonial societies. In general, former chiefs found themselves degraded into 'petty headmen'. According to Crais, "not only did Grey's policies greatly curtail the expansion of chieftainship...Chiefs now had far less control over the economic activities of commoners. This loss of control chipped away at their power, but it also threatened the issues of consent between a chief and his adherents".¹⁸³ However, it will be shown that although chiefs lost official power, their popular legitimacy increased as rural dwellers rallied around them to offset the effects of increased state interventions. As Beinart and Bundy argue, "the colonial state had considerably hemmed back certain of the tributary powers exercised by chiefs – powers which had not always been willingly accepted by commoners. Nevertheless, some of the political processes and notions of legitimacy surrounding chieftaincy remained firmly embedded".¹⁸⁴

Although class boundaries were neither rigid nor clearly defined, at this stage four different social groups dominated African society in the Cape. First, members of the educated elite who were placed in leading positions in mission churches, and received high salaries and secure positions. This elite stemmed mainly from the petty bourgeoisie, which in the Cape included members in key professions (ordained ministers, qualified teachers, physicians, Nurses, journalists and lawyers), students in mission schools and at Fort Hare college, certain categories of wage earners (especially court entrepreneurs, policemen, skilled clerks and artisans), some self-employed persons (owners of lodging houses, affluent traders etc), semi-commercial and fully commercial farmers and others with access to wealth and power. These people were mainly members of the voting

¹⁸³ Crais, "White Supremacy and Black Resistance", p. 203.

¹⁸⁴ Beinart and Bundy, "Hidden Struggles", p. 16.

community, who maintained alliances with the state, sought the extension of the franchise and assumed Britain would intervene in South Africa in their favour.¹⁸⁵

Second, members of old loyal communities, often Christians, peasants, transport riders and workers in small towns who had to sustain a highly commoditised lifestyle but were unable to sustain production due to restricted markets and increased taxation. Third, traditional leaders, hereditary chiefs and headmen, who were internally divided as a group. Some became members of the new elite, were educated and increasingly brought into a collaborationist relationship with the state. Others became symbols of resistance to their communities. Fourth, the majority of the rural dwellers in the Transkei districts (except Fingoland and Emigrant Thembuland) who were cautious traditionalists. They rejected assimilationist ideology and regarded cattle, land and chieftaincy as symbols against an increasingly intrusive state.¹⁸⁶

By the 1920's Cape rural society was riddled with high poverty, growing unrest, and large-scale labour migrancy. As headmen had become greatly delegitimised and rejected by their communities, they could no longer contain the resistance in their communities and could no longer exact a regular labour flow to the mines. Hence, the magistrates attempted to reformulate their control in their districts by effectively co-opting chiefs into the council system. In other words, "finding that the people were obedient to their chiefs, the government permitted the chiefs to remain, but it has attempted to changed the work of the chief, so that, instead of being the father of his people, he has become the policeman of government".¹⁸⁷ The development of the Bunga¹⁸⁸ and the restitution of certain powers to chiefs during the segregationist era of the 1920's and 1930's led to the

¹⁸⁵ Switzer, "Power and Resistance", p.247. The development of this emerging elite can largely be attributed to the high levels of education in the Eastern Cape. In 1920 34.9% of the African population in the Cape Province was educated. The Cape government earmarked 76.5% of government aid for African schools. Furthermore, the Cape Province contained 59% of African schools, 60.9% of African pupils and 63.5% of African teachers in South Africa. The curriculum in white and black schools was virtually the same although at the lower primary level instruction was in the vernacular.

¹⁸⁶ Beinart and Bundy, "Hidden Struggles", p.11.

¹⁸⁷ Document 66: A.M Maliba. "The Conditions of the Venda People," pamphlet issued by the JHB District Committee of the Communist Party. Dec 1939. Published in *South African Communists Speak*. London: Inkululeko Publishers. 1981: 141.

emergence of a coalition of chiefs, senior headmen and educated commoners as bureaucratic elite. As will be shown this alienated the institution of chieftaincy from the liberation movement around which it had initially rallied.

In order to understand the shifting and often ambiguous role played by the chiefs, it is necessary to take a closer look at the nature of the state intrusions into Cape rural society based primarily on an extensive administrative structure.

Local Administration

In 1866 British Kaffraria became an integral part of the Cape colony. Thereafter only colonial laws received official recognition to the exclusion of Native law and custom. In 1877, the Transkeian territories were annexed. Although the policy in this area was to gradually replace Native chiefs by European magistrates, Native custom and law was to be always used in civil cases. In 1886 this was replaced by a special Transkeian Penal code, which was applied to both blacks and whites.¹⁸⁹

Ciskei (British Kaffraria) was chosen as the site of an experiment in detribalisation and local administration, which came in the form of the Glen Grey Bill, although Cecil Rhodes emphasised that he hoped to extend this bill to the Transkei up to the Zambezi River because "it is a Native Bill for Africa. You are sitting in judgement of Africa".¹⁹⁰ This bill was formulated to provide Africans with district councils "to employ their minds on simple questions in connection with local affairs...to remove them from a life of sloth and laziness (and to) teach them the dignity of labour".¹⁹¹ The Glen Grey Bill had three main concerns namely taxation, land tenure and local administration. By introducing a new ten-shilling district rate and a ten-shilling labour tax alongside the hut tax, Rhodes hoped to relieve the Cape government of the cost of administering the African territories. In addition, this Bill attempted to introduce individual land tenure in order to limit the

¹⁸⁸ The Bunga was the United Territories General Council formed in 1931, which had its roots in the Transkeian Territories General Council established in 1903. For further details see next section.

¹⁸⁹ I.L. Evans. *Native Policy in Southern Africa: An Outline*. Cambridge: Cambridge University. 1934: 4.

¹⁹⁰ Cited in Beinart and Bundy, "Hidden Struggles", p. 139.

class of food producers and to force others onto the labour market. These two tenets were met with great resistance and were finally abandoned. In contrast, the local administration system was enforced until the 1950's in the face of great peasant resistance.¹⁹²

In 1894 the first District Council was formed in Glen Grey. In 1897, district councils were created in the districts of Butterworth, Idutywa, Nqamakwe and Tsomo, which were united in the Transkeian General Council. In 1899 the district of Kentani entered the system. This system was further extended to seven districts of Tembuland and East Griqualand in 1903 and the name of the larger body was changed to the "Transkeian Territories General Council" which met annually in Umtata. Eventually the Transkeian Territories General Council included the districts of Butterworth, Elliotdale, Engcoba, Idutywa, Kentani, Matatiele, Mount Ayliff, Mount Fletcher, Mount Frere, Mqanduli, Nqamakwe, Qumbu, St. Marks, Tsolo, Tsomo, Umtata, Umzimkulu, Willowvale and Xalanga. In 1911 the district system was extended to Libode, Ngqueleni and Port St Johns in Western Pondoland then to Bizana, Flagstaff, Lusikisiki and Tabankulu in Eastern Pondoland. In 1931, the United Transkeian Territories General Council was formed. This council included one hundred and eight members, thirty of whom were *ex officio* members and the remainder were elected. The *ex officio* members included twenty-six magistrates, three Paramount Chiefs from Thembuland, Eastern and Western Pondoland. Officials felt that the Transkeian Bunga had been reasonably successful in controlling African expression so in the face of increased conflict in the urban areas after World War One, it was deemed desirable to extend the council system. The Native Affairs Act of 1920 provided for the extension of the council system to all African communities. District councils were established in the Tamacha district of King Williamstown and in Middledrift in 1926, and in Peddie and Victoria East in 1927. In 1928, they were established in Keiskammahoek, followed by Herschel in 1930 and East London in 1932. In 1934 the Ciskeian General Council was formed.¹⁹³

¹⁹¹ Cited in Tabata, "The All-African Convention", p. 106.

¹⁹² Beinart and Bundy, "Hidden Struggles", p. 139.

¹⁹³ Rogers, "Native Administration", p. 34-43; W. P. N. Kennedy and H. J. Schlosberg, *The Law and Custom of the South African Constitution*. London: Oxford University Press. 1935: 451-458.



Districts were divided into locations. Each location was placed under the control of a board of four people, which included three nominated members and a headman. Each group of locations nominated one person who sat on the District Council, which was overseen by the Magistrate. The role of the Magistrate was to collect taxes, supervise welfare payments, dispense justice according to law, link districts and departmental authorities, supervise the allocation of land, arbitrate boundary disputes, quell unrest, report disruptive elements to higher authorities and supervise the headman.¹⁹⁴

In this system of direct rule, headmen were key figures. The cattle killing of 1855-57 led to the imprisonment of leading chiefs. Only those chiefs who were conspicuously loyal to the colonial state were appointed as headmen, such as Toise, Tshatshu, Siwana, Tyali, Anta and Kama. Headmen were generally appointed with a link to the chiefly hierarchy. According to Lewis "it is therefore impossible to draw a line between traditional leaders and paid headmen".¹⁹⁵ However, although many collaborative chiefs came to constitute the office of headmanship the institution of chieftainship remained largely untarnished, as it was still associated with resistance against the colonial overlords. In contrast, headmen were regarded as the instrument of alien control and vital actors in the conquest and consolidation of colonial rule. Hence, the office of headmanship "was always regarded as distinct and separate from the structure of chieftaincy".¹⁹⁶

In terms of the consolidation of colonial rule, headmen were instrumental in extending the power of the Cape government into the rural areas. In the council system, headmen were in theory elected by the people but this was subject to ratification by the white authority, which also had the power to dismiss recalcitrant headmen. Headmen were the only officials in the village who were recognised and paid by the Department of Native Affairs. Their duties included surveillance over land and hut occupancy, livestock movement, tax registration and collection, soil rehabilitation, demarcation, forest

¹⁹⁴ Groenewald, "The Administrative System", p.86. Southall, "South Africa's Transkei", p.88.

¹⁹⁵ J.Lewis. *Headmen, Power and Social Transformation in the Ciskei*. University of Cape Town: Centre for African Studies Seminar Paper. 16 September 1992: 8.

¹⁹⁶ Southall, "South Africa's Transkei", p. 88.

maintenance, dispute resolution and policing.¹⁹⁷ In general, headmen constituted an alternative local agency to the chief and an unofficial police force. In other words, headmen “formed the front-line echelons of Transkeian administration...without them the implementation of the policy of direct rule would have been impossible, or at least extremely difficult”.¹⁹⁸ In the Ciskei General Council debates, a headman was described as “*the man in the location. If he was living in town we would call him the Mayor of the town*”.¹⁹⁹

In general, headmen were deemed the arm of government in the rural areas, but were also expected to represent the people. This ambiguous role is clear in Councillor Mahonga’s testimony that

“government headmen occupy a very responsible position, and the Government looks to them in many matters. They represent the magistrate of Native commissioner of a district in many respects, particularly in matters affecting the people with whom they reside, matters in which the Native Commissioner can do nothing or very little unless he has the support and advice of the headmen. That applies equally to the people who cannot do anything except through the headmen to be in attendance with those people at the office”.²⁰⁰

In other words, the role of the headmen is to act as “a medium of our own colour between the people and the government”.²⁰¹ It is clear that this placed headmen in an ambiguous position; they were expected to enforce unpopular state policies amongst the people they represented and were directly subject to. As one headmen complained, “If there is some instruction from Government that I must make known to my people, they always suspect me of working together with the Native Commissioner and of being in sympathy with the Government and opposed to their interests”.²⁰² It will be argued that this position ultimately favoured the chiefs. Many chiefs exploited local disputes to activate popular

¹⁹⁷ For an extensive list of headmen’s duties see Monica Wilson, Selma Kaplan, Therasa Maki and Edith M. Walton. *Social Structure*. Pietermaritzburg: Shuter and Shooter. 1952: 25-28.

¹⁹⁸ W. D. Hammond-Tooke, *Command or Consensus: The Development of Transkeian Local Government*. Cape Town: David Philip. 1975: 108.

¹⁹⁹ Councillor Phooke, Ciskei General Council Hansard: 23/09/1943.

²⁰⁰ Councillor Mahonga. Ciskei General Council Hansard: 16/09/1937.

²⁰¹ Councillor Jabavu. Ciskei General Council Hansard: 13/10/1942.

²⁰² Cited in Wilson et al, “Social Structure”, p. 37.

opinion in their favour and against the headmen. This is evident in Qumbu in 1912 and 1913 where fighting broke out against the local headman. In Fingoland, Elliotdale and Kentani districts "the people have denounced the headmen as men who have sold themselves to government for an increase in pay".²⁰³

In the Transkei, the emerging elite initially perceived the council system as a threat to their interests. For example in Qumbu, Tsolo, Glen Grey, Xalanga and Idutywa opposition was voiced mainly by Christian, educated and relatively prosperous members of society between 1902 and 1906.²⁰⁴ In response the state made strategic allowances. In 1906 it allowed for wider electoral participation. Ratepayers (mainly landowners) in each electoral ward met to elect three representatives. These representatives would meet with men from other wards to select four of their number to accompany two government nominees on the District Council. Finally, they would elect three representatives to sit on the Bunga. Hence, the council system favoured men of local affluence and influence.²⁰⁵ As a result, the council system gained the support of the middle class in both the Transkei and Ciskei. In the Ciskei educated men welcomed the council system because they believed that great benefit would accrue from the local ten shilling tax paid by all in the shape of much improved local services in terms of roads, dipping facilities, hospitals, agricultural extensions and schools.²⁰⁶ According to Groenewald, the council system was regarded as legitimate because the councils accommodated the educated elite, there was a high rate of delivery and the long period of subordination to the colonial authority and economy had rendered traditional authorities redundant.²⁰⁷

However, the council system did not receive the support of the peasants because they could not afford the additional tax, believed that better services would be monopolised by progressives and believed that the council was a 'puppet government' or a 'dummy

²⁰³ Beinart and Bundy, "Hidden Struggles", p. 127, 145.

²⁰⁴ Beinart and Bundy, "Hidden Struggles", p. 154, 157.

²⁰⁵ Southall, "South Africa's Transkei", p. 95.

²⁰⁶ E.Mda, "The extension of the council system into the Transkeian Territories" in *Report of the National European-Bantu Conference*. Cape Town: Lovedale Institution Press. 6-9 February 1929: 89.

²⁰⁷ Groenewald, "The Administrative System", p. 86.

council,' which would further intervene into rural life.²⁰⁸ They were not opposed to change but wanted some control over the nature and pace of this change. The new elite attributed this conservative attitude to the negative influence of the chiefs. This is evident in J. Tengo Jabavu's testimony before the Select Committee on Native Affairs on 15 June 1920. He argued in favour of the councils "because they will help to improve the conditions of the natives, because they will be managing their own affairs". He thus argued that the councils should be imposed upon the people if need be because they were overly influenced by the chiefs who "think they are going to lose power, and I know that they have that fear. It was always the fear from the beginning that certain powers would be taken away from them".²⁰⁹

In general the district councils and the Bunga were ineffective administrative bodies. They had limited control over matters affecting public health, sanitation, hospitals, afforestation and education and were further hampered by insufficient finances.²¹⁰ In general, these bodies were unable to cope financially and politically with the problems arising from the increased impoverishment of the reserves and the consequent resistance from the people and the chiefs.

The Impoverishment of the Reserves

²⁰⁸ Tabata, "The All-African Convention", p.107; Beinart and Bundy, "Hidden Struggles", p. 229.

²⁰⁹ Document 33a : Testimony of J. Tengo Jabavu before the Select Committee on Native Affairs, June 15 1920. Published in Johns, "Protest and Hope", p. 111. John Tengo Jabavu (1859-1921) was qualified as a teacher at Healdtown Missionary Institution. In 1884 he owned his own newspaper, *Imvo Zabantsundu* (The Views of the Black People). He initially supported the liberal white faction in parliament and then in 1890 shifted support to the Afrikaner Bond. He lost credibility due to his contacts with white people. When the South African Native Congress (SANNC) was formed he refused to join because it was an all-black organization. He founded the South African Races Congress, which failed to mobilize support. After gaining a degree of legitimacy by joining the delegation to London in 1909 in protest against the Union's draft constitution, he lost legitimacy when he supported the 1913 Land Act. His views about chieftaincy were antithetical to those espoused by SANNC (see next chapter) (D. Owen, *Ubukhosi Neenkokeli: A Directory of Eastern Cape Black Leaders from c.1700 to 1990*. Grahamstown: Albany Museum. 1994).

²¹⁰ Southall, "South Africa's Transkei", p. 91. Switzer, "Power and Resistance", p.226-7.

According to Unterhalter, “the exercise of power flows from the conquest of land”.²¹¹ For the Africans, conquest had three main consequences namely, loss of national autonomy, deprivation of the more productive portions of their land and encapsulation in reserved areas. Prior to the 20th century, many Africans in the Eastern Cape were forced to live in the Royal/Crown Reserve. In the 20th century the boundaries in the reserves were fixed by two main pieces of legislation namely the 1913 Natives Land Act and the 1936 Native Trust and Land Bill. The 1913 Native Land Act scheduled existing African areas as reserves and prohibited Africans from purchasing land outside the scheduled territory. In addition, this Act extended territorial segregation from the Cape and Natal to the Orange Free State and Transvaal. In total, 7.3% of the total land area of the Union was set aside for African occupation.

Cape Africans were theoretically excluded from the provisions of the Land Act but the size of the reserves was still determined by government-appointed bodies. Between 1913 and 1936 Africans could buy land anywhere in Cape because property transactions between blacks and whites were still legal. Nevertheless they lost more land than they acquired; Africans in debt were forced to sell farms to white farmers in districts like Cathcart, Kangha and Stutterheim. In 1922 a further seven and a half morgen (2.12 acres) of land were released, and the 1936 Native Trust and Land Act allocated 13.7% of the Union land surface for African occupation. This Act amplified anti-squatting provisions and established a Native Trust to buy up land in ‘released areas’ to be occupied and farmed by Africans under stringent conditions. This Act restricted Cape Africans from buying land outside African reserves. By 1949 only about 43 197 morgen (91 578 acres) of land were still owned by Africans in the Ciskei; 37% of what they had owned in 1916.²¹² By restricting African ownership of the land, these legislative measures not only stunted black agricultural development but also reduced the size of the population that the land could sustain, thereby increasing the proletarianisation of the peasantry.

²¹¹ D.Unterhalter, “Legitimate Expectation and the Law of the Chiefs” in Christina Murray and Catherine O’Regan (ed) *No Place to Rest: Forced Removals and the Law in South Africa*. Cape Town: Oxford University Press. 1990: 222.

²¹² Switzer, “Power and Resistance”,p. 199.

Numerous taxes, commoditisation and rising poverty assisted such legislation in accelerating proletarianisation. Taxes such as the hut tax which placed a ten shilling tax on all married men, were imposed during or immediately after a series of ecological disasters during the 1890's and early 1900's; these included drought, locusts, famine, and a rinderpest epidemic (1896-97). As cattle was the embodiment of wealth, the rinderpest epidemic in particular, led to the mass bankruptcy of African societies. Hence, it became socially necessary to work for money to restock herds, as a substitute for cattle in bridewealth payments and to pay the taxes. The Native Tax Act of 1925 placed a tax on all married men eighteen years and older; this included a twenty shilling general tax and a ten shillings local tax each year for each residence owned or occupied. Increased commoditisation heightened the need for people to purchase consumer goods thereby reinforcing the need for Africans to leave the reserves in search of employment. In the face of a desperate need for money, contracts and recruiting agencies, Africans had little choice but to join the throngs of migrant labourers heading to the Transvaal, Orange Free State and Northern Cape in search of gold and diamonds.²¹³

The original function of the reserves was to subsidise the costs of mine labour and to provide a reservoir of labour from which migrant labourers could be produced. This benefited capitalist and European administrators in a number of ways. First, for the employer it kept the working class fragmented and unorganised. Second, migrant workers' wages were set below the minimum needed for subsistence as their families could in theory continue to subsist in the reserves. It further removed the responsibility for employers to pay pensions or social welfare costs. Lastly, for officials it ensured that at least some money was brought into the rural areas to help sustain village life.²¹⁴

In reality, the wages brought home were insufficient to cater for the subsistence needs of a single family. A family needed at least £60 in order to survive one year. In 1910 farm labourers and domestic workers earned £3 to £18 a year. Male labourers in town earned £15 to £28 annually. Semi-skilled and skilled labourers earned between £24 to £48

²¹³ Switzer, "Power and Resistance", p. 225, 203. Vail, L. "Introduction" in Vail (ed), *The Creation of Tribalism in Southern Africa*. London: James Currey: 9.

annually. The situation was exacerbated by the reduction of household production. In Victoria East in 1925 the cash income from production was 22% of what it had been in 1875 but the portion spent on food rose from 20% of the total income in 1875 to 64% in 1925.²¹⁵ Worsening access to the market undermined peasant production; Africans did not reap the benefits of favourable legislation, state subsidies and reduced rail rates. Furthermore, production was hampered by depleted natural resources signified by the absence of firewood and spreading soil erosion. In addition, the migrant labour system left the elderly, women and children responsible for peasant production. As a result, the sale of wool and grain did not provide enough money to purchase food and commodities, and pay taxes. This led to high indebtedness to traders who would buy grain at lower prices, store and import more grain and finally sell the grain back to the Africans at higher prices in times of hardship such as drought.²¹⁶ Starvation was accompanied by malnutrition, disease and infant mortality.

At the Ciskei General Council, the Secretary of Native Affairs, Dr Mears provided an acute summary of the poverty rife in the reserves of Transkei and Ciskei: "The prolonged and widespread drought has brought in its train many hardships and deprivations. Disease and illness in various forms have prevailed, food has not been plentiful; many water supplies have failed; the veld has perished and stock losses have been serious".²¹⁷ He did not however acknowledge that the problem could be attributed to insufficient land, which was unable to cater for the growing population. The situation was compounded when individuals were turned off white farms on which they had been previously squatting. Between 1911 and 1951, natural population growth combined with the effects of rising unemployment in the urban areas, forced removals and segregationist legislation led to an increase in Ciskei's total population by 45.7%.²¹⁸

²¹⁴ Vail, "Introduction", p. 9. Southall, "South Africa's Transkei", p.24.

²¹⁵ Switzer, "Power and Resistance", p. 202-3,206

²¹⁶ Beinart and Bundy, "Hidden Struggles", p. 222-3.

²¹⁷ Ciskei General Council Hansard: 11/10/1949

²¹⁸ Switzer, "Power and Resistance", p. 200.

Nor did Mears recognise or acknowledge that such poverty was plainly in the capitalist's interests to reduce Africans "from a state of self-sufficiency to one of sub-subsistence".²¹⁹ By reducing the rural dweller to a condition where he was no longer able to support himself, he was forced to become dependent on wages earned in white industrial regions and farms. By the 1930's South Africa had a dual economy based on the core areas characterised by material development, and the periphery from which migrant labourers emerged.²²⁰ However, a confidential report on the conditions in the Transkei and Ciskei commissioned by the Chamber of Mines concluded, "semi-starvation is a very insecure basis from which to build a permanent labour supply".²²¹ Part of the 'insecurity' of such a labour force is its increased tendency to engage in radical resistance in response to desperate impoverishment. Macmillan described Herschel as "desperately impoverished" and "seething with discontent".²²² In the 1928 session of the Transkeian Territories General Council, councillors were warned of the breadth and depth of local resentment, which was conditioned by the struggle for economic survival.²²³ Resentment against all aspects of government control and intervention took the form of resistance around a particular issue from which the government would come under attack ideologically and physically. Ironically, it was the government's attempts to relieve aspects of this impoverishment that came under the most attack, particularly since these efforts aimed to relieve only the symptoms as opposed to the structural causes of this poverty, as is evident with regard government's dipping, betterment and rehabilitation schemes.

East Coast fever, a tick borne cattle disease, moved southward down the East Coast of Africa and reached the Northern Transvaal in 1904. Veterinarians recommended that the only way to avoid the devastation caused by the rinderpest in 1897 was by regular and universal dipping of livestock. This exercise required tanks, supplies, veterinary staff and dipping supervisors, which were very costly. These costs were administered through the Glen Grey Council system and direct charges were placed upon cattle owners who were

²¹⁹ D.A.J. Campbell, *Radical Resistance to Minority Rule in South Africa. 1906-1965*. PHD Thesis. Buffalo: State University of New York. 1975: 232.

²²⁰ Ibid.

²²¹ Cited in T. Lodge, *Black Politics in South Africa Since 1945*. London & New York: Longman. 1983: 262.

²²² Macmillan cited in Beinart and Bundy, "Hidden Struggles", p.223.

subjected to the council general tax rate, stock levies and dipping fees. Work commenced in 1906 but was started properly in 1910. It involved stringent measures such as the construction of a border fence between Pondoland and Natal, and between Pondoland and East Griqualand, in order to restrict cattle movement. By the 1911 Stock Diseases Act, regulations were more severe; dipping was enforced and some cattle shot. In 1912, dipping was extended to the Transkei and was made compulsory, more frequent and more expensive. District Councils adopted a rate of half a penny per head per dip.²²⁴ Even officials were critical of this procedure; W.T Brownlee argued, "These officials pursued the ideals of veterinary Utopia wholly regardless of the practical conditions of Territorial life".²²⁵ Rural dwellers were subject to these 'impracticalities'. Their income was affected because they could not sell stock or move stock and other agricultural commodities for the purpose of trade, and the dipping fee was onerous for the average household. It also disrupted pasture usage, the cattle loan system and customary practices that involved the passage of stock. In general, dipping contributed to economic hardships that resulted from a drought in 1912, poor food harvest and a slump of wool prices in 1914.²²⁶ The result was widespread opposition.

At public meetings commoners rallied around chiefs against the dipping scheme. Using dipping as a platform they attacked the council system and white governance and interference. It was feared that this interference was simply a plot to drive out cheap labour, weaken the cattle and diminish the milk supply. Dipping constituted the most intense intervention into peasant society since annexation. The fact that it involved cattle heightened the resistance. Cattle not only represented a source of meat and food but also played a vital social and cultural role. It was an indispensable feature of marriage, was of aesthetic and sentimental importance and played a central role in the relationship between the commoners and the chief. For the chief, cattle represented his main form of wealth and the primary way of showing and keeping power. It was inherited from his father, received at his inauguration, received as gifts from rich subjects and constituted the

²²³ Beinart and Bundy, "Hidden Struggles", p. 1.

²²⁴ Ibid, p.192-6.

²²⁵ Cited in Beinart and Bundy, "Hidden Struggles", p. 195.

²²⁶ Beinart and Bundy, "Hidden Struggles", p. 196.

proceeds of fines and confiscations.²²⁷ Hence, any colonial influence that bore directly on cattle was likely to produce deep-seated reactions from both the chiefs and the commoners. In December of 1914 and 1916 in Matatiele and Mount Fletcher, resistance took on a violent form. Stores were looted and destroyed, dipping tanks and sheds attacked and burned, dips boycotted and picketed, individuals operating the dips were threatened and manhandled, homes were destroyed, tax collectors and court messengers harassed, telegraph wire torn down and other aspects of government control and intervention attacked.²²⁸

In the 1930's resistance abated because the system of labour migrancy had become entrenched, the council system established and dipping reluctantly accepted. In addition, there had been a short-lived agricultural recovery. However, by the 1930's it was clear that the reserves were unable to provide sufficient food for the African population.²²⁹

The government was forced to concede that the reserves no longer provided the subsistence needs of its inhabitants and responded with massive reorganisation. Authorities linked the decline in food production to what they perceived as poor peasant farming methods and misuse of land. This emphasis on development must be seen in the context of rising poverty and unrest in the countryside resulting in increased urbanisation in the 1940's. In 1943-44, Ciskei's grain supplies were less than half of the reserve's subsistence requirements.²³⁰ The inability of the reserves to provide for the subsistence needs of the growing reserve population resulted in increased labour migrancy to 'white' urban areas; by 1936 about 63% of Ciskei's able-bodied men were engaged in migrant labour. The permanent African population in the urban areas doubled from 1.2 million in 1936 to 2.4 million in 1951.²³¹ In the face of pressure from white unskilled workers to entrench their favourable position in the market and in the face of increased white fears of black encroachment, government was forced to take action. The 1930-32 Native

²²⁷ Beinart and Bundy, "Hidden Struggles", p.194. Vail, "Introduction", p. 8. C.B. Maclean. *A Compendium of Kafir Laws and Customs*. Grahamstown: Slater. 1906: 29.

²²⁸ Beinart and Bundy, "Hidden Struggles", p.192. Southall, "South Africa's Transkei", p.95.

²²⁹ Southall, "South Africa's Transkei", p. 97.

²³⁰ Switzer, "Power and Resistance", p.211.

²³¹ Ibid, p.284.

Economic Commission concluded that state intervention was necessary “to enable the Natives to develop their Reserves so as to make these sufficiently productive and attractive to stop the present compulsory migration to the towns”.²³²

The 1936 Land Act proclaimed so called betterment locations and divided the ground into residential, arable and grazing areas with regulations to limit stock and offset rising soil erosion. The first scheme involved the culling of stock, because according to the official position, overstocking limited population density, ruined the land, weakened the cattle and reduced the milk yield that was a crucial supplement to maize. Ciskei was deemed the most overstocked reserve; officials warned that if something was not done “the Transkei and the Native Areas in the rest of the Union will be tomorrow what that of the Ciskei is today”.²³³ Using the Ciskei as a test case, Livestock Control and Improvement Proclamation No 31 of 1939 was introduced in the Tamacha District of King Williamstown. Although the culled stock was mainly diseased or ill, by reducing the number of cattle by fifty percent officials not only reduced an important means of economic survival but also violated custom in which cattle represented wealth, savings and security. The failure of stock culling was inevitable because “the real problem of the people is not that they have too many cattle but that they have too little land”.²³⁴

Nevertheless, in 1945 the state attempted a new policy in which focus was directed to population resettlement. Anticipating the prospect of absorbing a flood of returning soldiers after World War Two and tenants who were displaced from white farms, the new ‘Rehabilitation scheme’ divided populations into permanent farmers and migrant wage labourers. Full time farmers were allotted a single plot of arable land and subject to regulations imposed in Betterment locations. The non-farming population, which consisted of peasants who were not given arable land, landless peasants and urban refugees, were to be resettled near existing centres of industrial employment. The Transkei Bunga approved the Rehabilitation scheme in April 1945 and the Ciskei Bunga

²³² Ibid, p.209.

²³³ Switzer, “Power and Resistance”, p. 210.

²³⁴ Document 66. in “SA Communists Speak”, op cit: 143.

approved it in September. However, the peasants were not consulted.²³⁵ As Professor Z.K. Matthews observed,

“Admirable as the scheme appears on paper, it has rightly or wrongly come to be looked upon by the people as a further encroachment on their already limited land rights and a further encroachment of the system of migratory labour, and in spite of its acceptance by such public bodies as the United Transkeian Territories General Council and the Ciskeian General Council, it has not aroused that enthusiasm among the common people which alone can guarantee its success”.²³⁶

In general, in the fight against betterment and rehabilitation schemes, councillors and the council system came under attack. As the Secretary of Native Affairs proclaimed, “It is with dismay that I have learned that the Natives in several districts are being influenced by protagonists to have nothing to do with the council system. Councillors are described as being the ‘catspaws’ of the Administration”.²³⁷ The Department of Native Affairs deemed it the council’s responsibility to enact and finance the schemes and to “make the people realise that what is being done is for their benefit and in their own interests and that of their children, out of whose mouths we should not take their bread by destroying the land which is their heritage”.²³⁸ However, councillors failed in their attempts to ‘sell’ the scheme to the people. The peasants rose in revolt; they cut fences, set fire to commonages, threatened land surveyors, boycotted cattle-dipping facilities, refused to cooperate with agricultural field workers from the Native Affairs Department and aired protest at public meetings sponsored by the Native Trust. In Middledrift and Keiskammahoek, three policemen were killed.²³⁹ The radical nature of the unrest was largely transported from the urban areas by migrant labourers. As Councillor Petini argued, “The doctrines come from agitators hailing from the big industrial centres. When such people visit our location they come to set up a fight and endeavour to prove that

²³⁵ Switzer, “Power and Resistance”, p.231.

²³⁶ Document 31: Z.K Matthews, “Reasons why the Native Representative Council in the Union of South Africa Adjourned”. Pamphlet published in November 1946. Published in Karis, “Hope and Challenge”, p. 231.

²³⁷ Ciskei General Council. 11/10/1949.

²³⁸ Address by Minister of Native Affairs. Ciskei General Council: 13/10/1942.

²³⁹ Switzer, “Power and Resistance”, p. 343, 313.

they express the views of the local people”.²⁴⁰ However, the main source of the unrest lay in the impoverishment of the reserves, which state intrusions served to ignite.

The Chiefs and Popular Legitimacy

In the face of growing resistance to state encroachments the popular legitimacy of chiefs increased. Hence, as they were not part of the administration responsible for instituting the unpopular measures highlighted above, chiefs were insulated from popular dissatisfaction unlike the bureaucratically appointed headmen. Furthermore, many chiefs overtly resisted the council system. The motives of these chiefs were mixed. In Qumbu, chiefs reacted against the councils due to popular pressure from below. In Mount Fletcher, the chiefs feared that their powers would be diminished by the council system; they wanted absolute control over the land and wanted to dominate the people without interference from the magistrate. In this area, Chiefs Scanlen Lehana and Johannes Zibi became effective leaders and symbols of opposition. Scanlen was cited as objecting to the word ‘headmen’, “I would have preferred the word chiefs. If a term headmen is used, he has the same right as myself who is the chief of this location”. In this location, the stubbornness of the chief and the dislike of the council system led to an effective boycott forcing the magistrate to attend the General Council alone without representatives. Furthermore, chiefs dominated various delegations, which sought release from the Glen Grey proclamation.²⁴¹ In other words, the failure of the council system could largely be attributed to the popular legitimacy attributed to the chiefs.

As segregation and proletarianisation advanced, so too did the popularity of chieftaincy. The institution of chieftaincy allowed for mass participation and provided a recognised system of justice to those who were excluded from or not accepted by the colonial courts and law. In addition, chieftaincy lineages with a history of militant resistance were able to attract support in a growing atmosphere of resistance. Furthermore, people had a real need for traditional values represented by the chiefly figure in this context of rapid social

²⁴⁰ Ciskei General Council, 13/10/1942.

²⁴¹ Southall, ‘South Africa’s Transkei’, p.89. Beinart and Bundy, “Hidden Struggles”, p. 151.

change; these values provided a sense of psychological comfort and a measure of control in different situations in a society in flux. 'Control' was vital for a migrant labourer removed from the land and from his family. Chiefs emphasised control in the name of custom and further exercise a degree of surveillance over women and the land.²⁴² The land was the key to chieftaincy's continued influence as "traditionalists found in the chieftaincy a means to define their rights to land".²⁴³ According to Vail, those who fought against the erosion of their positions, "land, and access to land, came to stand at the very centre of their consciousness".²⁴⁴ This is unsurprising as lack of land stood at the root of their impoverishment and more land remained their ultimate means of survival. For the chiefs land was the key to their continued power over the commoners. As their material base had been eroded by the ability of subjects to acquire cattle independently through their access to wages or sale of agricultural produce and by the chiefs' inability to confiscate cattle from recalcitrant subjects, cattle was "displaced from the centre of ideological discourse by land".²⁴⁵ The formation of the reserves strengthened the chief's powers of land allocation. As land was limited, it became a vital resource in a form of power that was increasingly based on patronage politics. The relationship of chiefs to the land was defined by the nature of land tenure in the reserves of the Transkei and Ciskei.

Communal tenure revolves around the institution of chieftaincy. Early observers argued that "the land occupied by a tribe is regarded theoretically as the property of the paramount chief, in relation to the tribe he is a trustee holding it for the people, who occupy and use it in subordination to him, on communistic principles" and that "the individual must live wherever he is placed by the chief or his own headmen"²⁴⁶. In other words, it was argued that the chief owns the land. According to Letsoalo, this argument confuses the concepts of administration and ownership; one needs to look at the rights

²⁴² Vail, "Introduction", p. 11,14.

²⁴³ Beinart and Bundy, "Hidden Struggles", p.16.

²⁴⁴ Vail, "Introduction", p. 9.

²⁴⁵ Neocosmos, "Towards a History", p. 16

²⁴⁶ Cited in A.J. Kerr. *The Native Common Law of Immovable Property in South Africa, with an examination of legislation in force in the Ciskeian Territories of the Cape Province*. Durban: Butterworth & Co. 1953. 12-13.

and obligations, which this 'control' defines²⁴⁷. In reality, chiefs did not own the land personally but merely administered it and allocated it to suit the needs of individual families. This was often enacted "through a subordinate authority" such as a headman. After the harvest, individual ownership of arable land lapsed temporarily and was used for communal grazing for the winter season. The chief set apart land for his own personal use, it was ploughed by the tribe and the harvest was kept in the chief's place. This formed part of the chief's income; it was not a salary but a sign of respect. It was further used to feed visitors and the poor.²⁴⁸ Thus, "the property of the chief was a common fund of the tribe from which help could be obtained in times of misfortune".²⁴⁹

Individual tenure, which effectively meant one man one lot, was applied to the Ciskei on a limited scale in 1849; here, some of the Mfengu were given plots in the Smith-Calderwood location of Victoria East. In 1856, Sir George Grey attempted to reduce social stratification and to pack as many people as possible on the land by granting farms on the basis of freehold tenure.²⁵⁰ The Cecil Rhodes Act (or Glen Grey Act) of 1894 attempted to extend individual tenure in the face of high opposition from both commoners and chiefs. In 1916, the Supreme Court ruled that the Glen Grey Act should not be applied to the Cape because it would jeopardise African franchise rights. Africans who owned property could qualify for the vote, but it would be difficult to meet this condition if they were subjected to the Glen Grey clauses in the Land Act.²⁵¹ However, the 1916 Beaumont Commission and 1918 Cape Land Committee concluded that the only way to solve the overpopulation problem was by extending the Glen Grey Act and by limiting each household to one plot of land. But, efforts at extending individual tenure and land surveying were met with high opposition. It was believed that individual tenure would give them less security than communal tenure. If one held individual allotments one would have to pay a quitrent that was five shillings more than the hut tax while those

²⁴⁷ E.M. Letsoalo. *Land Reform in South Africa: A Black Perspective*. Johannesburg: Skotaville Publishers. 1987:3.

²⁴⁸ Kerr, "The Native Common Law", p. 14,21. Letsoalo,"Land Reform",p.18-19.

²⁴⁹ Communist Party Document 66, op cit. p.140.

²⁵⁰ M.E. Mills and M. Wilson. *Land Tenure*. Pietermarizburg: Shuter and Shooter. 1952: 3.

²⁵¹ Switzer, "Power and Resistance",p. 197.

who were officially landless (i.e. a household head who had not been allotted residential-cum-garden plots) would still have to pay the hut tax.²⁵²

From 1921 management of pasture land was increasingly subject to control through the Native Commissioner of the district and officers of the Agricultural Division of the Native Affairs Department whose expressed aim was to give as many men as possible a piece of arable land to combat erosion.²⁵³ Although Transkeian Territories' officials recognised communal tenure they attempted to regulate it by Notice 833 of 1921; this proclamation provided for an investigation of all existing arable and household allotments by the Superintendent of the Native Locations.²⁵⁴ The people once again resisted such interventions because "experience has taught Africans to suspect the government's intention towards them in these plans; they see them as part of the withholding of land which they so desperately need, the land which once belonged to them and which they still regard as rightly theirs".²⁵⁵ Defensive communalism seemed the best hope for rural families who were attempting to defend their access to rural resources. A major factor in the failure of individual tenure in the Cape was that communal tenure worked in the government's favour because it disguised the growing landless population who had no access to reserve subsistence and were dependent on the sale of labour for their livelihood.²⁵⁶ In general, between 1913 and 1950 individual tenure was only adopted in nine of the fourteen districts in the Ciskei region and in seven districts in the Transkei. Hence, communal tenure remained firmly entrenched under the power of the chief.²⁵⁷

Increasingly however, the chief's powers to allot land were coming under threat as seen in the 1942 case of *Nzama v Nzama*, The respondent began to clear land for cultivation and the appellant objected that he was entitled to cultivate the land. He complained to the chief who enquired and allotted a portion of the land to each party. The Respondent in

²⁵² Switzer, "Power and Resistance", p. 204.

²⁵³ Mills and Wilson, "Land Tenure", p. 8.

²⁵⁴ Beinart and Bundy, "Hidden Struggles", p. 231-2.

²⁵⁵ H. Joseph, *Tomorrow's Sun*. New York: John Day Company. 1967: 123.

²⁵⁶ Southall, "South Africa's Transkei", p. 87.

²⁵⁷ Switzer, "Power and Resistance", p. 205.

turn appealed to the Native Commissioner who reversed the chief's decision and allotted the land to the respondent. According to the official view, the chief's powers of allotment could be forfeited as punishment or expropriated in the 'public' interest.²⁵⁸ Gradually people realised that the land really belonged to administration, which "could do what it liked with the land and the people living on it".²⁵⁹

Nevertheless, the institution of chieftaincy was associated with rights and land. The power of the institution of chieftaincy was also evident in the millenarianism movements that gained force during this period. In the 1920's the Israelite movement under Enoch Josiah Mgijima called for restored and rejuvenated chiefship. Although Prophetess Nonteta focussed on the purity of Christian life, she treated the chiefs as honoured guests and urged her followers to obey their chiefs. The Wellington Movement not only fought for African Christianity, separate schools and 'communal tenure' but also for the restoration of chieftaincy, which became a central theme in its fight against the council system and the commoditisation of rural relations. Women were active participants in these movements particularly since they bore the brunt of economic hardships in the reserves.²⁶⁰ Evidence also suggests that they supported the traditionalist political ideology; this highlights the ability of the institution of chieftaincy to neutralise the memory of a political and social order in which women had less independent power and authority.

Ethnic ideology stressed the historical integrity of land, sanctity of family and its right to land. As both rights and land were found to be lacking in the overcrowded locations, security, which lay in the expanded access to communal resources was symbolised by the institution of chieftaincy. Evans writing in 1934 argued, "the institution of chieftainship has certainly suffered something on an eclipse during the forty years or so of British rule, but it nevertheless remains the pivot of Native society. This fact does not seem to have received official recognition as yet, and its importance is hardly apparent in recent

²⁵⁸ Kerr, "The Native Common Law", p.14.

²⁵⁹ Mills and Wilson, "Land Tenure", p. 9.

²⁶⁰ Switzer, "Power and Resistance", p. 263-66. Beinart and Bundy, "Hidden Struggles", p.253, 262.

administrative reports”.²⁶¹ In general, as the state no longer offered the same protection or preference to previous allies, chiefs and traditionalists were given scope to assert themselves.²⁶² The popular legitimacy of the chiefs was also clear in Bunga debates. Councillor Jabavu argued, “We should appreciate the services of the Chiefs who are highly respected by the people...we all know how the Government can assert its authority when it likes, but if the Chiefs defy such authority they are going to advise their people to throw themselves in”.²⁶³ In order to understand the depth of chiefly opposition to government, it is necessary to understand their relationship with the liberation movement.

²⁶¹ Evans, “Native Policy”, p.126.

²⁶² Mhlonhlo was one such chief; observing that the new leaders faced little allegiance from their people, he returned from exile with the explicit aim of rebuilding the institution of chieftaincy. The Mpondomise chieftaincy provided an alternative political focus in opposition to the councillors, immigrant communities and the state. Mhlonhlo was not seen as a defeated chief in the face of administrative structures nor was he compromised into co-operation with the magistrate; rather he was seen as a legitimate representative of the people. See Beinart and Bundy, “Hidden Struggles”, Ch. 3.

²⁶³ Ciskei General Council. 20/09/1938.

CHAPTER 3:

CHIEFS AND THE LIBERATION STRUGGLE, 1900-1950

As the power of the chiefs was checked and their functions removed by European administrators, African organisations, which sought a new role in the economic and political dispensation, began to appear. Hence, the fall of the chiefs opened up the political space for the development of an African liberation movement led by the petty-bourgeoisie. The petty bourgeoisie were largely drawn into the state structure as councillors in the council system but, as discrimination and repression at all levels increased, more Africans on the fringes of the lower middle class descended into the ranks of the impoverished proletariat. For example, the 1913 Land Act restricted the ability of black landowners to increase their landholding and thereby undermined their attempts to accumulate resources. Even the most educated African white-collar workers were unable to emulate the lifestyles of their European counterparts. Consequently, in periods of crisis alienated factions of the petty bourgeoisie began to defy the status quo by forming or joining liberation organisations. In the Eastern Cape, these organisations included the Native Vigilance Association in the Transkei, Imbumba, the Bantu Union, the Ciskei Native Convention, the Industrial and Commercial Workers' Unions and the South African Native Congress.²⁶⁴

The new elite retained a polite respect for the chiefs, especially since tribal affairs provided the main issues around which the people mobilised. However, there was a general acceptance and growing respect for the European government, parliamentary

²⁶⁴ L. Switzer, "Power and Resistance", p.243, 251. P. Walshe, *The Rise of African Nationalism in South Africa: The African National Congress, 1912-1952*, London: Hurst and Co. 1970(82): 3, 17; M. Neocosmos, "Towards a History", p. 22. Although attempts will be made to highlight the role of the liberation movement in the Eastern Cape, the attitudes of this movement will largely be drawn from documents from the National Executive Council of the South African Native National Congress (the African National Congress) and the South African Communist Party because of the centralized structure of these movements. This structure attempted in theory to provide a means of national consensus and authoritative control. For example in the ANC, individuals from the local level participate in the Provincial Congress. Individuals from the Provincial Congress participate as delegates at the annual conference or as officials at the National Executive Committee (NEC). See Walshe, "Rise of African Nationalism", p. 208 and see Document 23: "Constitution of the South African Native National Congress" (September 1919) in S. Johns, "Protest and Hope", p. 77-81.

liberalism, the Crown, Cape and wider South African society beyond the scope of the 'tribe'. Many organisations posed themselves as Christian alternatives to the heathenism of chieftaincy.²⁶⁵ Gumede argued that the goal of Natives should be "release from the retarding influence of their chiefs".²⁶⁶ Martin Luthuli, the chairman of the Natal Native Congress and an affluent cane grower employing tenants and wage labourers²⁶⁷, argued with reference to the issue of individual and communal land tenure that "they (the chiefs) would like to have the land for themselves and we call that greediness".²⁶⁸ With regard to land, there was clearly a clash of material interests; both the petty bourgeoisie and the chiefs needed the land to entrench their power either by accumulation or by utilising their powers of allocation.

However, members of this new 'modern' elite did recognise that the people regarded the chiefs as legitimate representatives, and that land was an important element of that legitimacy. As Martin Luthuli stated, "At the present time those who have their own land, under their own chiefs, do recognise their chief".²⁶⁹ Jabavu who once denounced the conservative attitude of the chiefs towards the council system echoed Luthuli's sentiments and highlighted the importance of enlisting the chiefs' cooperation. As the South African Native National Congress was weak in the Eastern Cape, Jabavu attempted to create his own movement on the lines of the United Races Congress, which became known as the South African Races Congress.²⁷⁰ At its opening on the 2 April 1912, Jabavu stated,

"At the stage reached the controlling and governing power is the Chiefs. But in their earlier history the power of the Chiefs was modified by its delegation to the Councillors, and thus, even in our rude and crude state we, as people had realised the important principle which in more civilised countries is comprehended in the

²⁶⁵ Walshe, "Rise of African Nationalism", p. 4, 10. For descriptions of the black activists mentioned see D. Owen, *Ubukhosi Neenkokeli: A Directory of Eastern Cape Black Leaders, from c. 1700 to 1990*. Grahamstown: Albany Museum. 1994.

²⁶⁶ *Ibid*, p.11.

²⁶⁷ Neocosmos, "Towards a History", p. 21.

²⁶⁸ Document 8a: Testimony of Martin Luthuli of the Natal Native Congress before the South African Native Affairs Commission. 28 May 1904 in T. Karis and G.M Carter (eds), *From Protest to Challenge. Vol 1: Protest and Hope 1882-1934*. S. Johns. Stanford: Hoover Institution Press. 1977: 32.

²⁶⁹ Document 8a in S. Johns, "From Protest to Challenge", p. 29.

²⁷⁰ Switzer, "Power and Resistance", p. 176.

saying that 'the king can do no wrong'. It means that in practice councillors are responsible for any mistakes that occur in the government of the people, and not the chief. It is earnestly to be hoped that in the development of their people the chiefs will ever bear this in mind and not think that they, as Counsellors are, or can be their rivals, but that they would regard them as what they really are – their servants and protectors".²⁷¹

In other words, Jabavu attempted to undo the damage caused by the council system to the petty bourgeoisie's relationship with the chiefs. A further explanation for the alliance of the 'modern' elites and traditional elites was a common fear of socialism as promoted by the Communist Party of South Africa, which had the potential to undermine the material basis of their power. John Dube complained that the victory of socialist doctrines

"would mean the breaking down of parental control and restraint, tribal responsibility and our whole traditions, the whole structure upon which our Bantu nation rests...We have got to maintain...the sense of paternal and tribal responsibility by Bantu traditions with all its obligations of courage, honour, truth, loyalty and obedience for all we are worth...don't think for one moment that I am not progressive. I am as anxious as any man would be for the development of my people, but on the right lines".²⁷²

The founders of the South African Native National Congress (now known as the ANC) also recognised the importance of the chiefs. Reverend Walter Rabusana, Tengo Jabavu, Reverend John Dube, and Sol Plaatjie together with Chief Dalindyebo were in regular contact with South African liberals. Chief Dalindyebo attended the 1911 Universal Races Congress in London with Rabusana, Jabavu, Moffatt and Schreiner. Alfred Mangena was a legal adviser to Chief Dalindyebo. He was very popular among the educated members of society and although he envisaged an African unity above tribalism he sought to encompass chieftaincy within the new movement. Reverend John Dube had many

²⁷¹ Document 22: 'the South African Races Congress' Inaugural Address by J. Tengo Jabavu. 2 April 1912. in S. Johns, "Protest and Hope", p. 73.

²⁷² Neocosmos, "Towards a History", p. 23.

connections with the Zulu Royal House. Rabusana was an adviser to Dalindyebo. Jabavu was in regular contact with Transkeian chiefs.²⁷³

Pixley ka Seme sought the support of the chiefs, was the legal adviser to the Queen Regent of Swaziland and married the daughter of Dinizulu, the Paramount Chief of the Zulus. He had great interest in the 'warrior chiefs' Dingiswayo, Tshaka and Cetyewayo. He ultimately aimed to bring all the tribes under Zulu sway to create a powerful nation of Africans. At a later stage he claimed to be a nephew of Umqawe, one of the most powerful chiefs in Zululand. Seme described the gathering in Bloemfontein on 8 January 1912 as

“a gathering of tribes that had never met before except on the battlefields. It was a gathering of Chiefs who had never seen each other before. And they had come from the four provinces and the High Commission territories. It was a gathering of educated Africans who had never exchanged views before. It was a gathering, if I may say so, of the departed spirits of the African race, among whom were such men as Sandile, Tshaka, Moshoeshoe, Cetyewayo, Moroka, Khama, Sekhukune, Sotshangana and Ramapulana”²⁷⁴

At a later stage he argued that “the foundations of the ANC was laid at the great Conference where all the principle chiefs and nearly all the chiefs in the land were represented. Although I had the honour to be the initiator of the Conference, Chiefs Maoma, Sayso, Molemo, Sekhukuni and others were men who really created the Congress”²⁷⁵.

Seme, seconded by Alfred Mangena, established the South African Native National Congress while Reverend John L. Dube was the first president. Apart from Seme's attempts to invoke Zulu nationalism, the founders of the SANNNC were determined to root out tribalism. Chiefs in turn endorsed the anti-tribal, anti-ethnic, pro-unity stance of the early ANC. In an article written by Seme, a great Paramount chief was cited as arguing “that whilst the objects and aims of a Congress appear to be good and reasonable, much

²⁷³ Walshe, “Rise of African Nationalism”, p. 31.

²⁷⁴ R. Rive and T. Couzens. *Seme: The Founder of the ANC*. Johannesburg: Skotaville Publishers. 1991:13.

of the success depends on the attitude of the members...They should set their faces strongly against the jargon of racial feeling, the ebullition of the Xhosa-Fingo element, and the excessive display of political partisanship".²⁷⁶

The constitution of SANNC was initially rejected in 1915 but finally passed in September 1919. Heading the committee to establish the constitution, George Montsioa suggested that seven paramount chiefs be appointed as Honorary Presidents of SANNC. An upper and Lower House were established. In the Upper House the following chiefs could be found: Chief Dalindyebo of the Tembus, Montsioa of the Barolong, Lewanika of Barotseland (part of Zambia), Khama of Bechuanaland (now Botswana), Marclane of Pondoland, Moepi of Bakgatla, Dinizulu and Letsie II of Basutholand (now Lesotho), who was elected President of the Upper House.²⁷⁷ The term 'chiefs' did not include headmen or *induna* and was referred to "all kings, Princes, Paramount Chiefs and Chiefs by heritage and other persons of Royal blood in the direct line of succession among the various tribes of the Bantu races in South Africa".²⁷⁸ Chiefs had the right to attend the meetings of the associations either in person or by representation in a "separate place of honour and respect". Furthermore, it was proclaimed that "no motion, resolution or decision of any of the branches of the Association, either in the Provinces or in the Territories, which in the opinion of the President for the time being is hostile to the interests of the Chiefs and people, or in direct conflict with the expressed desire of the majority of the Chiefs shall be considered valid and operative". Chiefs affected thereby could appeal through elected Representatives directly to the President of the National Congress or to the Chairman of Provincial Congress. All matters affecting Chiefs were referred to Chiefs themselves to consider the matter in a separate session presided over by the President or Deputy President; the decisions that were made were final. Chiefs within the provinces were honorary vice presidents in all districts and local branches and were delegates for districts in meetings of the Provincial Congress with a separate place of

²⁷⁵ R. V. Selma Thema, "How Congress Began" in Rive and Counzens, "Seme", p. 86.

²⁷⁶ Document 21: "Native Union" Article by Pixley ka Isaka Seme in S. Johns, "Protest and Hope", p. 72.

²⁷⁷ Walshe, "Rise of African Nationalism", p. 34; F. Meli, *South Africa Belongs To Us: A History of the ANC*. Harare: Zimbabwe Publishing House. 1988: 38.

²⁷⁸ This section is largely drawn from Document 23: "Constitution of the South African Native National Congress" September 1919. in S. Johns, "Protest and Hope", p. 77-81.

honour and right of preference to an audience. In each district within a Province the chief would approve the selection of representatives to attend the provincial congress.²⁷⁹ Hence, in the constitution of SANNC, the chiefs were honoured in accordance with African tradition.

This favourable attitude towards the chiefs was conditioned by four factors. First, as the people deemed the chiefs as legitimate, they could serve as an important means of rural mobilisation. Second, the chiefly tradition of resistance automatically wedded the chiefs to the liberation movement. Third, the democratic tradition embodied in chieftaincy provided sustenance to the ANC's calls for democracy. Lastly, their involvement in the ANC provided a significant source of financial aid.

As shown in the previous section, chiefs were not only regarded as protectors of African cultural heritage but were also regarded as the bulwark against state intrusions; consequently, the people rallied around the institution of chieftaincy in resistance to the colonial state. Hence, by giving the chiefs an honorary position, SANNC was attempting to form an alliance between the peasants and the young intelligentsia. The presence of a chief at the Congress signified the incorporation of his tribe in the national organisation. The chiefs thus "represented' the rural masses who were the majority of the people at the time and the section most affected by land robbery".²⁸⁰ Therefore, the constitution attempted to mould a unity using the chiefs as a means of rural mobilisation in order to establish a 'mandate from the people.'²⁸¹

An element of the chiefs' legitimacy was their tradition of resistance against the colonial overlords. As Luthuli stated,

"Our history is one of opposition to domination, of protest and refusal to submit to tyranny. Consider some of the great names: the great warrior and nation-builder Shaka, who wielded tribes together into the Zulu nation; Moshoeshoe, the

²⁷⁹ Document 23: "Constitution of the South African Native National Congress" September 1919. in S. Johns, "Protest and Hope", p. 77-81.

²⁸⁰ Meli, "South Africa Belongs to Us", p. 39

statesman and nation-builder who fathered the Basuto nation and placed Basutoland beyond the reach of the South African whites; Hintsa of the Xhosas who chose death rather than surrender his territory to white invaders. All these and other royal names, as well as other great chieftains resisted manfully white intrusion".²⁸²

Chiefly resistance had not been limited to violent protests against the colonial overlords, but had taken a number of different forms. A petition to Queen Victoria from the Native Inhabitants of the Location of Oxkraal in July 1881 was signed by Chief Zulu Zimuna of the Abambo Tribe and by Chief Hayimpi Kakoza of the Amabele Tribe.²⁸³ In August 1883 Nehemiah Tile organised a meeting at the Paramount Chief, Ngangelizwe's Great Place where the chief and his three sons adopted a petition requesting that all but one magistrate be removed from Tembuland. In the early mine hardships, this legacy of resistance continued. On 8 Jan 1902 Asaph Moruthani who was the secretary to the Pedi chief Sekukuni, was sent to accompany a work party to the gold fields to report on the conditions of service. Consequently, Sekukuni refused initially to supply workers to private industry.²⁸⁴ In general, the chiefly tradition of resistance, which continued into the beginning of the Twentieth Century, allied the chiefs with the liberation movement.

A further aspect of the institution of chieftaincy that allied chiefs with the liberation movement was its democratic tradition. In 1906, Colonel Maclean noted that when one talks of despotism one could point to the rule of Moshoeshoe, the chief who allegedly boasted that when he spoke the mountains moved, or of Shaka who allegedly ordered his people to catch a hippopotamus alive, unarmed. However, he argued that these examples form the exception and not the rule as tribal chiefs were not unchecked autocrats.²⁸⁵ Chiefs had many attributes of a monarch in the sense that the "chief is looked upon as incapable of doing wrong" but if the chief contravened the law, his subjects may transfer

²⁸¹ Meli, "South Africa Belongs to Us", p. 39; Walshe, "Rise of African Nationalism", p. 205.

²⁸² Document 65: "Nobel Peace Prize Address" by Chief A.J Luthuli. 11 December 1961. Published in T. Karis and G.M Gerhart, "Volume 3 Challenge and Violence 1953-1964" in Karis and Carter (eds), *From Protest to Challenge*. Stanford: Hoover Institution Press. 1977: 710.

²⁸³ Document 4: "Petition to Queen Victoria from the Native Inhabitants of the Location of Oxkraal" July 1881. Published in S. Johns, "Protest and Hope", p. 15.

²⁸⁴ Meli, "South Africa Belongs To US", p. 5.

²⁸⁵ Maclean, "Laws and Customs", p. 24.

their allegiance to another chief or engage in civil war.²⁸⁶ Furthermore, chiefs did not rule alone. The chief required the support and advice of his councillors who were often nominated or were related by blood to the royal house. This inner circle of advisers protected the people's rights and ensured that no body of opinion could be ignored. Furthermore, the chief was expected to consult the tribe in a regular forum of adult males before decisions were made.²⁸⁷ In general, the powers of the chief were essentially nominal: "He gives the signal for the fruit to be gathered by tasting the first offering, but he can perform this ritual gesture only at the precise moment when the elders decide that the fruit is ripe".²⁸⁸

This democratic tradition continued into the early part of the twentieth century. At the South African Native Affairs Commission on 28 May 1904, Mr. Samuelson questioned Martin Luthuli of the Natal Native Congress about the power of the chiefs. He replied that even now "the Chief, unless the man is going against the law, cannot do as he likes with him".²⁸⁹ In 1930, the South African Communist Party attested to the democratic nature of chieftainship. "Although the chief was not elected – the throne passing from father to son – there were indirect restrictions on the powers of the chief, and so much power was retained in the hands of his subjects that the system was almost democratic... An unpopular chief soon became a weak chief, with few subjects under him".²⁹⁰ In general, the liberation movement drew on continuity and the process of social change in order to justify its call for a democratic parliamentary system. In other words, as the system of chiefly rule was bound by checks and balances like the parliamentary system, the two institutions were automatically wedded together. Therefore, those who support

²⁸⁶ Kerr, "Native Common Law", p. 12.

²⁸⁷ Hammond-Tooke, "Command or Consensus"; J.L. Comaroff, "Chiefship in a South African Homeland" in *Journal of South African Studies*. VI-3. 1974-77: 41; J.B. Peires, "Continuity and Change in Ciskei Chiefship" in *The Societies of Southern Africa in the 19th and 20th Centuries*. Vol 8. University of London: Institute of Commonwealth Studies. 1977: 134.

²⁸⁸ P. Geniewski, *Bantustans: A Trek Towards the Future*. Cape Town: Human and Rousseau. 1961: 169.

²⁸⁹ Document 8a: "Testimony of Martin Luthuli of Natal Native Congress before the South African Native Affairs Commission" 28 May 1904 in S. Johns, "Protest and Hope", p. 29.

²⁹⁰ Document 66 in *South African Communists Speak*. London: Inkululeka Publications. 1981:139-140.

the chiefs necessarily support the liberation struggle as they were based on the same tenets.²⁹¹

A further reason for SANNC's favourable attitude towards the chiefs was that their involvement would provide a considerable source of financial aid. In the constitution, it was stated that each territory through its Chief should contribute a fixed sum to the Association. Each district should through its Chief, contribute a sum not exceeding £50 per annum according to the size and proportion of the district. Each chief was to pay an honorary membership fee to the Association of one guinea. In addition, each chief was to provide £5 to the provincial funds. Paramount Chiefs were expected to pay £25 to the provincial coffers and £25 to the national funds. Furthermore, each territory via the paramount was to provide £100 to the national funds. Over and above these fees, the Swazi Regent funded the official congress newspaper *Abantu Batho* and chiefs contributed a large portion of the special funds required for the delegation of 1914 (£560) and 1919 (£1500).²⁹²

In general, the early ANC enjoyed considerable support from the chiefs until World War One. They benefited from the emphasis on land issues and the high regard in which the ANC placed them. The 1913 Land Act raised widespread concern from the chiefs. This is evident in Chief Zibi's testimony at the Governor-General's Native Conference in 1926 where he argued that in the Transvaal "they really had Paramount Chiefs because they really owned the land; in the Cape the Natives might be described as paramount squatters".²⁹³ In 'Natives and the Land Act of 1913', Chief Zibi further argued, "Natives living in reserves and locations are merely occupiers, not owners, of the land. The Government is the owner. How can they improve themselves is a difficult question".²⁹⁴ This fear was based on mixed motives, a dual concern for their own power and for that of

²⁹¹ Ironically the government used the same argument to elicit support for the homeland system. Walshe, "Rise of African Nationalism", p. 15.

²⁹² Document 23: "Constitution of the South African Native National Congress", September 1919 in Johns, "Protest and Hope", p. 81; Walshe, "Rise of African Nationalism", p. 209.

²⁹³ Document 39d: "Proceedings and Resolutions of the Governor-General's Native Conference" in Johns, "Protest and Hope", p. 191.

²⁹⁴ Document 42a: "Proceedings and Resolutions of the Dutch Reformed Church Conference", September 1923, in Johns, "Protest and Hope", p. 157.

their people. Hence, the widespread emphasis placed on the land issue by the ANC bonded the chiefs to the liberation movement.

Furthermore, congress held the chiefs in high regard. This is not only reflected in its constitution but also in its official newspapers. *Abantu Batho* argued for equal rights and for the “just recognition of Native Kings, Princes and Chiefs under the Supreme Sovereignty of His Majesty the King”.²⁹⁵ The general political and social judgement of the Congress favoured the chiefs as “congress leaders were not intent on the discriminate destruction of their past heritage, nor were they in favour of suddenly uprooting their people from the tribal environment. Chiefs were expected to play a major stabilising role in an evolving society”.²⁹⁶ Largely excluded from the state structure, chiefs pragmatically played an important role in the early years of the struggle. This not only insulated them from popular disaffection but also allowed them to entrench their authority, which was based on popular support from below.

Declining Participation

Despite their early connections with the ANC, the chiefs’ participation in the Congress declined significantly after World War One. Few chiefs attended the conferences and by the late 1920’s the policy of having a Council of Chiefs sitting on a platform behind the National Executive Council ceased. There was no open clash between the chiefs and the commoners but the upper house faded away and the limited funds provided by the chiefs diminished rapidly. In the 1923 national conference, of the thirty-three attendants there were only eight chiefs.²⁹⁷ This declining participation must be seen in the context of increased chiefly collaboration with the state and reduced popular legitimacy, conditioned by the burgeoning segregationist discourse at the national level and the growth of radicalised African politics.

²⁹⁵ Walshe, “Rise of African Nationalism”, p. 210.

²⁹⁶ *Ibid*, p.210.

²⁹⁷ *Ibid*, p.211.

At the national level, there were increased calls to restore power to the chiefs to aid the retribalisation of the African in order to offset the radicalisation of the worker and to reverse increasing African urbanisation. At the local level, the headmen were greatly delegitimised by allegations of corruption and inadequacy. In the Ciskei General Council headmen were described as “old fossils who are unable to carry on the job properly” and criticised because “they cannot keep to the truth, and they do not stick to the Government either.”²⁹⁸ Continued popular resistance was further attributed to the failures of the headmen: “A short while ago we were getting no co-operation in that settlement. The people were against what we were trying to do, so we finally decided that it must be this so-called Headmen who was not doing his work correctly.”²⁹⁹ Hence, in the context of poverty, growing unrest and a need for large-scale labour migrancy, magistrates attempted to reformulate their control by co-opting the support of the chiefs. During the segregationist era of the 1920’s and 1930’s a coalition emerged of chiefs, senior headmen and educated commoners as the bureaucratic elite. Chiefs were placed in a position where they could be both controlled and act as intermediaries.³⁰⁰

Increased chiefly collaboration was the product of a number of direct restraints placed by the government on the chiefs as well as by the chiefs’ desire to secure a material base for their power. In terms of restraints, as shown above, the power to allot land was manipulated by the state to punish belligerent chiefs and in so doing, to secure their allegiance. A further restraint came in the form of the Native Administration Act of 1927 and the ‘Supreme Chief’ provision. Section Two of this Act enacted the provision that “the Governor-General may recognise or appoint any person as a chief or headman in charge of a tribe or location and may depose any chief or headman, and is authorised to define their powers, duties and privileges”.³⁰¹ These duties included notifying the Native Commissioner of any unrest, unlawful activity, unlawful meetings, and the dispersal of riotous assemblies. In addition, chiefs were forbidden from participating in the affairs of “any association whose objects are deemed by the Minister to be subversive of the

²⁹⁸ Ciskei General Council. 20/09/1938; 23/09/1943.

²⁹⁹ Ciskei General Council. 18/10/1951.

³⁰⁰ Beinart and Bundy, “Hidden Struggles”, p. 216.

³⁰¹ Rogers, “Native Administration”, p. 12.

constituted government or good order”.³⁰² In other words, the Native Administration Act placed chiefs in a position directly at odds with the liberation movement whose activities were generally considered by the state to be subversive. In exchange, the chiefs received official recognition, protection and paid allowances.

Hence the chiefs’ political authority, which was derived in the past from descent and the consensus of their subjects, was now validated by outside approval. This undermined the checks and balances that were part and parcel of the institution of chieftaincy. Chieftaincy was based on hereditary rule, but chiefs were restrained by the politics of rival claims, the councillor system and by the ability of unhappy subjects to withdraw their allegiance. This Act distorted these checks and balances by making chiefs subject to the rule of the state over and above the people; thereby undermining the democratic basis of chieftaincy and a primary basis of their legitimacy. The Minister of Native Affairs argued in response to the complaints made by the deputation from the ANC in May 1939 that “the Department does try to appoint the best man, but always with one regard to Native Law and Custom, and there is therefore no cause for complaint on this point”.³⁰³ However, in the case of *Sibasa vs Ratsialingwa and Hartman* in 1947, the state prosecutor argued that “under the very wide arms of the subsection it is legally competent for the Governor-General to appoint as chief of a tribe a stranger to the family in which the hereditary chieftainship lies, or even a non-member of the tribe”.³⁰⁴ Thus, according to the 1927 act, custom afforded no basis for entrenching rights to a chieftainship.

After this Act was enacted, Congress called a special session attended by twenty-one chiefs to refute the official claim that the Act was conforming to the pattern of tribal government. Shaka and Dingaan were used as precedents, but in reality this conflicted with the tradition of consultation and limited chiefly powers. In his presidential address on 14 December 1941 Dr.A.B Xuma argued,

³⁰² *Ibid*, p. 13.

³⁰³ Document 17: “Report of a Deputation from the ANC and Congress of Urban Advisory Boards to the Minister of Native Affairs.” 15-17 May 1939. Published in J. Karis, “Volume 2 Hope and Challenge 1935-1952” in T. Karis and G.M Carter, *From Protest to Challenge*. Stanford: Hoover University Press. 1977: 143.

³⁰⁴ Cited in Unterhalter, “The Law of the Chiefs”, p. 225.

“There can be no Supreme Chief in Native law and custom who acts without the advice of other chiefs; who does not express the wish and will of the people. The most controlled person in African society is the chief. He is controlled by his family, his councillors, headmen, and sub-chiefs and finally by the people. The people express their will first and the chief speaks it out for them. He is their mouthpiece. This distortion of Native Law and Custom was copied by Europeans from the rule of Great Shaka. He was a dictator and a despot. He was not deposed because there is no deposition in African custom. He went the way such uncontrolled Chiefs go in African society. He had his head cut off”.³⁰⁵

The chiefs’ movement away from the liberation organisations towards the government must not be seen solely in terms of the restraints placed by the government on their activities, but must also be seen in terms of the changing nature of the liberation struggle and the failure of this struggle to act in the chiefs’ material interests. The Congress failed to accrue more land for the chiefs and the people. In addition, the ANC adopted new issues after World War Two, which chiefs did not support enthusiastically such as the emphasis on socialism and worker consciousness. The ANC’s links with the Soviet Union had increased significantly, leading one chief to proclaim, “The Tsar was a great man in his country of royal blood like us chiefs and where is he now? ..If the ANC continues to fraternise with them (the Communists) we chiefs cannot continue to belong to it”. Another chief reiterated these sentiments and stated “it will be a sad day for me when I am ruled by the man who milks my cow and ploughs my fields”.³⁰⁶ Furthermore, the predominant causes championed by the ANC involved the abolition of the colour bar and the pass laws, both of which were urban irritants. In addition, the ANC’s focus on education represented for many chiefs the decline of traditional authority and respect. The Congress had not expected chiefs to become prominent national spokesmen and thus, had not elected them to its executives and seldom invited them to participate in deputations. Lastly, the chiefs gradually realised that the ANC’s connection with Britain

³⁰⁵ Document 25a: “Presidential Address” by Dr. A.B Xuma at ANC Annual Conference on 14-16 December 1941. Published in Karis, “Hope and Challenge”, p. 180.

³⁰⁶ Meli, “South Africa Belongs To Us”, p. 78.

was merely symbolic and they thus regarded it as more expedient to rely on the Native Affairs Department and to decamp from the ANC.³⁰⁷

Chiefs had a history of resistance against the colonial overlords, but this was always marred by a history of collaboration. As shown above, the collaboration of the Mfengu chiefs against the Rharhabe was met with official recognition and access to material resources in the form of land. Thus, the chiefs “were, from the outset, tied to the colonial state which dangled the carrot of prestige and patronage of officially sanctioned powers and brandished the stick of swift retribution, demotion and being cast out of they withheld compliance with Colonial overlordship”.³⁰⁸ Collaboration continued in the Twentieth century. In Pondoland the administration used the chiefs to halt the protest against dipping tax increases in 1909 and 1914.³⁰⁹ This ‘help’ can be further seen in World War One when chiefs supported the war effort. In the petition sent to King George V by SANNC on 16 December 1918, it was argued that compensation for those injured or killed in war during employment was extremely inadequate, “and yet the Chiefs continued to hold meetings throughout the country exhorting people to remain quiet and loyal during the war, and also encouraging the recruiting of our men for labour, and expressing the insistent desire to be allowed to bear arms and fight as soldiers of Your Majesty”.³¹⁰

In addition, the South African Government used the chiefs to offset the burgeoning worker consciousness and resistance. In the face of SANNC’s passive resistance campaign in 1913 the Chamber of Mines in co-operation with the Government felt it necessary to bring Chiefs into the compounds in an attempt to insulate mine labour from Congress activity. In the 1920 mine strike chiefs were almost lynched. Two thousand Africans gathered at Vrededorp on Sunday 30 March and resolutions were passed against chiefs who issued a public statement that Congress did not have a mandate to speak for Native miners who they claimed were “satisfied with their lot”. The so-called

³⁰⁷ Walshe, “Rise of African Nationalism”, p. 211-213.

³⁰⁸ Lewis, “Headman, Power and Social Transformation”, p. 8.

³⁰⁹ Beinart and Bundy, “Hidden Struggles”, p. 200.

'traditional' *induna* system was further used to control labour on the mines and to reproduce ethnic divisions there.³¹¹

Chiefs were further drawn into the state apparatus by conventions and conferences with state officials. Chiefs such as Councillor Chief Mshiyeni ka Dinizulu, Councillor Chief Victor Poto, and Councillor Chief Maserumule were members of the Native Representative Council.³¹² At this stage the Congress regarded chiefs as legitimate representatives of the people. In the resolutions of the annual Conference of the ANC in May 31 1924, it was stated that the Congress "appreciates" the action of the Union government in summoning periodical conferences of Chiefs for the purpose of ascertaining sentiments of Bantu peoples in regard to legislative measures.³¹³ However, the chiefs' presence at these conventions and conferences was soon used to exclude or to justify the exclusion of the African people from these consultative bodies, and the opinion that they espoused was often antithetical to the view of the Congress. At the Governor-General's Native Conference in 1924 in a discussion about immorality, criminality and pass controls Mr Roos said that many of the "wiser Chiefs in the country view this evil very anxiously indeed, and desire that by proper control it should be lessened and stamped out".³¹⁴

The retribalisation of Ciskei gained momentum during the 1930's. Government began to recognise Xhosa and Mfengu chiefs and Ciskeian chiefs began to hold annual meetings in King Williamstown. Councillors urged that subsidies paid to chiefs and headmen be increased.³¹⁵ In a letter from the Department of Native Affairs it was argued that "as chiefs serve their own people as much as their Government, the Chiefs should not only be paid by the Government but ways and means should be found of establishing or

³¹⁰ Document 38: Petition to King George V, from the South African Native National Congress," 16 December 1918 in Johns, "Protest and Hope", p. 139.

³¹¹ Walshe, "Rise of African Nationalism", p. 80; Tabata, "The All African Conference", p. 106.

³¹² Document 32: "Report of the Interview by NRC Members with Prime Minister Jan C. Smuts", 8-9 May 1947 in Karis, "Hope and Challenge", p. 233.

³¹³ Document 48c: "Resolutions of the Annual Conference of the African National Congress", 31 May 1924 in Johns, "Protest and Hope", p. 298.

³¹⁴ Document 39b: "Proceedings and Resolutions of the Governor-General's Native Conference," 1924 in Johns, "Protest and Hope", p. 167.

³¹⁵ Switzer, "Power and Resistance", p. 229.

increasing Council or Tribal Funds from which Chiefs may be subsidised”.³¹⁶ Councillor Haya moved that it “now appears that Government is pleased to recognise Chiefs and the subsidy given them should be compatible with that recognition”.³¹⁷ In addition there were increased calls to accord chiefs greater influence. According to Councillor Maci, “A child of the Great Place, however small, must know about the laws and customs of his people. The presence of the chiefs at the Bunga would, in my opinion, be of great help in this movement”.³¹⁸ In general, councillors echoed the segregationist thinking at national level. As Councillor Jabavu argued, “It is a mistake to think that the Ciskei Native reserves have become so detribalised as to cause the Chiefs to lose most of their influence. From my observations, I think the Chiefs in the Ciskei are more influential in certain cases than those in the Transkei, for the reason that they have been able to suppress the warlike instincts in their people who come here from warlike tribes.”³¹⁹

In reality however, growing chiefly collaboration correlated with the declining popular legitimacy of the chiefs. At the local level, rural dwellers argued that they “do not want a chief who is a sapling. Our chiefs have always been men. We do not want war with the Europeans; but even less do we want ‘Ja-baas’ chiefs, who are merely the Native Commissioner’s Voice”.³²⁰ This attitude was reflected in increased attacks against chiefs, who as in the case of East Griqualand were deemed as having “sold them (the people) to the government without their consent”.³²¹ No longer were chiefs seen as the bulwark against state intrusions but were seen as the main agents of these intrusions, acting against the interests of the peasants and migrant labourers. This was exacerbated by the fact that the power of the chiefs were further bolstered by wealth derived from the sale of wool on the external market.³²² Consequently, a fundamental divide emerged between the people and the chiefly elite. At the All African Conference chieftaincy was described as one of “stumbling blocks” to the progress of the people and as part of the scheme to create and recruit cheap labour. Thus, “it is not surprising that the *Herrenvolk* have a fund

³¹⁶ Ciskei General Council: 13/10/1949.

³¹⁷ Ciskei General Council: 23/09/1936.

³¹⁸ Ciskei General Council: 26/09/1936.

³¹⁹ Ciskei General Council: 20/09/1938.

³²⁰ C. Hooper, *Brief Authority*. London: Collins St James Place. 1960: 103.

³²¹ Beinart and Bundy, “Hidden Struggles”, p. 216.

for maintaining various chiefs all over the country. They are a cog in the vast administrative machinery for the control and oppression of the Black man".³²³

Revival

Even though the institution of chieftaincy experienced a decline in popular legitimacy, certain individuals in the ANC such as Pixley ka Isaka Seme, Alfred Betini Xuma and Reverend James Arthur Calata attempted to revive the links with the chiefs. When Seme became the president of the ANC in 1930, he attempted to regain the support of the chiefs and tried to establish a national fund for business by uniting the 'modern' educated elite and the chiefs. In a pamphlet 'The African National Congress – is it dead?' issued by Seme in 1932 he argued that the "Chiefs and their uneducated people are despised and forsaken by their own educated tribesmen...I wish to urge our educated young men and women not to lose contact with their own tribes. You should make your Chiefs and your tribal councils feel that education is really a good thing. It does not spoil their people nor detribalise them."³²⁴ Furthermore, he attempted to rebuild the second house of the ANC inhabited by chiefs. He stated that by

"departing from this foundation, the African National Congress has been made to lose its former influence, when we used to invite all our great Chiefs to attend the Congress...It is time that our Chiefs came to realise that their office of Chiefs has very important duties attached to it. They must lead their people and their tribes unto salvation. Our chiefs must realise that their people today in the country, as well as in the towns are face to face with the grim and difficult times... The Chiefs today should realise that their forefathers won these positions of honour and high esteem by fighting for the salvation of their people and not by lying down and

³²² Southall, "South Africa's Transkei", p. 87.

³²³ Tabata, "The All African Convention", p. 104. Jabavu and Seme formed the AAC in Bloemfontein in December 1935. It was an umbrella convention within which all existing African political groups were linked. The 400 delegates included ANC leaders, ICU personalities, chiefs, church dignitaries, professionals, prominent women, 'coloureds' and Communist Party members. Initially, it was closely aligned to the ANC. However, the ANC's favourable attitude towards the chiefs (see next section, 'Revival') elicited great criticism from the AAC.

³²⁴ Document 481: "The African National Congress-Is it Dead?" Pamphlet by Pixley ka Isaka Seme (1932) in Johns, "Protest and Hope", p.313-315.

seeking personal comforts and pleasures...As your chosen leader this year, I hereby appeal to you and to every Chief to come out and help build up the African National Congress. I must depend on your financial assistance and patriotism. I depend upon every Chief in South Africa to help me in the difficult task of inviting the African people to come into their own inheritance and become a nation.”³²⁵

I have quoted at length to highlight the important themes that initially bonded the ANC to the chiefs; these include a history of resistance, financial aid and a mobilising function.

The 1943 ANC constitution abolished the remnants of the Upper House but Xuma who was the president general of the ANC from 1940 to 1949, continued to seek the support of the chiefs. This dedication to the chiefs can largely be attributed to the fact that he was born into an aristocratic family in Engcobo in the Transkei. On the other hand, it also stemmed from a pragmatic attempt to increase the number of ANC’s rural supporters by recruiting over 500 000 members through the chiefs. Working through his provincial presidents and his own personal contacts he tried to gain their informal assistance in holding meetings and gaining donations. Writing to the Zulu paramount, Mshiyeni ka Dinizulu he asked his ‘chief and friend’ to bring in people from Natal and Zululand.³²⁶ In a flyer “To all Africans and Friends of Justice” (1947) he outlined the minimum programme by which the ANC could organise and educate public opinion; this included “the re-establishment of the Status of the African chief in our national affairs”.³²⁷

Calata, who was the Provincial President of the Cape branch of the ANC from 1930 and later the Secretary General of the ANC, reiterated these sentiments. He argued that “the powers of our chiefs need strengthening. I am sure we all welcome the granting of the right to try civil cases to Chief Matanzima. Chief Matanzima has led the way for education among the chiefs and the government in thus recognising him has taken a step

³²⁵ Ibid.

³²⁶ Walshe, “Rise of African Nationalism”, p. 386.

³²⁷ Document 40: “To All Africans and Friends of Justice”. Flyer issued by Dr. A.B Xuma. (21 March 1947) in Karis, “Hope and Challenge”, p. 273.

in the right direction".³²⁸ In May 1949 on a deputation to Dr Jansen, the Minister of Native Affairs, Calata is reported to have said that "the fact that he (the paramount chief) has no fixed home lowered his status and had a bad psychological effect on the Gaikas... To a large extent detribalisation could be prevented if the Gaikas knew that their chief had permanent headquarters where they could go periodically to renew their tribal bonds".³²⁹

Such individuals were joined by moderates like Mahabane, Thema and Baloyi in their opinion that hereditary chieftaincy could still fulfil a useful role amongst tribal Africans and in the national movement. This was motivated largely by the fact that the decline of the participation of the chiefs contributed to the general organisational and financial malaise experienced by the organisation. As Mweli Skota, the Secretary General of the ANC stated in 1930, "Chief Mandlesilo Nkosi is the only chief who rendered financial assistance. Lack of funds prevented officers to tour for the purposes of organising and collecting funds".³³⁰ In addition, the absence of the chiefs contributed to the loss of support from rural dwellers. In general, in the interwar period the Congress was fragile, deeply fragmented, poorly administered and funded with the result that alienated African nationalists turned to the Communist Party of South Africa, the Independent Industrial Commercial Workers Union, the Pan Africanist Congress, various African-American movements and to millennial religious movements in the countryside. Hence, the ANC's attempts to revive links with the chiefs must be seen as a desperate attempt to end its increased isolation from the majority of workers and peasants.

When the Hertzog Bills were published, the ANC national congress of January 1927 called a special separate 'Convention of Bantu Chiefs' in order to revive their participation. On 15 April 1927, twenty-two chiefs met under this Convention of Chiefs and urged government to withdraw the land bills, Coloured Person's Rights Bill and Representation of Native in Parliament Bill. These chiefs met again the following year to

³²⁸ Document 42: "Presidential Address" by Reverend J.A Calata. (July 1948) in Karis, "Hope and Challenge", p. 279.

³²⁹ Tabata, "All African Convention", p. 106.

oppose the Native Administration Act.³³¹ The All African Conference was formed in Bloemfontein in 1935 by Professor Jabavu and Pixley ka Isaka Seme largely as a response to the Hertzog Bills. The AAC was an umbrella organisation within which all existing African political groups were linked including ANC leaders, ICU personalities, chiefs, church dignitaries, and professionals.³³² In its policy statement it argued for “the improvement of status and financial allowances for African chiefs and headmen in view of their serious responsibilities in maintaining law and discipline in extensive and populous districts”.³³³ At the rural local level, James Theale established a permanent ANC branch in the Western Cape in 1928. Local issues included the council system, access to communal land, threat of dipping, power of progressive headman and the importance of popular chieftaincy.³³⁴

In the context of increased pressure to militarise, the ANC Youth League also used the chiefs as a means of mass mobilisation with particular focus on their active and violent tradition of resistance. This is clear in its policy document, which states that “Africans must honour, venerate and find inspiration from African heroes of the past: Shaka, Moshoeshoe, Makana, Hintsa, Khama, Mzilikazi, Sekhukhuni, Subhuza and many others”.³³⁵ In the 1950-52 Joint Action and Defiance Campaign chiefs were constantly referred to in attempts to inspire united action. In an ANC Youth League document it was argued that “if Makana, Dingaan, Khama and Sekhukhuni had defended their country jointly, Africa would have been saved for posterity”.³³⁶ In an urgent call for unity, Reverend Skomolo argued in a letter to Professor Matthews on 16 June 1950, “We are dividing the nation into two or several hostile camps. Chiefs under the jackboot of the ruler set against the urban labourer and the end will be that Congress will stink in the

³³⁰ Document 48h: “Report of T.D Mveli Skota, Secretary General of the ANC,” January 1930 in Johns, “Protest and Hope”, p. 36.

³³¹ Walshe, “Rise of African Nationalism”, p. 211.

³³² Meli, “South Africa Belongs To Us”, p. 84.

³³³ Document 14: “Policy of the AAC”, Statement Issued by the Executive Committee of the AAC, December 1937 in Karis, “Hope and Challenge”, p. 63.

³³⁴ Beinart and Bundy, “Hidden Struggles”, p. 257-259.

³³⁵ Document 53: “Policy of the Congress Youth League” Article by A.M Lembede (May 1946) in Karis, “Hope and Challenge”, p. 315.

³³⁶ Document 80: “Statement and National Day of Protest” by the Central Executive Committee of the ANC Youth League (31 May 1950) in Karis, “Hope and Challenge”, p. 446.

nostrils of the whole nation".³³⁷ Hence, through the chiefs the ANC was hoping to extend its influence from the urban areas to tribal Africans and consequently to the whole nation. In general, the ANC's attempt to renew its relationship was prompted by the efforts of individuals, who had an ideological or pragmatic motive for doing so. In terms of expediency, these efforts were an attempt to revive the ANC, and in so doing mobilise the nation in united action against the government.

These efforts were met with limited success. Xuma maintained contact with Paramount Dinizulu. The Natal Congress under Champion continued Dube's practice of maintaining informal contacts with chieftaincy. Through the influence of Dr Bokwe of Middledrift in the Eastern Cape, the Amagqunukwebe came to accept the Congress as their national organisation in 1943. In 1945 the Swazi Paramount agreed to establish a Congress branch in its territory. The Bakwena-ba-Magoba also allowed the presence of an ANC Committee. Through the efforts of the chiefs, the ANC was able to re-establish its presence in Rustenberg and Pietersberg areas of the Transvaal and Sekhukuniland. In general however increased militarisation put strain on the relationship of the chiefs and the ANC. The Native Affairs Department placed great pressure on the chiefs and once the National Party came to power and the Program of Action was adopted, chiefly participation declined sharply.³³⁸ In addition, factions of the liberation movement became highly critical of the chiefs and the ANC's favourable attitude towards the chiefs. The AAC described chieftainship as undermining the liberation of the people and criticised the ANC's policy of "staking a claim for democratic rights and in the same breath asking for the very negation of democracy".³³⁹

At this time, the ANC was not alone in its attempts to use the institution of chieftaincy as a means of reviving itself. In 1928-9 the ICU was crippled by leadership disputes, factionalism and financial and organisational disarray. The Independent ICU based in East London was a successor faction, which saw the value of rural chiefs in the

³³⁷ Document 81: Letter on plans for June 26 from Reverend J.J. Skomolo to Professor Z.K. Matthews (16 June 1950) in Karis, "Hope and Challenge", p. 447.

³³⁸ Walshe, "Rise of African Nationalism", p. 386.

³³⁹ Tabata, "All African Convention", p. 105.

mobilisation of workers. The majority of East London's labouring population were migrant workers with a dual concern for immediate issues such as wages and living conditions as well as issues involving land, livestock and crops. The rural slums were still very important for migrants because they represented their long-term futures; where they would eventually return when work was completed.³⁴⁰

Factions in the IICU argued that chiefs would undermine the national struggle by introducing particularistic loyalties and that chiefs were representatives of rural backwardness. However, a larger faction argued that it was a 'political reality' that if chiefs were hostile to the IICU it would be difficult to recruit their followers as members. This conflicting attitude is evident in reports on the one hand that "Your native chiefs will not build you into a strong nation, but the ICU will" and "They are paid servants of the government...they are selling us to the white people".³⁴¹ On the other hand, chiefs were welcomed if they expressed an interest in the tenets of the IICU and its national approach; this is evident in the links established by the IICU with senior Transkeian chiefs such as Poto and Dalindyebo. Chiefs themselves made calls for IICU support; Chief Mweto of Peddie requested the IICU's support in a protracted resistance campaign against government land policies. Chief Mgcwezulu of King Williamstown travelled to East London "to meet the committee to request them to send a man amongst my people to organise them...I like this Independent ICU because it unites our people".³⁴²

Rural areas which showed the greatest enthusiasm for the IICU were among the more traditionalist country areas especially in King Williamstown and Kentani districts. The IICU rallied around the figure of Hintsa who was the last independent Gcaleka chief who was tricked and killed during the war of 1835. In the strike of 1930 the IICU capitalised on its links with the chiefs. The chiefs provided gifts of grain and cattle, which were used to feed the strikers; the chiefs denounced scab labour; and the chiefs represented rural solidarity. On the first day of the strike Kadalie promised that "the Native chiefs throughout the country have no time for government: they correspond with me privately;

³⁴⁰ Beinart and Bundy, "Hidden Struggles", p. 271-2.

³⁴¹ Ibid, p. 284..

we are now going to get cattle from these chiefs to feed you".³⁴³ The Gcaleka chief Pakamela from Kentani echoed these sentiments when he told a large crowd in East London that "Hertzog can no more depend too much on the loyalty of the Native chiefs".³⁴⁴ In turn the IICU supported numerous grievances in rural villages where they had constituents; defending the rights of landholders, condemning the method of mine recruiting and low wages paid to farm workers, and supporting beer drinks, initiation rites and other traditionalist pursuits.³⁴⁵ But like the ANC's attempt to mobilise the rural dwellers through the chiefs, this strategy was short-lived as more chiefs were drawn into a collaborative relationship with the state from the 1930's.

A further reason for the failure of attempts to revive the liberation movement's relationship with the chiefs is the increased detribalisation of the African peasantry. At a meeting of the NRC Chief Poto argued, "I want to say that even in regard to the people who are in the urban areas who may be regarded as detribalised, they still have a great regard for their chiefs".³⁴⁶ This was true of migrant labourers who held a dual concern for events in both the rural and urban areas. However urbanisation meant that people's allegiances were transferred away from the tribe to either the developing black political institutions in the cities or to the cultural values of their white overlords. As Campbell argued, "Detribalisation, therefore, was a concomitant of the proletarianisation of the peasantry".³⁴⁷ Evans writing in 1934 argued that

"although tribalism is still a living institution in most of the reserves, its authority is very much on the wane amongst the great mass of Natives living on European land, while, in the urban areas, it is dying fast, if not already dead. It is obviously impossible to work through Native institutions, where they have ceased to exist, and, even in predominately tribal areas, there are a certain number of individuals who have adopted a European mode of life".³⁴⁸

³⁴² Beinart and Bundy, "Rural Struggles", p. 309.

³⁴³ Ibid, p. 311.

³⁴⁴ Beinart and Bundy, "Rural Struggles", p. 311.

³⁴⁵ Beinart and Bundy, "Rural Struggles", p. 284-311.

³⁴⁶ Document 32: "Report of Interview by Some NRC Members with Prime Minister Jan C. Smuts; Verbatim Report of the Proceedings", 1947 in Karis, "Hope and Challenge", p. 247-8.

³⁴⁷ Campbell, "Radical Resistance", p. 233.

³⁴⁸ Evans, "Native Policy", p. 50.

However, as shown above, discourse at national level increasingly revolved around the retribalisation of the African. The National Party in particular attempted to reverse the process of detribalisation in the form of the Bantu Authorities Act of 1951

The Bantu Authorities Act sounded the death knoll for the popular legitimacy enjoyed previously by the chiefs. As will be shown in the next chapter this act had disastrous consequences for chief's relationship with the people and consequently their relationship with the liberation movement. As Dr. Matthews of the ANC rightly prophesised,

“The Bantu Authorities Act is intended to bluff the African chiefs into believing that it restores to them the original powers they enjoyed before the coming of the white man. In real fact it prevents any democratic system being extended to the Africans in the reserves and places the Chiefs into the position which must necessarily provoke the antagonism of their people and undermine their prestige”

CHAPTER 4: BANTUSTANS AND CHIEFLY AUTHORITY

From Reserves to Bantustans

In the face of growing pressures from progressive forces inside and outside South Africa, the Nationalist Party applied the 'cardinal rule of colonial administration' namely, "wherever and whenever possible, arrange for power to be handed over to the most conservative local leadership available", namely the chiefs.³⁴⁹ As Mbeki argued,

"The government has no option but to work through the Chiefs who, like the Nationalists, have a mortal fear of change and the will of the common peasants. Conservatism is the lifeblood of the chieftainship system, and change threatens the positions of power that the Chiefs and the government enjoy. Chiefs and government, therefore, have common aims: to resist movements advocating multi-racialism and modern-social development".³⁵⁰

As was shown in the last chapter, historically chiefs enjoyed a large degree of popular legitimacy but this faded towards the 1950's as chiefs were increasingly drawn into a collaborative relationship with the state. The Secretary for Native Affairs, Dr W.W .M Eiselen admitted that chieftainship had not kept up with the requirements of the times and that it was "rapidly losing its grip on the people", but he dismissed the local council system as a failure as it had not "developed in a natural way out of the tribal system".³⁵¹ He later argued that the "councils in the rural areas have not been able to convert the Native population to a more progressive mode of life. We find more deterioration than progress. We must, therefore, ask the question whether the council system, based largely on Western concepts of social organisation, is a suitable instrument for guiding and controlling the development of the Bantu people".³⁵² The bantustan policy based on the rule of the chiefs was regarded as a means of resolving these shortcomings.

³⁴⁹ D.A.J. Campbell, *Radical Resistance to Minority Rule in South Africa, 1906-1965*. PHD Thesis. Buffalo: State University of New York. 1975: 233.

³⁵⁰ G. Mbeki, *South Africa: The Peasants Revolt*. England: Penguin African Library. 1964: 145.

³⁵¹ Cited in D. Welsh, *The Cultural Dimension of Apartheid*. Seminar Paper. University of Cape Town: Abe Bailey Institute for Interracial Studies. 1972: 46.

³⁵² Ciskei General Council: 17/10/1951.

At a basic level the bantustan programme was a means of enacting a policy of divide and rule. By redefining Africans into ten ethnic minorities, which were given substance in the territorial form of homelands, the National Party attempted to counter the effects of urbanisation and proletarianisation. In other words, attempts were made to counter the heightening political consciousness of the African masses and to slow down the surge of African nationalism. Socio-political tensions were directed into 'manageable' ethnic channels, which were ruthlessly controlled and diverted from the 'white' urban areas to the countryside where they constituted less of a threat.³⁵³ Complementary to ethnic differentiation was the revival of chieftaincy, which formed the basis of indirect rule as formulated by Lord Lugard. By basing political institutions on indigenous auxiliaries white officials hoped to divert tension and anger away from themselves by enacting their policies through the chiefs. This not only provided the appearance that blacks were ruling themselves but provided a standing excuse for excluding the new modern African elites from political power. In other words, the homelands were designed to prevent the passing of power to black politicians, workers and intellectuals by reinforcing the power of the chiefs.³⁵⁴ Thus chiefly rule was used to justify the exclusion of Africans from full participation in the political system. Furthermore, the bantustan program removed the economic and social burden of caring for Africans particularly the elderly, sick and economically unproductive. On the other hand, it also removed the employers' responsibility for providing housing and social welfare to workers who were housed in resettlement areas such as Mdantsane, just inside the border of the homeland and employed outside the homelands, in industrial centers located for example in East London. In so doing, this policy attempted to reverse the flow of urbanisation while securing a stable labour force for the growing manufacturing industry.³⁵⁵

³⁵³ Mbeki, "Peasants Revolt", p. 22; R. Southall, *South Africa's Transkei: The Political Economy of an 'Independent' Bantustan*. London: Heinemann. 1982:32.

³⁵⁴ Letsoalo, *Land Reform in South Africa: A Black Perspective*. Johannesburg: Skotaville Publishers. 1987: 68; A. Paton, "Forward" in C. Hooper, *Brief Authority*. London: Collins St. James Place. 1960: 15.

³⁵⁵ Cory Manuscript: "Draft Copy of Removal into Homelands". Grahamstown Rural Committee Reports on Mgwali Resettlement; R. Southall, "South Africa's Transkei", p. 36.

These motives were masked by the Nationalist Party's renewed emphasis on cultural segregation and separate development. This was consistent with Afrikaner Nationalism, which was based on the basic tenet that cultural diversity was a God-given phenomenon, which must be cherished and fostered. Separate development was regarded as necessary to accommodate otherwise irreconcilable differences among various national groups. This notion of cultural pluralism was initially utilised in the Afrikaner's cultural struggle for survival in an anglicised South African society but in this context it was used to entrench the subordinate position of black people. The white group was seen as the most technically advanced and upon which other groups were dependent for economic and political leadership.³⁵⁶ It was argued that 'Bantu culture' required chieftainship while western government institutions belonged exclusively to 'white culture'. In other words, whites regarded chieftaincy as a symbol of non-competition. As chieftainship was by definition limited to the 'tribe' it could never be used to control whites whereas equal participation in white governmental institutions would pose a threat to white domination. Hence whites supported chieftaincy in order to avoid the "competitive scheme of race relations".³⁵⁷ Therefore, the issue of chieftaincy became the center of the rhetoric on cultural segregation and separate development.

As Pieres argues, "ideology does not dictate political action, but political action can always legitimate itself through an ideological rationalization or another".³⁵⁸ In this case, the development of bantustans was legitimated by the ideology of cultural segregation. In 1953 Dr Verwoerd, the Minister of Bantu Administration and Development argued at the first session of the Ciskeian Territorial Authority that development and culture "cannot be transplanted to a community as a pre-fabricated product. There is so much in our Bantu system which with heart and hand merits sound development and on which your forefathers have built for ages, that it is my policy to build a future for the Bantu on this

³⁵⁶ Welsh, "The Cultural Dimension", p. 46.

³⁵⁷ P. Mayer, "The Tribal Elite and the Transkeian Elections" in Lloyd (ed) *The New Elites of Tropical Africa*. London: Oxford University Press. 1966: 290-291.

³⁵⁸ J.B Peires, "Continuity and Change in Ciskei Chiefship" in *The Societies of Southern Africa in the 19th and 20th Centuries*. Vol. 8. Collected Seminar Papers 22. University of London: Institute of Commonwealth Studies. 1974-77: 140.

national foundation”.³⁵⁹ At a later stage he insisted that government policy should be seeking to

“restore tribal life as far as possible by seeing to it that the chiefs and the whole tribal government adapt themselves to the exigencies of our times and thereby automatically regain the position of authority, which they forfeited to a large extent through their backwardness...the natives of this country do not belong to the same tribe or race. They have different languages and customs. We are of the opinion that the solidarity of the tribes should be preserved and that they should develop along the lines of their own national character and tradition. For that purpose we want to rehabilitate the deserving chiefs as far as possible, and we would like to see their authority maintained over the members of their tribes. Suitable steps will be taken in this direction”.³⁶⁰

The first step came in the form of the Bantu Administration Act of 1951, which abolished the Native Representative Council and the council system. In its place it established a three-tiered hierarchy of administrative authority namely a Tribal and/or Community Authority at local level consisting of chiefs and councillors, a Regional Authority (two or more tribal authorities) and a Territorial authority at national level. Chiefs dominated all three levels. This Act was not enforced immediately because it was enacted a year prior to the ANC Defiance Campaign of passive resistance. Thus officials opted to apply it gradually in order to avoid provoking further resistance in the rural areas. In 1955 the South African government eventually persuaded the Transkei Territories General Council to abolish itself and accept the new tribal government.³⁶¹

The next step involved abolishing black representation in parliament while making provision for the recognition of eight national units based upon linguistic clusters. This came in the form of the Promotion of Bantu Self-Government Act, which adopted the rhetoric of national self-determination and created the framework within which political

³⁵⁹ Ciskei General Council: 27/10/1953.

³⁶⁰ Cited in M. Neocosmos, *Towards a History of Nationalities in Southern Africa*. Working Paper. Denmark: Center for Development Research. October 1995: 28.

development in the homelands could proceed. Legislative assemblies and executive councils were established but these bodies had no power to amend or repeal South African legislation. Verwoerd declared that “if the various Bantu national units show the ability to attain the required stage of self-sufficiency, they will eventually form a South African Commonwealth, together with White South Africa, which will serve as its core and as guardian of the emerging Bantu states”. In 1961 Verwoerd further argued that the government would have to create “separate Bantu states...thereby buying for the white man his freedom and right to retain domination in what is his country, settled for him by his forefathers”.³⁶² He argued that he was prepared to pay a price for retaining white man’s domination, namely by giving the Bantu full rights to develop in their own areas. Thus he simultaneously promised black people that this policy was a stepping stone to eventual independence whilst promising white people that this policy would entrench their control and guardianship over the black race.

Transkei was the first homeland to bear the brunt of this policy. The Transkei Self-Government Act of 1963 replaced the Transkei Territorial Authority by the Transkei Legislative Authority. Sixty-four chiefs outnumbered forty-five elected members in this legislature, which according to officials was a means of ‘wedding the ancient tribe to the modern democracy’. The homeland legislature had limited powers as white authorities controlled the major spheres of finance, defense, foreign affairs and internal security and the State President could veto all legislative matters passed by the Assembly.³⁶³

The 1970 Bantu Homelands Citizen Act enacted a dual-type of citizenship for Africans; Africans could be citizens of the homelands while remaining citizens of the Republic under international law. In reality one could not simply divide blacks and whites particularly in terms of geography and economy; Africans constituted over two thirds of the South African labour force and over fifty percent of the African population lived outside the homelands. However, every attempt was made to separate them culturally and

³⁶¹ Southall, “South Africa’s Transkei”, p. 45. C.C.S. Holdt, “Constitutional Development” in *The Ciskei: A Bantu Homeland – A General Survey*. Fort Hare: Fort Hare University Press, 1971: 209.

³⁶² Cited in Mbeki, “The Peasants Revolt”, p. 41.

³⁶³ Southall, “South Africa’s Transkei”, p. 46.

politically. For example, the Bantu Education Act of 1953 dictated that schools would transmit cultural values and children would be taught in the vernacular thereby leading to the racial and ethnic stratification of education. Officials entertained the fantasy that Africans in the 'white' areas were foreigners or temporary sojourners. Tribal ambassadors were appointed to represent the 'chiefs' in the towns. The Urban Bantu Council Act of 1961 ensured that Africans in the urban areas were placed under a modified form of the Bantu Authorities.³⁶⁴ Furthermore, interactions between culturally distinct areas were to be monitored efficiently by an extensive pass law system, which Verwoerd justified with reference to "the well-ordered traditional Bantu life" where traditional laws govern the movement and behaviour of individuals to serve the community.³⁶⁵

The next step in the politics of cultural segregation moved beyond Indirect Rule as defined by Lugard. This was the National Party's pragmatic response to international criticism, vacillating western policy and increased internal resistance. Africa was characterised by increasing decolonisation as indigenous rulers were granted independence from their colonial overlords. Within South Africa resistance from the black population was met with growing state repression and consequently, increased international criticism. On the 21 March 1960 police opened fire on members of a PAC-organised campaign against pass laws, killing sixty-seven people and injuring one hundred and eighty-six others, in what became known as the Sharpsville massacre. This led to a wave of stay-at-homes, riots and marches across South Africa. In response, the government banned the ANC and PAC under the Unlawful Organisations Act. This led to an international outcry; Britain and USA voted against South Africa at the United Nations and foreign investors fled the country. Consequently, the ANC and PAC saw violence as the only option. Umkonto we Sizwe (Spear of the Nation) was formed in December 1961 and was crushed in 1963 in Rivonia. POQO, affiliated to the PAC, was smashed by force in 1961. The government appeared to have restored its control over the

³⁶⁴ Welsh, "Cultural Dimension", p. 51; Hooper, "Brief Authority", p. 15.

³⁶⁵ Ciskei General Council: 27/10/1953, p. 17.

African population, but in the face of international pressure it sought to show that the separate development was more than a policy of repression.³⁶⁶

By the 1971 Bantu Homelands Constitution Act, the State President was empowered to establish by decree a legislative assembly for any homeland. The 1972 Bantu Laws Amendment Act transferred control of prisons, motor-transportation, traffic regulation and licensing of road vehicles to the Transkei government. The Bantu Laws Amendment Act of 1973 granted these various powers to other homelands at the discretion of the Minister of Bantu Administration and Development. Consequently, the size and scope of homeland bureaucracies increased, thereby enhancing the development of a petty bourgeoisie highly dependent on the homeland state for its material prosperity. This class was to complement the chiefs' efforts in maintaining the National Party's control over the homeland populations. Ciskei, Bophuthatswana and Lebowa assumed self-government status in 1972 and were followed by Gazankulu and Venda in 1973, and Kwazulu and KwNgwane in 1977. Accompanying these legislative developments general elections were held in the self-governing homelands: Bophuthatswana (1972 and 1977) Ciskei (1973 and 1978) Lebowa (1973) Gazankulu (1973), Transkei (1973 and 1976), Venda (1973 and 1978), KwaZulu (1978) and Basutho Qwa Qwa in 1975 and 1980.³⁶⁷

The final step in this National Party policy was a form of "quasi-decolonisation" which culminated in the granting of independence to Transkei in 1976. This "involved the modernising of South Africa's colonial structural pattern by upgrading it to the more effective, and more acceptable internationally, neo-colonial pattern, converting the centre or white core area's direct physical domination over the black periphery to a situation where the centre assumes a posture of indirect imperial domination of a string of politically independent, economically powerless satellites".³⁶⁸ In other words, by granting political 'independence' to the homelands, the National Party masked the homeland's economic dependence on the South African economy. This dependence effectively ensured that by holding the purse strings, the National Party could exercise effective

³⁶⁶ Southall, "South Africa's Transkei", p. 46-48; Welsh, "Cultural Dimension", p. 50.

³⁶⁷ Southall, "South Africa's Transkei", p. 50-52.

control over the bantustans and hide this continued domination behind the rhetoric of cultural segregation.

In reality however, cultural segregation was “part of the technique of domination. Ideologically it rationalizes the hierarchical ordering of society; practically it aims at inhibiting the process of social change among Africans and ensuring that change is directed into channels that make it politically harmless from the white’s point of view”.³⁶⁹ The chiefs formed the fulcrum upon which this domination was based. By increasing their powers the Nationalist Party government sought to strengthen its hold over the black population, as these compliant functionaries would be less responsive to the demands of the people than elected councils. Chiefs were placed in the forefront of political competition and local governance. They were vital in the consolidation of undemocratic regimes, which relied on their assistance for electoral manipulation, military and judicial control as well as for extending the chain of dependency into the reserve population.

However, in so doing “chiefs seemed to the people to be turning into stooges of government, rather than into masters of the people”.³⁷⁰ Mayer questioned whether the new policies have “breathed new life into the tribal elite, or have sealed its fate with a kiss of death”.³⁷¹ It will be shown that chiefs lost all remnants of the popular legitimacy that they had previously enjoyed. No longer were they regarded as the bulwark against the state but were regarded as part of the latter’s intrusions. Hence rural resistance that was initially quelled by the late 1960’s rose again in the 1980’s against the chiefs and the bantustan system as a whole. Chiefs formed the key to the National Party’s oppression of the black people in the reserves; thus, the fall of the chiefs symbolised the beginning of the end for Apartheid and its oppressive policies.

³⁶⁸ Campbell, “Radical Resistance”, p. 233.

³⁶⁹ Welsh, “Cultural Dimension”, p. 52.

³⁷⁰ Mayer, “Tribal Elite”, p. 290.

³⁷¹ *Ibid.* p. 290

Political Footballs

“The issue of chiefship in the Ciskei (and Transkei) is a prime example of the way in which ideological argument may be used as the language through which the real stuff of politics – competition for power – is conducted and, at the same time, concealed”.³⁷² In the National Party’s attempts to rationalise chiefly authority and to assimilate this patrimonial system of authority to bureaucratic principles, opportunities arose where the issue of chieftaincy became the ‘political football’ around which political competition proceeded in the territorial authorities and legislative assemblies. The weight given to chieftaincy in the rhetoric of cultural segregation and separate development ensured that chieftaincy became a valuable resource which emerging political parties vied for and manipulated. At the national level, the paradoxical role of the chiefs came to the forefront; no longer were they accountable to their people over whom they were supposed to abide; they were rather accountable to the government to whom they owed their recognition and material status. The numerical majority accorded to them in the homeland legislatures was vital for a party seeking power and seeking to consolidate this power. This is evident in the rise of Kaiser Matanzima’s Transkei National Independence Party (TNIP) and Sebe’s Ciskei National Independence Party (CNIP).

Transkei.

Transkei was deemed perfect for Verwoerd’s purposes of demonstrating the success of separate development. It was a large contiguous territory, ethnically homogenous, largely rural and inhabited by a large number of hard-line pro-government chiefs such as Kaiser D Matanzima.³⁷³ The constitution of this new self-governing state was designed to ensure that an Assembly wholly composed of chiefs did not undermine international approval and a wholly elective Assembly did not hinder popular support. Verwoerd’s solution

³⁷² Peires, “Continuity and Change”, p. 137.

³⁷³ Welsh, “Cultural Dimension”, p. 51.

came in the form of a 'hybrid' assembly justified as a "unique synthesis of African tradition and western democracy".³⁷⁴ Paragraph twenty-four of Transkei's new constitution proposed that the new legislative assembly be composed of sixty-four (64) chiefs and forty-five (45) elected members.³⁷⁵

This was however met with opposition from some members of the Transkeian Territories General Council who argued that that the elected element should be increased and chiefly element reduced or moved to a second chamber based on a bicameral parliament. They argued that it was necessary to cater for the principle of popular representation. It was argued that "there are a number of people more intelligent than chiefs" and thus elected members had a superior claim to legislate.³⁷⁶ They further highlighted the advantages for chiefs who would not be exposed to conflict "caused by having to mediate the commands of an irresistible government to an unwilling people".³⁷⁷ In other words, by forfeiting their opportunity to legislate, chiefs would not be negatively influenced by the failure of the modern legislature; their failure to co-ordinate their 'fatherly' leadership role with that of a modern legislator in terms of representation and accountability; their failure to reconcile their dual roles as legislators and administrators and their failure to combine their traditional 'aloof' stance with that of an active deliberator. Many members of the TTGC further argued that chiefs should be elected.³⁷⁸ In response it was argued that because chiefs and headmen "are leaders by birthright or by tribal law, then there is no need to elect them to position which they already hold".³⁷⁹ Nevertheless, after discussion for a day and a half all amendments were withdrawn or defeated and paragraph twenty-four was passed (70-3). As a result, chiefs came to dominate the territorial authority. In many ways this debate was the turning point for the chiefs. No longer were they responsible and accountable to their people but could "generally be relied upon to toe the

³⁷⁴ Ciskei Territorial Authority: 27/10/1962.

³⁷⁵ Southall, "South Africa's Transkei", p. 115.

³⁷⁶ Cited in Mayer, "Tribal Elite", p. 295. Derived from Bunga Proceedings: 2-3/05/1962.

³⁷⁷ *Ibid*, p. 295.

³⁷⁸ *Ibid*, p. 295.

³⁷⁹ *Ibid*, p. 295-7.

government line because they are officials of the Republic's government, responsible to that government and not to the Transkeian citizen".³⁸⁰

The Transkei Constitution Act (No 48) was finally passed in 1963. Transkei had a measure of autonomy, was self-governing and had a parliament, flag and national anthem to prove it. The executive cabinet was led by the Chief Minister who was also responsible for finance and was constituted by five other ministers responsible for justice, the interior, education, agriculture, forestry, roads and works. The Cabinet was chosen by the members of the Legislative Assembly. Thus, political rule was partially contingent on the outcome of the elections. Elections were held on 20 September 1963 in an environment greatly affected by a State of Emergency, which placed a ban on all meetings of more than ten people, placed severe penalties for statements 'disrespectful to chiefs' and permitted indefinite detention without warrant or trial. Alistair Sparks of the Rand Daily Mail described the elections as characterised by "an oppressive condition of fear everywhere – fear of government action, fear of police action, fear of the action of chiefs".³⁸¹ Many town dwellers did not vote and many urban elite did not stand as candidates partly due to the perception that the election was a fraud entrenching the notion of 'separate and inferior' as opposed to 'separate but equal'. One hundred and eighty (180) candidates stood for forty-five (45) seats in nine electoral districts. Most candidates were rural elite such as teachers and wealthier farmers drawn from an emergent modern elite. Chiefs were the *ex-officio* majority in the assembly but many opted to compete directly with the rural modern elite in the elections.³⁸² Unsurprisingly, chieftaincy was the overt focus of the elections and the issue around which political competition took place.

Two main figures, each representing different facets of chiefly rule, competed for the position of Chief Minister, namely Chief Kaiser Matanzima and Chief Victor Poto. Matanzima was the Paramount Chief of Emigrant Thembuland who owed his position to government support. He was initially a minor chief who administered the St. Marks

³⁸⁰ Mbeki, "Peasants Revolt", p. 20.

³⁸¹ Mbeki, "Peasants Revolt", p. 21.

district, after which time he was handed Calanga, then Lady Frere in the Glen Grey district. He was then made a paramount chief and given Emigrant Thembuland in a deliberate move by the government to 'encourage' support from recalcitrant chiefs such as Paramount Chief Sabata Dalindyebo and Chief Botha Sigcau, who opposed the homeland policy.³⁸³ Consequently, Matanzima became a "frantic supporter of Bantu Authorities, and the whole Bantustan fantasy".³⁸⁴ He was a university graduate, a lawyer and a member of the urban modern elite.

In contrast, Chief Poto was a member of the rural modern elite; he had no university education, had great experience in Transkeian local government, had been a paramount chief since 1918, a member of the Native Representative Council since 1937 and was a conservative who saw the need to unite traditional values and liberal democratic values in a multiracial state. He thus questioned the issue of separate development, in particular the role of the chief in the new dispensation. He argued that in order to preserve the dignity of chiefs as the Transkeian aristocracy, it was necessary to place the chiefs in a second chamber and leave politics largely to the elected legislators.³⁸⁵ He stated, "The two houses of parliament are an attempt to save the chiefs from a dangerous position. We want them to stay clear of the conflicts and tribulations of the lower house, where there will be hot verbal exchanges. Let them take their position of dignity in the upper house".³⁸⁶ At a meeting in Butterworth he stated, "I came out of my womb so that I should be a chief... Knowing my background you will not doubt me when I tell you that I shall perpetuate the institution of chieftainship in the Transkei till my dying day".³⁸⁷ In contrast, Matanzima argued that in order to perpetuate the institution of chieftaincy chiefs must dominate a single-chambered legislature. In these debates, Poto emerged as a symbol of the 'good chief' who had a traditional claim to authority and who sides with the people against the white government. He was seen as independent of government:

³⁸² Mayer, "Tribal Elite", p. 297.

³⁸³ T. Zuma, "The Role of the Chiefs in the Struggle for Liberation" in *The African Communist*. Second quarter 1990: 66-7.

³⁸⁴ Mbeki, "Peasants Revolt", p. 63.

³⁸⁵ Southall, "South Africa's Transkei", p. 117-118; Mayer, "Tribal Elite", p. 300; Mbeki, "Peasants Revolt", p. 63, 137.

³⁸⁶ Mayer, "Tribal Elite", p. 301.

³⁸⁷ *Ibid*, p. 301.

“Personally, I don’t fear the government because it is not my God. If your chieftainship was given to you by God, what is there to fear?”³⁸⁸ On the other hand, Matanzima was seen as the ‘bad chief’, lacking traditional sanction to authority and a ruthless and violent representative of the white government.³⁸⁹

The older educated elite supported Matanzima while the younger members rallied behind the less educated Poto. Poto was supported by thirty-eight (38) elected members, while Matanzima received the votes of forty-seven chiefs (47) who were greatly pressured by government and saw the material benefits of supporting him. In total Matanzima received fifty-four (54) votes to forty-nine (49) and was consequently placed in the position of Chief Minister. This once again marked a decisive step in moving the chiefs further from their people and closer to the government. Legitimacy granted from above was regarded as more important than that bestowed from below.³⁹⁰

Following the elections Poto and his aides formed the Democratic Party, which denounced Apartheid. In response, Matanzima formed the Transkei National Independence Party, which called for separate development. Both parties championed the institution of chieftaincy though offering the chiefs contrasting interpretations of their role and future in the new self-governing Transkei. The objectives of the Democratic Party heralded both modernity and tradition by calling for a “government of the people for the people and by the people” and arguing that the institution of chieftainship should be “maintained and perpetuated”. In the TNIP’s ‘programme of principles’ it was stated that “chieftainship is the traditional form of authority among the Bantu of the Transkei ... forms the framework of political structure” and the “party is pledged not only to ‘preserve’ the office of chieftainship but also to preserve the ‘chiefs’ automatic membership in the Transkei Legislative Assembly.”³⁹¹

³⁸⁸ Mayer, “Tribal Elite”, p. 301.

³⁸⁹ Mayer, “Tribal Elite”, p. 298.

³⁹⁰ Mayer, “Tribal Elite”, p. 303.

³⁹¹ Mayer, “Tribal Elite”, p. 308.

In the first few months, former Poto supporters crossed the floor and Matanzima faced little opposition because chiefs found it difficult to argue against government decisions particularly since it may have meant a loss of status and material wealth. The TNIP was not effectively challenged in the elections of 1968, 1973 and 1976. The Democratic Party was harassed by the Transkeian police and was the victim of electoral malpractices, which forced it to rely on political patronage and chiefly resources. Its main support lay in Nyanda and Dalindyebo regions where it was backed by the respective paramount chiefs. However, in 1976 both paramount chiefs quit the party. Tutor Ndamase succeeded his father to the Nyanda Paramountcy in 1972. He crossed to the ruling party allegedly because the TNIP had adopted a multiracial policy and the Pondo were in favour of independence. Dalindyebo left the DP because of its new leader, Guzana. In 1972, the party's Thembuland and Border Regional Committees urged Dalindyebo to oust Guzana and assume leadership. Although Dalindyebo declined, the rift in the party persisted and culminated in Guzana's replacement in January 1976, by young, Hector Ncokazi. Ncokazi's alignment with radical forces (South African Student Organisation and the Black People's Convention), forced Dalindyebo to leave the party and sit in the Assembly as an independent, in order to safeguard his paramountcy from Matanzima's threats of deposition.³⁹²

With the support of the chiefs who dominated the legislative assembly, Matanzima was able to entrench his position as the chief executive.³⁹³ In general, it will be shown that this chiefly support sounded the death knell for the chief's long-term survival. "In rejecting the Poto solution the chiefs rejected the opportunity of climbing down gracefully, of translating the chief's ancient dignity and elite prestige – though not his ancient power – into terms compatible with the demands of modern politics".³⁹⁴

Ciskei

³⁹² Southall, "South Africa's Transkei", p. 128-129.

³⁹³ Mayer, "Tribal Elite", p. 304.

³⁹⁴ *Ibid*, p. 304.

Ciskei received self-governing status much later than Transkei because it consisted of distinct black reserves interspersed with pockets of white owned farms and towns. Headmen had largely replaced hereditary chiefs, there was great opposition to the Bantu Authorities Act in the towns and ethnic rivalries threatened the narrow ethnic nationalism advocated by the National Party. The issue of chieftaincy was central to this ethnic rivalry. In brief, the Rharhabe Xhosa descended from the first Bantu-speakers in the area. 'Mfengu' was the collective name given to distinct groupings of clans who fled from Zululand and King Shaka's wrath. The cultural differences between the Rharhabe and Mfengu faded but were outweighed by the events of 1835 where the Mfengu deserted their Xhosa patrons and sought colonial protection in exchange for land and official recognition of their chiefs in the form of headmen. As a result, they became the better educated and more European oriented group and came to fill elite positions. However, the Bantu Authorities Act threatened this elite status. Long discarded Rharhabe chieftainships were re-instated and validated by documents that government ethnologists had rediscovered. In addition, the Rharhabe paramountcy returned to the Ciskei from eighty (80) years of exile beyond the Kei.³⁹⁵

In the discourse on separate development, the "politics of chieftaincy intersected with the politics of ethnicity".³⁹⁶ The Ciskei Territorial Authority was established in 1961. It consisted of the chairman of the constituent regional authority and 2 members appointed by each regional authority. The Paramount Chief of the Rharhabe was designated Chairman. Chief Velile Sandile occupied this position until 1968. The Mfengu chief Justice Mabandla was aware that the new dispensation played into the hands of the Rharhabe and as a result he issued the 'Fingo Manifesto' in 1968 in order to protect the elite status previously enjoyed by this group. In the manifesto he requested that the Mfengu be regarded as entirely independent of the Rharhabe and the legislature be structured on ethnic lines. This request was enacted in the New Deal arrangements

³⁹⁵ Anonymous, "Ethnicity and Pseudo-Ethnicity in the Ciskei" in Vail (ed), *The Creation of Tribalism in Southern Africa*. London: James Currey. 1989: 398.

³⁹⁶ Peires, "Continuity and Change", p. 138.

outlined in Proclamation R143 of 1968 in which the legislature was to be constituted on a ratio of two Mfengu, two Rharhabe, one Sotho and one Thembu.³⁹⁷

At the opening of the new legislative authority on 14 November 1968, M. C Botha, the Minister of Bantu Administration and Development stated,

“At times criticism was expressed by ill-disposed persons and newspapers in regard to the chiefs and the role which they played in the service of their respective tribes. Nevertheless, during these years of greater responsibility they again proved that the system of chieftainships and tribal authorities, as recognised by law, is the system of government accepted by you and that, adapted to the demands of a modern society, it can in practice function effectively as an instrument of government”.³⁹⁸

Chiefs were *ex officio* members of the legislature and dominated it by constituting twenty-nine out of forty-nine seats. This was met with opposition from elected councillors who called for increased popular representation. Councillor Qali argued, “I would like to give an example of what is known as democratic rule. Our position is still different from the Chiefs that no one will interfere with them at any time. I think that it would be better if the chiefs were elected by the people”.³⁹⁹ This was repudiated by the Commissioner General who argued,

“The whole tribal system is vested in the chief as the chief administrative officer of that tribe. If it is required of chiefs to be elected by popular vote it would mean the whole foundation of chieftainship would be dropped from under the chiefs...we all know in the tribal system chiefs are in high regard and respected by the people. Therefore, if it was determined that the chiefs must be elected by popular vote it would be an entire diversion and cannot be tolerated in terms of the Bantu authorities Act”.⁴⁰⁰

³⁹⁷ C.W Manona, “Ethnic Relations in the Ciskei” in N. Charton (ed), *Ciskei: Economics and Politics of Dependence in a South African Homeland*. London: Hurst and Co. 1980: 105-106; Anonymous, “Ethnicity and Pseudo-Ethnicity”, p. 399.

³⁹⁸ Ciskei Legislative Assembly: 17/04/1972.

³⁹⁹ Ciskei Legislative Assembly: 17/04/1972.

⁴⁰⁰ Ciskei Legislative Assembly: 17/04/1972, p. 46.

Ciskei achieved self-governing status on 1 August 1972. Chief Mabandla was designated Chief Executive while Sebe was given the position of Minister of Education. With the support of some chiefs and businessmen from Port Elizabeth, Zwelitsha and Mdantsane, Sebe represented the Rharhabe. Initially his group called themselves the Broederbond as they, like Afrikaners aimed to protect and preserve a particular culture. Not long thereafter, the decision was made to expand their membership under the new name Ikhonco (link) to symbolise the unity of the Ciskei. In response Mabandla's group called themselves Imbokotho ('grinding stone or missile); "Symbolic of unity, of grinding out tribalism" in line with the South African government's ethnic nationalist policies. This did little to hide the ethnic rivalry at the core of Ciskeian politics. Mabandla accused Sebe of holding secret meetings and plotting against the government. Sebe accused Mabandla of ethnic favouritism and blocking applications of Rharhabe chiefs for government recognition. In 1973 Sebe formed the Ciskei National Independence Party and increased its membership by focussing on ethnic divisions; he frequently asked, "Why should we be ruled by the Fingo?" In so doing he awakened the historical and material grievances of the Rharhabe.⁴⁰¹

The 1973 elections resounded this ethnic tone. Sebe's group won a convincing majority of thirteen to seven elected seats and Sebe was elected Prime Minister by a small margin of twenty-six to twenty-four votes. On resuming his new position, Sebe stated, "The reason why I now find myself in his post is the fact that we belong to different tribes. Chief Mabandla is a Fingo and I am a Rharhabe. My tribe is bigger than his, therefore it was just a question of time before there was a change of premiership".⁴⁰² Although greatly assisted by South Africa, Sebe realised that he could only strengthen his party by establishing new chieftainships. The perfect opportunity to resuscitate several old Rharhabe chiefships came in the form of the South African government's attempts to consolidate the Ciskei. This involved attempts to confer geo-political unity on the Ciskei by removing black spots, selling white farms and adjusting Ciskei's borders. This led to

⁴⁰¹ N. Charton and G.R KaTywakadi, "Ciskeian Political Parties" in Charton (ed), *Ciskei: Economics and Politics of Dependence in a South African Homeland*. London: Hurst and Co. 1980: 124-5; Anonymous, "Ethnicity and Psuedo-Ethnicity", p. 399.

an influx of displaced persons into the Ciskei and the rapid creation of resettlement camps.⁴⁰³ Government ethnologists such as A.O Jackson indicated that aspirant chiefs needed to fulfil two main practical requirements, namely “the claimant’s rights to be regarded as a chief must be demonstrated genealogically. He must have a sufficiently large following and his following must have its own territory in which it lives”.⁴⁰⁴

Among the Xhosa all sons of chiefs become chiefs. For example Ngqika generated five chiefly lineages, thus genealogical demonstration was not a problem. Resettlement camps provided the territory over which the new chiefs could abide and facilitated an increase in the chiefs’ income as they were paid according to the number of subjects below them. Altogether eight new Rharhabe chieftainships and one new Mfengu chieftainship was created. All of these new chiefs were Sebe supporters; for example, Tanana, the leader of Sebe loyalist on Mdantsane City Council, was made chief of Anta’s people, the amaGwelane, ahead of the recognised chief living in the Transkei. Claims from Transkeian chiefs too closely associated with the Paramount Chief Anta who had an antagonistic relationship with Sebe, were overlooked; for example, Mnyanda who was the headman of Qugqwala location (King Williamstown District) and regarded as a chief by the surrounding location was turned down. Hence chieftainships were granted on political rather than ethnographic lines. Most of the chieftainship applications were written up by S.M Burns-Ncamashe who also wrote up one for himself on the basis of an old Hleke lineage. This was met with opposition from the existing amaHleke clan. Burns-Ncamashe then influenced a “timid and illiterate” headmen of the Gwali lineage into recognising him as the head of the amaGwali in the Ciskei. This claim was also met with opposition as he was remembered as a member of the non-royal Kwayi clan.⁴⁰⁵ Ironically at a later stage he opposed a chieftainship application in the Ciskei Legislative Assembly

⁴⁰² Charton and kaTywakadi, “Ciskeian Political Parties”, p. 126. For further details of this election see W. Le Roux, “First Ciskei Election” in *Bulletin*. Vol. XI (3). Africa Institute. 1973: 122-124.

⁴⁰³ By 1989 at least 160 000 of Ciskei’s population had resided there for less than ten years, with an average influx of population of about 15 000 a year. Anonymous, “Ethnicity and Pseudo-Ethnicity”, p. 395..

⁴⁰⁴ Cited in Peires, “Continuity and Change”, p. 137.

⁴⁰⁵ Peires, “Continuity and Change”, p. 138; Anonymous, “Ethnicity and Pseudo-Ethnicity”, p. 400.

on the grounds that “chieftainship is not just given to anybody, chieftainship always belongs to a certain dynasty” and that “the white ethnologist is not my ethnologist”.⁴⁰⁶

This issue of chieftainship was once again the means through which political competition was played out. Sebe argued that Mabandla’s opposition to the granting of these chieftainships showed that he did not respect and support the institution of chieftainship. Mabandla responded by pointing out that the Rharhabe Paramount Mxolise Sandile was his supporter. Before the Legislative Assembly was about to elect the Prime Minister, Sandile and two other pro-Mabandla Rharhabe chiefs appealed to chiefly solidarity by arguing that if Sebe, a commoner, was elected “the whole structure of chieftainship would collapse”.⁴⁰⁷ In response Sebe condemned the Paramount for getting involved in party politics because the CNIP believed that “in any country, the King or Paramount Chief was above party politics”.⁴⁰⁸

Sebe then proceeded to grant himself chiefship. Although he was part of the royal Tshawe tribe he was not a chief. In March 1977 Sebe declared that Chief Phatho had awarded his great-grandfather a chieftainship position because of his heroism in 1847 in the War of the Axe. Historically this was possible but it meant that Sebe was ranked junior to the biological descendants of Chief Phatho. Later in 1977 Sebe claimed to be the descendent of chief Tyarha who lived in the middle of the eighteenth century. The fact that literally nothing was known of him did not bother Sebe. Consequently, Sebe became the chief of Fetters farm (later Ndevana resettlement camp), which he visited once during his first three years as its chief. In general, the appointment of nine pro-Sebe chiefs turned Sebe’s small majority of between twenty-four (24) and twenty-six (26) in the Ciskei Legislative Assembly into a comfortable margin.⁴⁰⁹

In 1976 the CNIP government met with a vote of no confidence from the Ciskei National Party moved by Chief Mabandla on the basis that the “government has no respect for

⁴⁰⁶ Ciskei Legislative Assembly: 30/05/1979.

⁴⁰⁷ *Daily Dispatch*: 03/04/1973.

⁴⁰⁸ *Daily Dispatch*: 18/10/1972.

⁴⁰⁹ Anonymous, “Ethnicity and Pseudo Ethnicity”, p. 401; Peires, “Continuity and Change”, p. 138-139.

chiefs and chieftainships”⁴¹⁰ because it has “lowered the dignity of our chieftainship” by sending the message that one must “take no notice of this Chief of yours – you bring all your problems to my Office”.⁴¹¹ Furthermore, the government was “sowing seeds of dissension” by influencing people in their choice of headmen when this was exclusively the prerogative of the chief and his people. In addition, Mabandla described the government as racist because chiefs were mainly installed from the Rharhabe tribe and in particular, from the Tshawe clan.⁴¹² “Instead of claiming more land for the sons of the approved and recognised chiefs, they go on to confiscate land from a ruling chief because he happens to be of another clan, and secondly because the said chief does not support the ruling party. They put another chief there”.⁴¹³ He argued further than the CNIP used its new chiefs as “voting robots” because “there are none of them up to now, who have land with defined boundaries in spite of the promises made to them that they would be given land. Some have no tribal authorities either. They have no authority to try cases. They have no headmen either under them, and have no duties to perform. All they do is vote”.⁴¹⁴

The funeral of Rharhabe Paramount Chief Bazindhlovu who died on 5 April 1976 is a further example of how the institution of chieftainship became the centre of political competition. The Gcaleka paramount Xolilizwe Sigcau (Transkei based king of the Xhosa) attended this funeral to announce that Bazindhlovu’s widow would carry on as Regent for her minor son Maxhoba-Ayakhawuleza who was in his early twenties and had not yet been circumcised. This was met with great opposition from the CNIP who saw the opportunity of replacing a hostile paramount with one who was more pliable and enthusiastic towards CNIP policies. CNIP supporters formed the ‘Rharhabe Tribunal’ and elected a Jingqi chief, Chief Maqoma to the regency position until 1978. The CNP faction, who backed Maxhoba, called itself the ‘Rharhabe Privy Council.’ Pretoria sided with the CNIP and the Republican State President in his capacity of Supreme Chief of the Bantu approved Maqoma’s appointment from 26 August 1976. In response the CNP

⁴¹⁰ This paragraph is gathered from the proceedings of the Ciskei Legislative Assembly, 06/05/1975.

⁴¹¹ Ciskei Legislative Assembly: 06/05/1975, p. 17.

⁴¹² Ciskei Legislative Assembly: 06/05/1975, p. 18.

⁴¹³ Ciskei Legislative Assembly: 06/05/1975, p. 19.

faction quickly circumcised Maxhoba-Ayakhawuleza but the Chief Minister and Regent argued that his elevation to this position was contingent on his being married. In 1987 Maxhoba had not yet been installed as he was deemed a threat to Sebe.⁴¹⁵ As Pieres argues, “Once the democratic basis of chiefship was removed and the opinion of councillors and people had ceased to matter, the contest was bound to be fought on the level of official recognition, because it is precisely on this basis that chiefship now rests”.⁴¹⁶

Official recognition was further used by Sebe as a means to undermine chiefly support for Mabandla’s Ciskei National Party. In Section 17(3) of Proclamation 110 of 1957 amended in July 1958, it states that “the chiefs shall not become a member or take part in the affairs of any association whose objects are deemed by the Minister to be subversive, or physically constituted against government law and order”.⁴¹⁷ If chiefs contravened this law they could be deprived of their chieftainship. A letter to IMVO signed by Mr. Qunta, the National Secretary of CNP placed chiefs who were associated with the CNP in a precarious position. This letter alleged CNP connections with the banned liberation movement and concluded by commending the CNP “because in its kraal there are ANC, PAC and AAC sheep, but all pulling together under the non-racialism preached by the CNP”. Sebe described this as subversive, thereby placing pro-CNP chiefs at risk.⁴¹⁸ Consequently, a number of chiefs crossed the floor to the CNIP. This phenomena increased as various laws entrenched the powers of the chiefs such as the Ciskeian Administrative Authorities Act and the Ciskeian Authorities, Chiefs and Headman Act of 1978. The Ciskeian General Law Amendment Bill placed the duty on chiefs to disperse riotous assemblies and penalised any person who disobeys, hurts or injures a chief or headman.⁴¹⁹

⁴¹⁴ Ciskei Legislative Assembly: 29/04/1976, p. 30.

⁴¹⁵ Peires, “Continuity and Change”, p. 139.

⁴¹⁶ Ibid, p. 139.

⁴¹⁷ Ciskei Legislative Assembly: 06/05/1975, p. 108.

⁴¹⁸ Ciskei Legislative Assembly: 06/05/1975.

⁴¹⁹ Ciskei Legislative Assembly: 1978.

The CNIP won the 1973 elections as it had packed its party with chiefs. In 1978 most of the opposition was in detention or in hiding thereby ensuring that the CNIP won yet another election. At this stage all members of the opposition including Chief Mabandla crossed the floor. Ciskei was effectively a one-party state and Sebe was proclaimed president for life. This allowed him to attempt to broaden his support by now downplaying ethnic rivalries as he sought to construct an artificial Ciskeian ethnicity. The institution of chieftaincy was once again the key factor in this policy. He placed pro-Sebe Rharhabe chiefs into vacant Mfengu positions. He suppressed the annual Fingo emancipation and Nsikana Day Ceremonies on the grounds that they divide the nation. He constructed the 'Temple' or 'national shrine' at Ntaba Ndoba in dedication to a united Ciskei and to the chiefs who were to be buried in Heroes Acre.⁴²⁰

One such chief was Chief Maqoma who had perished in 1973 on Robben Island. With the assistance of the South African government, his bones were returned to the Ciskei and reburied on 13 August 1978. This symbolised that "Maqoma was not 'taken to his ancestors' on their land, but laid to rest in a spot chosen to symbolise Xhosa or Ciskeian nationalism, one already identified to some extent with the CNIP".⁴²¹ In addition, this much-publicised burial occurred at the same time as the funerals of Steve Biko and Robert Sobukwe who were symbolic of African resistance. By returning Maqoma to Ciskei with the Apartheid government's support, the funeral purported to signify that negotiation was more effective than confrontation. However, this funeral highlighted the contrast between Maqoma's noble birth and Sebe's suspect ancestry. It emphasised the popularity of Chief Lent Whyte Maqoma who was also present at the funeral. Sebe recognised a potential threat, dismissed Maqoma from the cabinet, stripped him of his chieftainship and exiled him from the Ciskei.⁴²²

⁴²⁰ Anonymous, "Ethnicity and Pseudo Ethnicity", p. 402. The opening of Ntaba Ndoba was attended by Foreign Minister Pik Botha and his wife; both were garbed in traditional chiefly attire. (Pretoria News 28/04/1986).

⁴²¹ M.G. Whisson and C.W. Manona, "Maqoma and Ciskeian Politics Today" in Charton (ed), *Ciskei: The Economics and Politics of Dependency in a South African Homeland*. London: Hurst and Co. 1980: 225.

⁴²² Ibid, p. 225. Anonymous, "Ethnicity and Pseudo Ethnicity", p. 407.

As is evident in both the Transkei and Ciskei homelands, competing parties regarded chieftaincy as a valuable resource in gaining political power. Its value was derived from the weight given to it by the South African government in their discourse on separate development and was reflected in the hybrid legislatures. The support of the majority of chiefs was a necessary prerequisite for taking power. As a result, the institution of chieftaincy was manipulated to serve the interests of the respective parties. Parties placed direct and indirect restraints on the chiefs and played with notions of ethnicity as a means of accruing increased chiefly support. Thus, chieftaincy became a 'political football' around which political competition was carried out. However, the importance of chieftaincy extended beyond its numerical majority in the legislature, to its ability to consolidate the power of the respective parties at the local level.

'The New Jockeys'

"Though the whip has remained in the hand of the White government, it has been the Chiefs, the new jockeys riding the reserve horse, who have applied the spurs. The chiefs are now well in the saddle".⁴²³ Chiefs were able to apply these spurs because they dominated not only the homeland legislatures but also local governance. In this position they wielded inordinate control over key resources and key administrative and judicial sectors thereby giving them the power to 'engineer consent' amongst an impoverished and desperate homeland population. As chiefs were a vital resource in consolidating power, their institution was bureaucratized so as to ensure that they, as salaried functionaries, continued to act in the interest of the respective ruling parties in the Ciskei and Transkei homelands.

By Proclamation No 180/1956 the Bantu Administration Act was applied to the Transkei, thereby abolishing the council system in 1957. This Act established territorial, regional, district and tribal authorities. At the top of the pyramid the territorial authority could be found; as already noted this was later converted into a Legislative Assembly. The Regional Authority represented groups of districts; for example Matatiele and Mount

Fletcher comprised the Maluti Regional Authority. It consisted of the paramount chief in the area, the chief or headman of any tribal authority, the chairman of a community authority and one tribal representative designated by each tribal/community authority. In total nine regional authorities were established in the Transkei. The functions of the regional authority hitherto had been primarily administrative and advisory. In 1982 these functions were widened by the Regional Authorities Court Act, which gave regional authority courts jurisdiction in criminal and civil cases. The district authority was comprised of the head or chief of the dominant tribe in the district as well as at least eight other members nominated by the head, the Bantu Commissioner and all appointed chiefs in the district. District authorities were disestablished by the Transkei Authorities Act of 1965 in favour of increased supervision and assistance by the magistrate in whose office a local bureau was established. By 1959 the Republican government had established three hundred and twenty four Traditional Authorities across South Africa of which one hundred and twenty three existed in the Transkei; twenty-six District Authorities, all of which were established in the Transkei; sixteen Regional authorities and one Territorial Authority.⁴²⁴

At the local level the Tribal Authority (TA) was comprised of the head and a number of councillors including the paramount chief and every chief residing within the area of jurisdiction of Tribal Authority. The councillors were appointed by the head and the paramount chief, and a number were elected by registered voters in the area. The latter could however not exceed one third of the total number of councillors. Subheadmen were expected to attend but were not paid. Quarterly public meetings were jointly attended by magistrates, chiefs and headmen, and people were encouraged to approach the magistrate with problems provided that they were accompanied by the chief and headmen.⁴²⁵

⁴²³ Mbeki, "Peasants Revolt", p. 109.

⁴²⁴ J. Segar, *Fruits of Apartheid: Experiencing Independence in a Transkeian Village*. Bellville: Anthropos Publishers. 1989: 31. D.A. Kotze, "Rural Local Government Trends in the Transkei, Lesotho and Rhodesia" in *South African Journal of African Affairs*. Vol. 2. 1972: 60-1. Mbeki, "Peasants Revolt", p. 41.

⁴²⁵ C. Manona, *The Collapse of the Tribal Authority System and the Rise of Civic Organisations*. Rhodes University: ISER Seminar Series. 1995: 9.

All members of the TA were men and were advanced in age. In the traditional authority of the Amatola Basin, the average age of members was sixty-eight years. Furthermore, members were largely uneducated⁴²⁶ because chiefs were not chosen on the basis of education: "When we have to choose a Chief we look for somebody of royal blood. Even if that particular individual has never been to school he shall be installed as chief" because "if one is born a chief, therefore he is a man of brains".⁴²⁷ Due to ignorance and lack of education, corruption and malpractice became rife. In the Ciskei Territorial Authority, members complained that the Chief "cannot make head or tail of the regulations. Where the Chief should perhaps be guided by the Tribal Authority you find that he wants no guidance from them despite his ignorance and he says, 'I have appointed my men at a particular place and I have used my prerogative as chief'".⁴²⁸ Attempts were made to resolve this problem. Lectures and courses were given to chiefs at Fort Cox Agricultural College in Keiskammahoek District, the Freemantle School in the Glen Grey District and at a school for chiefs in the Tsolo District in Transkei. Furthermore bursaries were given to sons of chiefs and headmen.⁴²⁹

In these circumstances it is not surprising that tribal authorities were conservative bodies, which excluded the younger and better-educated members of society. This ensured that tribal authorities were unable to deal efficiently with administrative matters. Furthermore, they were unable to adapt to change and did not articulate the diverse interests of societies in flux. By excluding women Tribal Authorities failed to live up to societal developments in which the migrant labour system had forced women to take an active and leading role in society.⁴³⁰ Thus, "the ideological dilemma of such conservative traditional leaders lies therein that the political values which they pursue no longer

⁴²⁶ Chiefs were generally advanced in age. In the Amatola Basin Traditional Authority, two chiefs were 83 and 82 years old; eight chiefs were in their seventies; ten chiefs were in their sixties, and two chiefs were in their fifties. The average age of a chief in the Traditional Authority was 68 years old. Furthermore, chiefs in this Traditional Authority were generally uneducated except for one who was a qualified teacher. Seven chiefs passed Standard 1; ten passed Standard 2/3; one chief passed Standard 4 and only three passed Standard 6. See C. Manona, "Local Government and Service Delivery: The Amatola Basin in the Ciskei" in *Reality*, Jan-March 1990: 43.

⁴²⁷ Ciskei Legislative Assembly: 17/04/1972, p. 43.

⁴²⁸ Ciskei Territorial Authority: 1963, p. 55.

⁴²⁹ Ciskei Territorial Authority: 1963, p. 32.

⁴³⁰ Manona, "Collapse of Tribal Authority System", p. 11-12.

synchronise with all the values of all the sectors of society that they are supposed to serve and lead".⁴³¹

This was of little consequence to the government, provided tribal authorities delivered the required funds to maintain party costs, crushed opposition to the government and advocated government policies. This was enforced by a number of direct and indirect restraints placed on chiefs in the process of bureaucratisation. Bureaucratisation involved two main steps: first, the appointment and dismissal of chiefs became subject to procedural mechanisms and second, chiefs became dependent upon and thus accountable to the state as salaried functionaries.

The appointment and dismissal of chiefs was made into a bureaucratic endeavour led by the Department of Native Affairs. Each chieftaincy was created by separate decree mentioning the size of the chieftaincy and the number of councillors in the Tribal Council. This was in theory allocated in accordance with genealogical evidence. However government ethnologists often faced numerous problems which led them to rely on the dictum 'co-operative headmen become chiefs and uncooperative chiefs receive no official recognition.' These problems included internal dynastic quarrels⁴³²; location boundaries did not necessarily coincide with chiefly allegiances⁴³³; and there were often an insufficient number of chiefs to fill the positions and carry out the duties required by the tribal authorities.⁴³⁴ Meanwhile, new chieftainships were established in three possible ways. First, members of a certain location would reject their officially recognised chief and invite a new chief; for example, the Rharhabe of Gqumahashe in Victoria East campaigned for the return of their old Tyhali chieftainship to supersede the authority of Chief Mabandla. Second, aspirant chiefs would claim former-white farms, which were

⁴³¹ W.T. Breytenbach, "Chiefship and Political Development in the Homelands" in *African Institute Bulletin*. Vol xiii. No. 9 & 10. 1975:331.

⁴³² For example, Pirie Location in King Williamstown was divided into two sides each rallying behind a different chiefly claimant.

⁴³³ For example, in the Peelton Location imiDange and imiNgqalasi chiefdoms intermingled and in Victoria East district scattered pockets of Rharhabe tribesmen lived under Mfengu chiefs and headmen and vice versa in King Williamstown.

⁴³⁴ For example, in the Keiskammahoek District there was not a single recognised chief but many chieftaincy claims.

allocated for black resettlement as their ancestral home; for example, Mr. Fetter's former farm, which was turned into the Ndevana resettlement camp, was claimed by President Sebe as his lost ancestral land. Third, squatters or tenants without permanent land rights would band together under an ethnic banner and claim to be a single tribe; for example, in Nyaniso, Peddie district newcomers were incited by an aspirant chief with a 'fake pedigree' to declare themselves as members of the Gwali chiefdom.⁴³⁵ Ultimately however, the allocation of chieftainship was vulnerable to the discretion of the government.

Councillor Mateza echoed the response of the people towards this form of bureaucratic appointment: "the Bantu Authorities Act was passed without consulting our Native people and that is not according to our Native custom".⁴³⁶ To complement this, Tribal Authorities violated the consensual principle behind African governance in favour of a less consultative form. Other members of the Tribal Authorities assisted chiefs but these members were not close advisors or acknowledged representatives of the people. The people had no direct sanction over councils particularly since these lacked effective contact with the people they were supposed to serve. Meetings were merely used to notify people about administrative matters rather than being used as the platform for the people to voice their interests. Furthermore, the migrant labour system had left the elderly, sick and uneducated responsible for maintaining popular discipline over the chiefs; this opened up the space for a number of chiefly abuses.⁴³⁷ Hence, "although the Tribal Authority was supposed to take on the appearance and character of the traditional political structure, there were many ways in which it failed to measure up to this ideal".⁴³⁸ In general it left the rural population vulnerable to the corrupt behaviour of the chiefs who were no longer accountable to the people they were supposed to serve.

⁴³⁵ Peires, "Continuity and Change", p. 137; Anonymous, "Ethnicity and Pseudo-Ethnicity", p. 400-401; J.L. Comaroff, "Chiefship in a South African Homeland" in *Journal of Southern African Studies*. Vol. 1-3. 1974-77: 46.

⁴³⁶ Ciskei General Council: 18/10/1951.

⁴³⁷ Manona, "Collapse of Tribal Authority", p. 15-18.

⁴³⁸ *Ibid*, p.15.

The second step in the bureaucratisation of the chiefs was entrenching their financial dependence on the state so as to ensure that they had a material interest in the continued existence of the Apartheid regime. As Mbeki argued,

“The shrewdness of the Nationalist play should not be under-estimated. The chiefs have been used with skill. Every little chief, even those not getting large stipends from the government, has been placed in a position where he can make money for himself at the expense of the people. Fresh powers of jurisdiction have been placed in the hands of the Chiefs for example, and many have amassed small fortunes and bribes...Many must know, in their hearts, that the self-government scheme has proved a swindle. But now they have a particular interest in keeping it going”.⁴³⁹

The most direct source of chiefly revenue came in the form of a salary, which according to official accounts was compensation for the revenues chiefs no longer derived and a means of ensuring that chiefs will accord greater respect and authority. As Councillor Verkuza argued, “In the eyes of the people, it is degrading for a Chief who lives cheek by jowl with a female teacher in his location to be paid less than one fifth of the ‘bunga’s salary. If there is truth in the adage that money talks, then the appearance and words of the schoolteacher will count far more than those of the chief”.⁴⁴⁰

In the 1950’s the salaries paid to Transkei’s four most important chiefs were £1200, £900, £800 and £600 respectively. In the 1960’s the Transkei government announced a further twenty-five percent (25%) increase of chiefs and headmen’s salaries. With the introduction of the Transkei Legislative Authority the four paramount chiefs each received two thousand pounds a year. The salaries of the other chiefs ranged from £110 to £300, and if they were members of the Legislative Assembly they received an addition £400. In the 1970’s the official expenditure on salaries for chiefs and headmen rose from R323 500 in 1974/5 to R536 000 in 1975/6 and to R1446 000 in 1987/8. In addition to

⁴³⁹ Mbeki, “Peasants Revolt”, p. 62.

⁴⁴⁰ Ciskei Territorial Authority: 20/10/1964, p. 56.

salaries, chiefs received additional payment for the number of taxpayers in their districts as well as a pension and travelling allowance.⁴⁴¹

Furthermore, the placement of chiefs at the cornerstone of resource allocation and judicial and administrative sectors ensured that they were in a position to extract resources from the people through corrupt and coercive mechanisms. Mamdani described chiefs as “decentralised despots”⁴⁴² as they were the main executors of apartheid policies at the local level. Their duties included responsibilities for land allocation, road maintenance, water supplies, land rehabilitation, disease prevention, pass controls, working permits, the dispersal of unlawful assemblies, and the maintenance of law and order. In addition they were given the mandate to make recommendations in connection with schools, old age pensions, disability grants and licenses.⁴⁴³ As they were placed at a strategic judicial and administrative juncture, chiefs were able to engage in ‘primitive accumulation.’ Although this was often justified with reference to tradition, it was the key element in the consolidation of the one-party regimes in both the Transkei and Ciskei homelands.

Chiefs and headmen were empowered to collect monies raised from taxation, fines and fees. In addition, they received the mandate to impose taxes of up to one pound on adult male residents, a general levy and a number of discretionary charges. This money was to be placed in treasuries in the Tribal authorities and to be allocated for administrative and development purposes. However expenditure was determined by the chiefs and generally unduly favoured their needs. Taxation was firmly linked to land allocation which was a further means by which chiefs could accrue greater finances.⁴⁴⁴

In Transkei in 1958, special provisions allowed chiefs to allocate extra arable land in order to enable the chief to provide hospitality for visiting administrators. In order to obtain land, a person would first have to get the support of the sub-headmen who would

⁴⁴¹ Neocosmos, “Towards a History”, p. 29; Southall, “South Africa’s Transkei”, p. 174; Mbeki, “Peasant’s Revolt”, p. 104.

⁴⁴² Mamdani, “Citizen and Subject”, p. 25-26.

⁴⁴³ Manona, “Collapse of Tribal Authority”, p. 10-11.

submit the application to the headman to check whether the individual was married and a registered taxpayer. If the person could not produce a registration certificate and taxation receipts, the headman would accompany the individual to the magistrate's office to get registered. Thereafter, the headman would grant the application and submit it to the tribal authority, which would complete the form and send it to the district commissioner. This form would have to be signed by the chief, councillors and Tribal Secretary. However, Tribal Authorities would often allocate land without going through the official procedure. For example, they would charge unauthorised fees in the form of alcohol, poultry and sheep to those wanting land. This placed migrant tenants and refugees in a vulnerable position.⁴⁴⁵ As testified in the Ciskei Legislative Authority, "our people are evicted by whites, and are thrown at the roadside. They are also evicted by these headmen and chiefs and we find them freezing".⁴⁴⁶ Land allocation was also contingent on an individual's support for the ruling party. This benefited government to the extent that the Tomlinson Commission's recommendation in 1955 that freehold be granted to homeland populations in the interests of development was repudiated by Verwoerd, on the grounds that it would "undermine the whole tribal structure".⁴⁴⁷

Similar trends could be found in all other administrative sectors including the judicial sector. By 1963 fifteen of the seventeen recognised chiefs in the Ciskei were granted civil and criminal jurisdiction.⁴⁴⁸ This number increased as the Bantu Affairs Department attempted to place all civil cases between Africans and all criminal cases that were within the jurisdiction of the chiefs, before Tribal Authority tribunals in the hope that the chiefs would succeed where commissioners failed in crushing local resistance. In addition, chiefs continued to run 'bush' courts, which enabled them to apply fines in the form of animals, alcohol and money. This enabled chiefs to impose authority on recalcitrant

⁴⁴⁴ Mbeki, "Peasants Revolt", p. 106-108.

⁴⁴⁵ Letsoalo, "Land Reform", p. 70; L. Ntsebeza, *Land Allocation in South Africa's Former Bantustans With Specific Reference to the Role of Traditional Authorities*. Delivered to TAARN Conference. April 2001: 2; A. Spiegel, "A Trilogy of Tyranny and Tribulation: Village Politics and Administrative Intervention in Matatiele During the Early 1980's" in *Journal of Contemporary African Studies*. Vol. 11 (2). 1992: 40-41.

⁴⁴⁶ Ciskei Legislative Assembly: 4/5/1976.

⁴⁴⁷ Neocosmos, "Towards a History", p. 29.

⁴⁴⁸ Ciskei Territorial Authority: 1963 p. 32.

people and to ensure the dependence of certain groups on the continued existence of the institution of chieftainship.⁴⁴⁹

These abuses occurred with the full knowledge of the government. In the Ciskei legislature councillors testified that a man "who will be taken to the Magistrate is only a man who will have the prerequisite of a bottle of brandy".⁴⁵⁰ The Minister of Justice complained in 1980 that a survey revealed that employers were "not in favour of Chiefs interfering with or assisting them in the recruiting of labour... Chiefs and Headmen are alleged to have substituted their favourites and do not select objectively".⁴⁵¹ The Minister of Justice stated that he is "quite aware they extract bribes from these people when they know they are not supposed to do it".⁴⁵² Even though they were 'not supposed to do it' and often antagonised the business sector, little action was taken against the chiefs because their actions were vital in creating a chain of dependency, which worked in the interests of the ruling party.

The first link in this chain was forged by the ruling CNIP and TNIP governments with the Apartheid regime. In 1975, 79 % of Ciskei's annual revenue came from the South African government.⁴⁵³ In 1974/5, 77.5% of Transkei's annual revenue was derived from South Africa. All accounts were audited and approved by South African controllers, the Auditor General and the Republican Minister of Finance. Even after independence, the Transkei was highly dependent on South African finance. In 1976/7, the Republic provided R110.8 million (71.2% of the total revenue). In 1977/8, South Africa provided R165 million out of R239 million directly and provided the Transkei with loans, funded services and businesses (most notably the Development Corporation) and even paid the salaries of white officials and judges. In general, South Africa supplied over two thirds of the Transkeian and Ciskiean government's annual financial requirements.⁴⁵⁴ Economic dependence was further exacerbated by the lack of internally generated revenue due to

⁴⁴⁹ Mbeki, "Peasants Revolt", p. 100.

⁴⁵⁰ Ciskei Territorial Authority: 1970?

⁴⁵¹ Ciskei Legislative Assembly: 1980, p. 278.

⁴⁵² Ciskei Legislative Assembly: 17/04/1972, p. 55.

⁴⁵³ N. Charton, "The Economics and Politics of Dependency" in Charton (ed), *Ciskei: Economics and Politics of Dependence in a South African Homeland*. London: Hurst and Co. 1980: 230.

the absence of a broad industrial base within the Ciskei and Transkei. In the Ciskei, two growth points existed at Sada and Dimbaza but they required technology, skilled personnel and raw materials and markets in the Republic. Consequently, they posed little threat to the industrial conglomerates located in the white areas adjacent to the Ciskei in Berlin and in King Williamstown.⁴⁵⁵ Thus the homeland government's were dependent on the Nationalist Party government for military and financial backing.⁴⁵⁶ This externally generated revenue was indirectly responsible for tying the chiefs' material prosperity to the state. The people in turn were made highly dependent on the chiefs for their basic subsistence.

This worked to the advantage of the homeland governments in three main ways. First, it ensured the people's political and financial support as "political loyalty or rather subservience, is often the sole criterion whereby people in resettlement camps are allocated houses, pensions and even jobs".⁴⁵⁷ It financed the political party machine. As one individual complained, "we must pay for rallies every time they ask. Sometimes it is one Rand, or two or three. It happens every couple of months. We dare not refuse, otherwise our complaints won't be attended to, if we need attention later on".⁴⁵⁸ If they did not contribute, chiefs and headmen would not recommend them for pensions, employment and land. Segar highlights the example where a headman refused to judge against a woman who had assaulted her mother-in-law on the basis that

"you did not pay money for the clinic, you are not a member of the TNIP - you haven't paid - your name is not there in the register. For the gifts for big TNIP meetings to buy Matanzima a present - your name is not there. You did not pay any money for the morena - three times we were asking for money for him to make a feast for him after he became a chief - then there is the R1 for the dipping

⁴⁵⁴ R. Southall, "South Africa's Transkei", p. 204-206.

⁴⁵⁵ N. Charton, "The Economics and Politics of Dependency", p. 230.

⁴⁵⁶ N. Charton, "The Economics and Politics of Dependency", p. 231.

⁴⁵⁷ P. Green and A. Hirsch, *The Impact of Resettlement in the Ciskei: Three Case Studies*. Cape Town: Southern Africa Labour and Development Research. 1983: 31.

⁴⁵⁸ S. Duncan, Cory Ms 18 843: Discussion on Advice Office or Related Work in the Ciskei: Peddie, 21 February 1983.

tank. If the people who are still owing are murdered or attacked - I'll never solve the problem unless they pay all these amounts".⁴⁵⁹

Second, it ensured continued electoral victories for the ruling parties. Chiefs played a vital role in influencing voting behaviour and in selecting candidates for elective seats. According to electoral law secret voting was the norm. However, in cases where the voters were illiterate, they were required to state their preferences to the polling officer in the presence of two witnesses. Unsurprisingly the majority of chiefs were polling officers thereby placing them in a position to influence voters in favour of the TNIP or CNIP. This influence was contingent on their central role in allocating resources. Furthermore, chiefs played an important role in the selection of candidates for elective seats. In the Transkeian elections of 1968 meetings at which party supporters chose their favourite candidates by majority vote were held at Tribal Authority offices and chaired by local chiefs. This ensured that chiefs could pack the meeting with their supporters and other chiefs. In 1973 this role was extended, as nomination courts in Districts composed of heads of members of local Tribal Authorities, headmen and subheadmen loyal to the TNIP were responsible for the selection of candidates. Hence, chiefs played a critical part in securing the re-election of the ruling party.⁴⁶⁰

Lastly, the chain of dependency benefited the ruling party by ensuring that the chiefs were so dependent on the state that they crushed any resistance to this state with vigor. As one observer argued, "Traditionally the chiefs got cattle and other things from their own people. But now since they are to receive salaries, they are too independent of us, so they will be the government's most active servants in oppressing us. A dog like its master".⁴⁶¹ By the Bantu Authorities Act, chiefs were responsible for enforcing all laws and all orders, instructions or the requirements of the Government relating to the administration and control of the Blacks in their areas. This role was further entrenched by the Transkei Authorities Act of 1965, the Ciskeian Administrative Authorities Act and the Ciskeian Authorities, Chiefs and Headman Act of 1978 which gave the chiefs powers

⁴⁵⁹ Segar, "Fruits of Apartheid", p. 120.

⁴⁶⁰ Southall, "South Africa's Transkei", p. 121-123..

of arrest, powers of search and seizure, powers to disperse unauthorised gatherings, powers to prohibit the carrying of weapons and the shouting of war cries and so forth. In general, the chiefs acted as the 'watchdogs' of the Government. They were encouraged to be their own police in their own interest, "find out those men who respect authority and tribal institutions and band them together as the chief's and headmen's impi which will turn out when called to help keep tribes and locations clean and behaved...Use moderate violence..just like a good chief should do".⁴⁶² Hence, chiefs became the military arm of government in the rural areas because it was in their best interests to do so. If they did not follow government policies or ensured that their subjects did so, they would not only lose official recognition and an official salary but also the perks that accompanied executing government policies. Therefore, the chief was the key figure in the chain of dependency that characterised the homeland's economic and political structure. Chiefs were vital in enlisting the support and finances of the rural populations, ensuring the continued re-election of the ruling party and repressing dissent to government policies.

However, the Nationalist Party recognised that the chiefs were too narrow a base upon which to rest the homeland policy. It sought to expand the middle class so that it was also highly dependent on the state for resources. By expanding the administrative apparatus and trade, a civil service developed. This provided privileged employment opportunities for educated blacks in order to ensure that they did not join forces with the liberation movements. These civil servants joined forces with the petty bourgeoisie who saw the Bantu administration as an important avenue for capital accumulation in the form of salaries, allowances, pensions, loans, contracts and so forth.⁴⁶³ This, according to Nzimande, was typical of parasitic capitalism, which is a "process of using the state apparatus for purposes of accumulation".⁴⁶⁴ Thus, the chiefs and middle classes were united in their dependence on the homeland governments to the extent that chiefs became

⁴⁶¹ Mayer, "Tribal Elite", p. 294.

⁴⁶² Mbeki, "Peasant's Revolt", p. 58.

⁴⁶³ Southall, "South Africa's Transkei", p. 173.

⁴⁶⁴ B. Nzimande, "The Zulu Kingdom: Buthelezi's short-cut to power" in *The African Communist*. First Quarter 1994: 9.

members of the petty bourgeoisie.⁴⁶⁵ This unity between chiefs, civil servants, bureaucrats, businessmen, teachers and traders was reflected in a shared lifestyle. Chiefs drove the same “flashy American motor cars”⁴⁶⁶, lived in “houses similar to those of the whites” and could be clearly distinguished from the rural population who continued to live in “the old type of wood and mud-constructed huts”⁴⁶⁷ and in increasing poverty. More than sixty percent of rural households were unable able to produce sufficient food to feed themselves let alone purchase cars and luxury houses.

Hence, “the centre of political gravity rests firmly in the Transkei (and Ciskei) - in the kraals and huts of chiefs”.⁴⁶⁸ However, this created a political vacuum at the local level. Chiefs were paid bureaucrats and as a result, failed to serve their communities. Chiefs were often more interested in regional issues than local matters particularly since the responsibilities between local and regional government overlapped considerably. Furthermore, within the bureaucracy procedures of accountability were lacking. Consequently, this vacuum provided space for the emergence of alternative forms of leadership and organisations that expressed growing resistance from below against the chiefs and the entire homeland system.⁴⁶⁹

⁴⁶⁵ See the debate over the position of the chiefs in the petty bourgeoisie in J.B. Peires, “Transkei on the Verge of Emancipation” in *Journal of Humanities and Social Sciences*. Vol. 8 (2) December 1997: 189-213 and R. Southall, “Rethinking Transkei Politics” in *Journal of Contemporary African Studies*. Vol 11 (2) 1992: 1-22.

⁴⁶⁶ Mbeki, “Peasants Revolt”, p. 180

⁴⁶⁷ Ciskei Legislative Assembly: 4/5/1976, p. 120.

⁴⁶⁸ Southall, “South Africa’s Transkei”, p. 140.

⁴⁶⁹ E. Ritchken, “Rural Politics” in G.Moss and I.Obery (eds), *South African Review 5*. England & South Africa: Hans Zell Publishers. 1990: 393-394.

CHAPTER 5: TARGETS OF POPULAR DISCONTENT

The 'chain of dependency' was greatly flawed. As the traditional structure of chieftaincy was bureaucratized, the nature of its legitimacy was distorted. No longer were chiefs dependent on legitimacy bestowed from below by their subjects but they were dependent on recognition from above.⁴⁷⁰ As a result, chiefs were no longer deemed legitimate by their subjects and in turn became the targets of popular discontent against an oppressive and intrusive state. This is evident in Witzieshoek in the late 1940's, the Bafurutse reserve in 1957, Sekhuhuniland in 1958, Marico in 1958, and in Natal in 1958 and 1959. Such rural resistance can be partially attributed to the ANC's defiance campaign in 1951-2 and the migrant labour system, which acted as a "transmission belt of political consciousness".⁴⁷¹ However, as will be shown in the Ciskei and Transkei, the role of the liberation organisations was minimal in organising and mobilising rural resistance. Rather, resistance against the chiefs erupted in the 1960's and 1980's largely in response to increasing poverty, state intrusions and numerous chiefly abuses at all levels of government.

Poverty was a key factor in the chain of dependency. As Segar argues, "Once drawn into a network of bribery and corruption - existing in the first place because of a scarcity of resources over which there is limited control - resistance becomes very difficult".⁴⁷² In other words, peasants had little choice but to take part in the chiefs' patronage schemes due to the desperate nature of their economic situations. The Ciskeian Minister of Finance once argued that the chiefs could not be blamed for corruption because they "are being pushed by the people because they are starving... The main reason is hunger, it is hunger which puts us in such a predicament".⁴⁷³ According to Innes and O'Meara only 8.4% of rural households could subsist on agricultural production. Consequently,

⁴⁷⁰ C.J De Wet, *An Analysis of the Social and Economic Consequences of Residential Relocation Arising Out of the Implementation of an Agricultural Development Scheme in a Rural Ciskei Village*. PHD (Anthropology) Thesis. Grahamstown: Rhodes University. 1985: 293.

⁴⁷¹ Southall, "South Africa's Transkei", p. 108,

⁴⁷² Segar, "Fruits of Apartheid", p. 122.

⁴⁷³ Ciskei Legislative Assembly: 1980, p. 278.

households were forced to rely on the sale of their labour power. In 1974 83% of Transkei's labour potential was employed as migrant labourers outside the Transkei.⁴⁷⁴

Rural resources were further stretched by the influx of landless people removed off black spots. Mechanisation and attempts to abolish labour migrancy ensured that between 1960 and 1974, 740 000 labour tenants were removed from white farmlands and literally dumped in the reserves. Furthermore, influx control ensured that people established residence in the bantustans. In 1985 government changed emphasis from 'forced removal to forced incorporation', whereby homeland borders were redrawn or redefined to include black communities. The rapid increase in the homeland populations further put a considerable strain on the limited resources available. In addition, forced removals created a class of dispossessed individuals who had no access to land and other means of production but were left dependent on handouts, theft, prostitution and so forth.⁴⁷⁵

The situation was further exacerbated by the ineffectiveness of local government. Tribal Authorities had limited executive powers and the Department of the Chief Minister controlled their budgets. Consequently they were unable to alleviate the impoverishment at the local level.⁴⁷⁶ Initially this appeared to work in the chiefs' favour as their subjects were too poor and too desperate to challenge the patronage schemes upon which they were so dependent. This even led Mr. Abraham, the Commissioner-General of the Xhosa Ethnic Unit, to declare that "the people have rallied to their chiefs and, if they sustain their Chiefs and their Chiefs are wise leaders - as they have proved to be - there is every reason to believe that peace will abide within this territory and its people".⁴⁷⁷ However, once again state intrusions lit the fire of resistance against the chiefs and the bantustan system as a whole.

Ciskei: Betterment?

⁴⁷⁴ Labour potential refers to adults between the ages of sixteen and sixty-four. D. Innes and D. O'Meara, "Class Formation and Ideology: the Transkei Region" in *Review of African Economy*, No. 7, 1976:71

⁴⁷⁵ E. Ritchken, "Rural Politics", p.390-393.

⁴⁷⁶ C.W Manona, "Local Government and Service Delivery: the Amatola Basin in Ciskei" in *Reality*, January-March 1990: 44.

⁴⁷⁷ Ciskei Territorial Authority: 24/10/1962, p. 17.

Ciskei initiated a five-year plan in 1962 involving 210 of 243 locations, which were declared betterment areas. Betterment involved moving the people into demarcated areas, stabilisation of the arable areas, fencing and controlling of grazing areas, reduction of stock to the assessed carrying capacity of the area, and division of the population between farmers and non-farmers.⁴⁷⁸ At face value, betterment aimed to revitalise reserve agriculture but as James argued, “such planning was a response to the changing needs and demands of capitalist farming, rather than a positive and separate strategy to establish viable farming in the peripheral Bantustan areas”.⁴⁷⁹ As in the past, such schemes were regarded by the people as a threat to their security and were consequently met with great opposition. Resettlement meant that people would have to abandon the homesteads into which they had previously invested large sums of capital. By limiting the number of full-time farmers in the homelands, the government simultaneously pushed the peasants into the much-hated migrant labour system. By reserving land for forestry schemes, government restricted access to firewood. Culling once again contravened traditional forms of wealth accumulation. Furthermore, rehabilitation measures involved the use of unpaid, forced labour under the supervision of chiefs.⁴⁸⁰

In response to people’s complaints, the government turned to the chiefs for support. Chiefs were offered incentives if they accepted rehabilitation measures including increased stipends, land allotments, places of honour and so forth. Unsurprisingly, the chiefs accepted such measures without consulting their subjects.⁴⁸¹ As one individual complained, “so chiefs think they will get a lot of money and a big house if they move. Many times they do. But the people do not get these things”.⁴⁸² In response to the objections to the Peelton removal, Viljoen the Minister of Education and Development

⁴⁷⁸ Ciskei Territorial Authority: 22/10/1963, p. 28.

⁴⁷⁹ James, “The Road from Doornkop” in *South African Institute of Race Relations*. Johannesburg: SAIRR. 1983: 60.

⁴⁸⁰ R. Southall, “South Africa’s Transkei”, p. 107.

⁴⁸¹ G. Mbeki, “Peasants Revolt”, p. 97.

⁴⁸² Cory Document: “You and Removals” (English Text of Xhosa Wena Wofudso) in *Records of the Grahamstown Rural Committee* dealing with the Resettlement of the Mgwali Community in the Ciskei. In the Tyolomoga community people complained that “we were incorporated into the Ciskei because of the chiefs”. (Meeting with Tyolomoga Residents, Interim Committee, 19 January 1990).

Aid in the Ciskei, claimed that the decision to allocate Peelton was based on an application by the Peelton Tribal Authority which was “eager to increase the amount of land and people under its control and thus to expand its source of revenue”.⁴⁸³ Thus, “the betterment schemes further exposed chiefs as the instruments of white power and focused widespread grievance upon the Bantu Authorities System as a cause of popular distress”.⁴⁸⁴ As a result, the people turned against their chiefs. In Mgwali, the people refused to accept Nolizwe as their chieftainess because “she amounts to being a government agency”.⁴⁸⁵ In other words, chiefs no longer acted as bulwarks against state intrusions but through the chiefs “*urhulumente* (government), a blanket term for higher authority, is making increasing inroads into the community”.⁴⁸⁶

Thembuland: ‘Good’ Versus ‘Bad’ Chiefs

The rural revolts in the Transkei revolved largely around the issue of chieftaincy. Paramount Chief Sabata Dalindyebo initially accepted the Bantu Authorities Act on the grounds that it would restore respect and dignity to the institution of chieftaincy, however he soon recognised the negative implications of this Act for the people and for the chiefs. He not only sent a delegation to Pretoria but also convened two meetings in May 1961 and 1962 at which Tembu chiefs condemned the Bantu Authorities Act and the rehabilitation schemes. In its attempts to weaken the power of Chief Dalindyebo the government subsequently divided Thembuland into Thembuland and Emigrant Thembuland. Emigrant Thembuland was placed in the hands of the more compliant Kaiser Matanzima. Dalindyebo’s district resisted the rehabilitation schemes which would ultimately have made a further 113 000 Transkeian families landless. Matanzima on the other hand accepted the scheme in 1962.⁴⁸⁷

⁴⁸³ *Daily Dispatch*: 2/06/1988.

⁴⁸⁴ R. Southall, “South Africa’s Transkei”, p. 107.

⁴⁸⁵ “Trip to Mgwali and Himmanskraal-MRA Instructions”, 17 September 1982 in *Records of the Grahamstown Rural Committee*. Cory Library: Grahamstown

⁴⁸⁶ De Wet, “Residential Relocation”, p. 298.

⁴⁸⁷ R. Southall, “South Africa’s Transkei”, p. 108; T. Lodge, “Black Politics”, p. 283-289.

This prompted violent resistance and repression in the 1960's. In Bolotwa Matanzima's supporters burned over one hundred huts. In 1960, one chief and eleven of his accomplices were killed in Thembuland. In late 1962, three attempts were made on Matanzima's life. In 1963, violence flared in Engcobo and Umtata and by 1964 Matanzima was placed in the position of Chief Minister with the power to influence formally recalcitrant chiefs.

However, Matanzima was unable to wield control over Paramount Chief Dalindyebo. In March 1979 the Democratic Progressive Party was formed under the leadership of Dalindyebo. He was detained in early July on the charge of undermining the dignity of the President and for disseminating views subverting parliament and the sovereignty of the Transkei. His chieftaincy was suspended and he was replaced by his brother (a TNIP MP) as the acting tribal head of the Thembu. In addition, security forces prohibited him from entering his village.⁴⁸⁸ This suspension had the opposite effect of increasing Dalindyebo's popular legitimacy. In court, he was greeted by a demonstration of five thousand supporters protesting his arrest. After his lawyers subpoenaed Sabata's nephew, Nelson Mandela, to give evidence, Matanzima realized that it would be too costly to continue with the prosecution.⁴⁸⁹ After Dalindyebo returned home, he was harassed by security forces, banned from reassuming the paramountcy and eventually fled from the Transkei. In December 1990, he appeared in Lusaka with Oliver Tambo, the acting president of the ANC.⁴⁹⁰

The source of the conflict in Thembuland lay in the tension between the 'good' chief who serves his people, and the 'bad' chief who serves the government. Poqo, the violent insurrectionary movement aligned with the PAC, played a role in heightening this tension by influencing Thembu migrant workers in the hostels of the Western Cape during the 1960's Sharpeville 'crisis'. Poqo even inspired three attempts on Matanzima's life.⁴⁹¹

⁴⁸⁸ R. Southall, "South Africa's Transkei", p. 258.

⁴⁸⁹ Ibid, p. 259.

⁴⁹⁰ Ibid, p. 261.

⁴⁹¹ T. Lodge, "Black Politics", p. 285.

However, the source of this resistance lay in state intrusions that came in the form of the rehabilitation schemes and the appointment of pro-government chiefs.⁴⁹²

Mpondoland: Alternative Authority

Unlike the sporadic and disjointed Thembuland revolt, the Mpondoland revolt “developed into the most sustained and serious armed black challenge to white rule since the Zulu war of 1879”.⁴⁹³ The issue of paramountcy was central to this revolt. In Eastern Mpondo districts the paramount chief wielded great power particularly since Mpondoland was the last area annexed by the Cape authorities. This was reflected in the structure of the tribal authority; instead of taxpayers electing a quarter of councilors, the paramount chief would choose seventy-five percent (75 %) of councilors and the rest would be nominated by the Native Commissioner. In 1938 with the support of the government, Botha Sigcau acceded to the paramountcy over the rightful heir, his half-brother Nelson. Botha Sigcau accepted the Bantu Authorities Act in 1958 and tried to force the people to concur. This collaborative stance coupled with reports of corruption left him largely discredited.⁴⁹⁴

Consequently, a counter-authority structure began to emerge in opposition to the tribal authority system. In the late 1950's committees against the Bantu Authorities Act coalesced under the leadership of Cornelius Nguali in what became known as Intaba or the ‘hill movement’ owing to its frequent meetings at the hill near the village of Bizana. In its aims and actions, Intaba revealed an awareness of national and international issues. It adopted the Freedom Charter as its basic policy, and it sent petitioner Enoch Mbele to the United Nations with a petition of grievances. These grievances included the Bantu Authorities system, the Bantu Education System, the Agricultural Rehabilitation Schemes, Botha Sigcau and the prohibition of meetings of more than ten people. Intaba

⁴⁹² R. Southall, “South Africa’s Transkei”, p. 108; T. Lodge, “Black Politics”, p. 283-289.

⁴⁹³ T. Lodge, “Black Politics”, p. 283.

⁴⁹⁴ D. A. J. Campbell, “Radical Resistance”, p. 249.

came to establish itself as an alternative political authority by assuming a number of the functions of the Tribal Authorities in particular the chief's courts.⁴⁹⁵

It also pressured the chiefs and headmen in the area to denounce the Bantu Authorities Act. Those chiefs who refused to do so faced serious consequences. Seventeen chiefs, headmen or their bodyguards and a further five suspected police informers died at the hands of Intaba. The police retaliated on the 13 June 1960 when a meeting of Intaba at Ngquza Hill was bombed from the air by helicopters with tear gas and smoke gas followed by an onslaught of bullets. The official death toll was eleven but, others said that closer to thirty people died in what has been described as a 'mini-Sharpville.' In response, twenty-nine kraals belonging to government supporters were burnt down. A number of Mpondo were arrested and tension mounted in their communities. In October the government concluded that the complaints concerning taxation, influx control and so forth were unfounded and that neither the rehabilitation measures nor the Bantu Authorities System would cease to operate. Consequently, the revolt climaxed. By December 1960 fifty-four kraals had been burnt including the royal kraal of Paramount Chief Botha Sigcau. Twenty-five so-called collaborators died, including two chiefs (brother and half-brother Botha Sigcawu), two headmen, seventeen commoners and four tribal councillors. The police responded with a reign of terror under a State of Emergency in three districts. 4 769 individuals were detained, 2067 faced trial, 30 were sentenced to death and 21 eventually executed. By February 1961 resistance was effectively crushed and hundreds of tribesmen in Lusikisiki had to publicly apologise to Chief Botha Sigcau. Although the Hill had a number of external contacts to the ANC and PAC, the strength of the Mpondo movement lay in the youth and high levels of communal mobilisation against the institution of chieftaincy.⁴⁹⁶

By 1969 resistance in both the Ciskei and Transkei had declined considerably. This could largely be attributed to the security clampdown in the 1960's and to the drought of 1969 which killed a fifth of Transkei's cattle and forced 35 000 Transkeians onto the labour

⁴⁹⁵ D. A. J. Campbell, "Radical Resistance", p. 249.

market. In the face of increased poverty, resistance to the patronage schemes that offered benefits such as employment and housing seemed pointless. In the Ciskei a legislator argued “it is very encouraging that here in the Ciskei opposition to reclamation of the soil has practically died down, so much so that my department finds it difficult to keep up with the pressure from the people themselves for the implementation of the planning”.⁴⁹⁷ Hence, the 1960’s were characterised by rural passivity owing to people’s dependence on the chiefs, social differentiation, generational conflict and the ability of “power-drunk quisling”⁴⁹⁸ chiefs to deport recalcitrant tribesmen.

One can make a number of observations regarding this early resistance. First, each revolt was a reaction to socio-political impoverishment and dislocation but was set in motion by the implementation of unwanted policies that entrenched tribalism and the power of the chiefs. However, tribalism was increasingly regarded as obsolete in the context of urbanisation and acculturation to Western ideas and values. Hence, the Bantu Authorities system was deemed as a threat to African nationalism, progress and a “blatant attempt to force blacks to be black again”⁴⁹⁹ and was thus deeply resented. Second, the liberation movement largely ignored the militancy of the peasants. Although Govan Mbeki argued that it had brought home to the ANC leadership that “a struggle based on the reserves had a much greater capacity to absorb the shocks of government repression and was therefore capable of being sustained for a much longer time than a struggle based on urban locations,”⁵⁰⁰ as will be shown in the next section, the ANC made little attempt to link the rural and urban struggles. Third, these rural struggles highlighted the pathetic plight of the chiefs, who by the 1950’s were faced with two options namely, to collaborate with government and as a consequence receive its protection or to oppose the government and receive the protection of the people. Generally, chiefs chose the former option. Although

⁴⁹⁶ T. Lodge, “Black Politics”, p. 279-283; D.A.J. Campbell, “Radical Resistance”, p. 244-254; G. Mbeki, “Peasant’s Revolt”, p. 16-118; R. Southall, “South Africa’s Transkei”, p. 104-107.

⁴⁹⁷ Ciskei Territorial Authority: 1966 Verbatim Report.

⁴⁹⁸ Document 69: National Executive Council, 1963 in T. Karis and G. M Gerhart, “Volume 3: Challenge and Violence” in Karis and Carter (eds), *From Protest to Challenge*. Stanford: Harvard University Press. 1977: 750.

⁴⁹⁹ D. A. J. Campbell, “Radical Resistance”, p. 260.

⁵⁰⁰ Mbeki, “Peasants Revolt”, p. 130.

the government was able to protect them in the early revolts of the 1950's and 1960's, the chiefs in the Ciskei in particular, were unable to survive the people's wrath in the 1980's.

Judgment Day: From Sebe to Gqozo

In 1981 Ciskei authorities attempted to impose tribal authorities onto the Border corridor communities. This was met with great resistance and led to the formation of the Democratic Residents Association, which aimed to unite all communities against the chiefs, forced removals and Sebe's oppressive government.⁵⁰¹ Its growth coincided with the developing political consciousness, mobilisation and militancy amongst the youth in black communities across South Africa. Student and youth uprisings planted the seeds of revolt. School boycotts in 1976, 1977, 1980 and 1983 in the urban areas led parents to send their children to the rural areas for education thereby ensuring that political activism was transported to these outlying areas. As Chieftainess Matomela complained, "We are very anxious to get help, especially in the rural areas, because the behaviour of some of our children is the type of behaviour which we have never seen or which was never passed on by their parents to them".⁵⁰²

Furthermore, the growth and subsequent harassment of trade unions in the 1970's by the Ciskei Central Intelligence Service (CCIS), which culminated in the banning of the South African Allied Worker's Union (SAAWU) in 1983, ensured that urban unrest was transported to the rural areas by migrant labourers.⁵⁰³ The urban areas were teeming with political activism as riots occurred at Fort Hare, Mdantsane residents boycotted the increase in bus fares, and clandestine ANC activity. In both the rural and urban areas, residents association formed rapidly in areas intended for relocation into the Ciskei such as Balasi and in areas where repression was the greatest such as Mdantsane. In 1988 the Keiskammahoek Residents Association, which had initially operated underground,

⁵⁰¹ M. Kenyon and B. Du toit, "From Forced Removal to Upgrade: State Strategy and Popular Resistance in the Border corridor" in *South African Review* 5. 1990: 1-3.

⁵⁰² Ciskei Legislative Assembly: 24/06/1982, p. 767.

⁵⁰³ C. Cooper, "Bantustan Attitudes to Trade Unions" in *South African Review* 2. 1984: 165-166.

established the Keiskammahoek Youth Congress in 1985, which became affiliated to the South African Youth Congress (SAYCO) in 1987.⁵⁰⁴

Unlike the early acts of resistance, different generations united against the chiefs and headmen. Chiefs were the targets of the new social movement because “people had simply had enough of years of extortion and forced membership of Sebe’s CNIP. If you wanted a pension, a job, a piece of land or to get your child to school, then you had to bribe the chief and headman, join the CNIP and pay all your ‘voluntary’ taxes to the Sebe government”.⁵⁰⁵ This was met with increased requests by the chiefs to be issued with firearms and protection⁵⁰⁶ because “when the chiefs try to carry out the orders you have given them, here you might be putting them to risks”⁵⁰⁷ such as “the thuggery and arson that has been attempted at our offices”.⁵⁰⁸ Chief Mqalo complained that the people “make a mockery of him and despise him and go about him and talk about him at their drinking parties and you get so scared that you can even lose control of your car and get involved in an accident”.⁵⁰⁹

Clashes between residents’ associations and traditional authorities became more frequent as local chiefs resisted the formation of these associations. In Volumnga for example, members of the residents association

“were met there by the chief (Goxani) and the headman’s council who were all armed with guns. The tribal council ran away, two huts of the headman, three huts of the chief and the chief’s kraal and goats were burnt. That evening two hippos, nineteen police vans and a helicopter arrived. Goxani loaded up his bed and table and went to his farm near Mount Coke”.⁵¹⁰

⁵⁰⁴ Manona, “Collapse of Tribal Authority”, p. 18.

⁵⁰⁵ *Weekend Post*; 2/11/1991

⁵⁰⁶ See Ciskei Territorial Authority: 26/05/1969, p. 104. Ciskei Legislative Assembly: 16/04/1971, p. 246; 17/04/1972, p. 200; 24/06/1982, p. 769.

⁵⁰⁷ Ciskei Legislative Assembly: Chief Mabandla, 30/05/1979, p. 541.

⁵⁰⁸ Ciskei Legislative Assembly: Councillor Nel, 17/04/1972, p. 200.

⁵⁰⁹ Ciskei Legislative Assembly: Chief Mqalo, 13/05/1981, p. 67.

⁵¹⁰ Cory Document: MS 18: 842. Volumna Meeting, 5/02/1990.

In January 1990 resistance in Peulton against incorporation spread to the Community of Chalumna involving twenty-two villages and approximately thirty thousand people.⁵¹¹ In the beginning of March 1990, Black Sash estimated that up to two thirds of Ciskei's rural population had burnt their CNIP cards or had returned them thereby "breaking their ties with the Ciskei government".⁵¹² In addition, small town communities organised crippling consumer boycotts across the Ciskei.⁵¹³ In response, the Ciskei government called a State of Emergency. 101 people were detained and 70 others were arrested. Allegations of headmen collaborating with Ciskeian Security Forces during the State of Emergency further undermined the traditional authority system.⁵¹⁴

Dissatisfaction with Sebe's government extended into the security forces. In 1983, Sebe detained his brother Lieutenant General Charles Sebe who was the head of state security, on the grounds that he was planning a coup. In 1990 Sebe planned to stage a coup against himself so as to install his son Kwane as president. He was however pre-empted by Brigadier Gqozo who headed a bloodless coup on 4 March 1990.⁵¹⁵ This was met with jubilation as the people sang "iwile, iwile, inyeheke kaSebe" (the big lip of Sebe has fallen). At his inauguration, Gqozo shared the platform with the UDF, stood under the banner of the ANC and emphasised that the new government is the "people's government".⁵¹⁶

Three weeks after the coup, Gqozo announced that all headmen had to resign from their positions, although chiefs would be retained. In addition he encouraged the people to establish residents' associations because he realised that any attempt to stop the formation of these bodies would be futile, as they had already assumed many of the functions of local government. The dismissal of the headmen led to confusion, particularly since

⁵¹¹ Manona, "Collapse of Tribal Authority", p. 19.

⁵¹² *Daily Dispatch*: 01/03/1990; L. Field, "Briefing on Events in Chalumna and Khambashe". Cory Library: Cory MS 18:842.

⁵¹³ National Land Committee, *The Bantustans in Crisis*. Johannesburg: NLC. 1990: 6.

⁵¹⁴ Field, "Briefing on Events in Chalumna and Khambashe". Cory MS 18:842.

⁵¹⁵ B. Streek, "Disunity through the Bantustans" in *South African Review* 2. 1984: 260; National Land Committee, "Bantustans", p. 7.

⁵¹⁶ *Daily Dispatch*: 07/08/1991; Manona, "Collapse of Tribal Authority", p. 21; National Land Committee, "Bantustans", p. 7.

Gqozo did not stipulate how chiefs were to exercise their duties without the assistance of headmen who had previously handled routine matters such as pensions. In addition the residents' associations were not given any guidelines from Gqozo and the Border Civic Congress, which was the umbrella organisation for civic associations between the Fish and Kei Rivers. There were also a number of skirmishes between residents' associations and headmen who refused to hand over their authority.⁵¹⁷

As a result of the increased uncertainty, chieftaincy collapsed and by January 1991 it was clear that the new government was unpopular. Not only was it unable to effectively reorganise local government but it also had come to align itself with the South African government. Gqozo had also become increasingly hostile to the ANC and the residents' associations because they were threatening the entire basis of the state; if the tribal structure collapsed, the Ciskeian state would largely cease to run because chiefs and headmen had played a vital role in securing and entrenching the power of the ruling party at local and national levels of government. If this key pillar of support collapsed completely, new opportunities would emerge for more demands and changes from below, thereby preventing the ruling class from shaping the movement to democracy in their favour.

As a result, Gqozo re-introduced the headman system and abolished residents' associations. In early June 1991 a meeting was held of chiefs and headmen chaired by Gqozo at which "the role of chiefs and headmen in rural local government in Ciskei was re-emphasised".⁵¹⁸ He later argued that this move was justified because residents' associations "were not serving the interests of the people at grassroots. Their roles, contrary to their protestations, serve to contain political groupings and their ideologies. They were a pressure group that was not responsible or accountable to the government. Anybody who did not belong to that organisation would not be helped".⁵¹⁹ The attempt to re-instate headmen was concretised with the launch of the staunchly conservative 'African Democratic Movement' (ADM) in July 1991. The ADM's policies directly

⁵¹⁷ Manona, "Collapse of Tribal Authority", p.24-25; *Daily Dispatch*: 06/01/1991.

⁵¹⁸ *Daily Dispatch*: 06/06/1992

contradicted those of the ANC. It was “against violence, intimidation and the armed struggle”. It rejected a unitary state and nationalisation as “dictatorial and undemocratic” and it sought to gather all people in a “realistic and moderate basis...I don’t want any communists”.⁵²⁰ Gqozo argued that the ANC had made a mockery of the aims of the military coup, which had been to “get rid of nepotism, corruption and to protect human rights”⁵²¹ because the ANC had forced people “to attend meetings at night against their wills and to pay protection money...Children just took over”.⁵²² Gqozo also attempted to exacerbate generational conflict in order to undermine the momentum and militancy of the democratic movement by appealing to the older, and generally more conservative generation for support. After the imposition of the State of Emergency on 29 October 1991 he broadcast a message to the chiefs on Radio Ciskei claiming that

“youngsters want old people to go out and toyi-toyi and do all wrong things. They want Ciskei to be ruled by an exile, an ANC member or someone from Robben Island...There is no order at schools and in communities, with demonstrations during school time. I am unpopular because I am against disorder...A naughty child is given a hiding by elderly people by Xhosa tradition. It does not matter whose child it is..”⁵²³

In other words, Gqozo advocated the ideology of patriarchal social relations in order to re-entrench the power of the chiefs and headmen.

Like the CNIP, the ADM was used as a vehicle for increasing patronage and control thereby ensuring the people’s dependence on the chiefs and headmen.⁵²⁴ From August 1991 each village was expected to elect a headmen, and funds used by residents’ associations had to be repaid.⁵²⁵ Residents’ associations responded with widespread rejection of headmen because they believed that “as headmen would be paid by government their loyalty could be bought - to the detriment of the people they

⁵¹⁹ *Daily Dispatch*: 31/07/1991

⁵²⁰ *Daily Dispatch*: 09/07/1991

⁵²¹ *Daily Dispatch*: 30/10/1991

⁵²² *Daily Dispatch*: 07/08/1991

⁵²³ *Daily Dispatch*: 30/10/1991

⁵²⁴ Lewis, “Headmen, Power and Social Transformation”, p. 17.

⁵²⁵ *Daily Dispatch*: 02/07/1991

represent".⁵²⁶ In the Alice magisterial district, by November 1991 only eight out of seventy-eight villages had headmen and in half the cases these were installed at meetings of less than twelve people. Over one hundred residents' associations gathered under BOCCO to reject Gqozo's policies.⁵²⁷

At this stage, the large modern petty bourgeoisie joined the revolt against the state as is evident in the strikes of civil servants and nurses at Cecilia Makiwane Hospital. This was particularly threatening to Gqozo's government given the robust and largely independent middle class and strong unionised working class that had developed because of the close proximity of King Williamstown and East London. Neither of these groups was totally reliant on the Ciskei government for housing, employment, trading licenses and so forth. The Residents' Associations came to express the political alliance of the petty-bourgeoisie and the working class against Gqozo's government.⁵²⁸ Gqozo retaliated by denying pensions and other government services to those who applied in the absence of headmen. This resulted in increasing violence. By 1992, thirty-six headmen had lost their homes due to arson, six had been killed and thirty-nine had resigned out of fear.⁵²⁹ The government reacted harshly by calling a state of emergency on 28/29 October 1991. Over 415 people were arrested before Nelson Mandela managed to persuade Gqozo to lift the state of emergency on 17 November.⁵³⁰ Traditional leaders were thereafter largely isolated until Gqozo established the Ciskei Traditional Leaders Association, which offered them political and material support in the face of growing unpopularity.

Nonetheless, although Ciskeian chiefs were largely delegitimised they did not disappear with the bantustan state. By mobilising and forming alliances with other groups they managed to extract themselves from the state structure and proved "remarkably resilient" in maintaining their continued long-term presence.⁵³¹

⁵²⁶ *Daily Dispatch*: 12/07/1991

⁵²⁷ Lewis, "Headmen, Power and Social Transformation", p. 18.

⁵²⁸ Peires, "The Implosion of Transkei and Ciskei" in *African Affairs*. Vol. 91. 1992: 382.

⁵²⁹ *Daily Dispatch*: 05/12/1992

⁵³⁰ Lewis, "Headmen, Power and Social Transformation", p. 23.

⁵³¹ Southall, 2001: 16.

From Kaiser to Holomisa

In the Transkei, Paramount Chief Kaiser Matanzima's term of office as President expired in February 1986, leaving effective power in the hands of the Prime Minister, his brother George. George Matanzima faced a great deal of opposition due to numerous allegations of corruption and discontent in the military. After dismissing three senior officers of the Transkei Defence Force (TDF) in 1981 and hiring a group of ex-Selous Scouts, George was criticised in particular by the second in command, Brigadier Bantu Holomisa who was detained on 21 January 1987. He was further criticised for the failed double coup of September 1986. A group of white mercenaries associated with the TDF had attempted to free Charles Sebe from prison and capture Kwane Sebe (President Sebe's son) followed by a full-scale military assault on the Ciskei Presidential Palace in February 1987.⁵³²

A further threat to George Matanzima's power came in the form of his brother, Kaiser, who attempted to wield influence over the government. Six months after he relinquished the presidency he attempted a comeback by nominating his own candidates in the 1986 elections. When this strategy failed, Kaiser left the Congress of the TNIP in 1987 and announced that he would resume control over government. On 3 April 1987 he organised a coup with the aid of Craig Duli, the head of the Transkei Military Intelligence. The Selous Scouts were deported from the Transkei and Bantu Holomisa was released from prison and appointed commander of the TDF. On 24 September 1987 the army attempted yet another coup resulting in the forced resignation of George Matanzima and eight ministers. Before he was deposed, George enacted a constitutional amendment prohibiting Kaiser from taking part in parliament.⁵³³ As a result, the TNIP chose Stella Sigcau as the new Prime Minister. She briefly detained Kaiser, questioned the independence of the Transkei and her brother met with the ANC. Kaiser was soon released due to poor health and subsequently planned another coup. On 30 December 1987, the TDF declared martial law and took control of the government. Although Bantu

⁵³² Peires, "Implosion of Transkei", p. 367-368

⁵³³ Ibid, p. 368-369.

Holomisa was initially regarded as Kaiser's stooge he soon aligned himself with progressive forces.⁵³⁴

The turning point came in the form of a succession dispute; chieftaincy was once again placed in the forefront of national politics. Late paramount Sabata Dalindyebo had been driven into exile in 1983 due to his support of the ANC and Bambilanga Mtirara was installed in his position. Mtirara died in 1987 and his son, Zondwa Mtirara competed with Dalindyebo's exiled son, Buyelekhaya, for the position of paramount. Kaiser nominated Zondwa who was Holomisa's old rival in the TDF. Holomisa blocked the application and referred it to the Dalindyebo Regional Authority.⁵³⁵ A further incident involving the Thembu paramountcy once again drew Holomisa closer to the liberation movement. Kaiser had conducted the funeral of Sabata Dalindyebo but Sabata's family suspected that Kaiser had tampered with the body. Holomisa approved the request to rebury Sabata in a symbolic gesture to correct Matanzima's abuses. The funeral was attended by thousands who openly sang revolutionary songs and displayed the ANC flag.⁵³⁶ In the face of growing resistance to the independence of the Transkei, Holomisa announced a referendum to overturn the independence of the Transkei and announced his intention to unban the ANC and PAC three months before De Klerk made the same gesture.

Holomisa did not attempt to dislodge the tribal authorities and civic associations took longer to develop support in these areas.⁵³⁷ However, after the formation of SANCO, mass action spread to Mount Ayliff, Tabankulu, Ngqeleni, Cala, Lusikisiki, Mount Frere, Ezebeleni, Mqanduli, Port St. Johns, Qumbu, and Butterworth in August 1992.⁵³⁸ In the face of increasing challenges from the people, the chiefs formed the Transkei Traditional Leaders Association (TTLA) which claimed to be a non-aligned body but was clearly

⁵³⁴ Peires, "Implosion of Transkei", p. 369-370.

⁵³⁵ *Weekly Mail*: 12/05/1988; *Daily Dispatch* 29/04/1988.

⁵³⁶ G. Dennie, "One King, Two Burials: the Politics of Funerals in South Africa's Transkei" in *Journal of Contemporary African Studies*. Vol. 11 (2). 1992: 76-88.

⁵³⁷ *Sunday Tribune*: 05/07/1992; Peires, "Implosion of Transkei", p. 370-376.

⁵³⁸ *Daily Dispatch*: 3,11/11/1993.

against the ANC. Due to the late development of resistance to the chiefs in the Transkei, Transkeian chiefs were able to hold onto their position.⁵³⁹

In both the Transkei and Ciskei homelands the institution of chieftaincy was essential in consolidating the one-party regimes under the TNIP and CNIP respectively, as chiefs formed the repressive arm of government at the local level. Consequently, attacks against this government were directed primarily at the chiefs. In the Ciskei, Gqozo's support of the residents associations provided the momentum that ultimately led to the collapse of the institution of chieftaincy. However, in the face of competition he clung desperately to the patriarchal ideology that informed the institution of traditional leadership. His attempts to reinstate the power of this institution undermined the popular legitimacy of the chiefs in the Ciskei. In the Transkei, chiefs faced similar threats from the peasants. However, Holomisa's failure to denounce this institution and his alliance with the liberation movements, allowed chieftaincy to retain a degree of legitimacy. The institution of chieftaincy was greatly tarnished by a history of abuses, corruption and collaboration, but it managed to shield itself from threats from below by forming an alliance with the liberation movement in the late 1980's.

The Liberation Movements

Until the 1960's the ANC continued to seek an alliance with the chiefs in an attempt to mobilize united action against the oppressive Nationalist Party government. This strategy was largely influenced by the leadership of Chief Albert Luthuli who became the President of the ANC branch in Natal in 1951 and National President of the ANC in December 1952 and was re-elected to this position in 1955 and 1958. In his address to the Annual Conference of the Natal Branch of the ANC on 23 November 1951 he invited "chiefs and headmen to support with all their spirit and all their ability, and all their wealth, the good efforts of the nation, particularly the great experiment of the

⁵³⁹ Southall, 1996: 416; Southall, 2001: 16.

congress".⁵⁴⁰ However, with the implementation of the Bantu Authorities Act Luthuli was faced with personal challenges that made him question the 'new debased version' of chieftaincy as advocated by the National Party government.

In 1952 Eiselen, the Minister of Native Affairs, gave Chief Luthuli an ultimatum. He was told to choose between his work as a chief at Umvoti and his affiliation to the ANC. Luthuli refused to make the choice because he "saw no real conflict in my dual leadership of my people: leader of the tribe as chief and political leader of the congress. I saw no cause to resign from either".⁵⁴¹ Consequently, he was deposed from the chieftainship in November 1952. The people of Umvoti refused to elect another chief and Luthuli remained their chief though deprived of his official duties.⁵⁴² Luthuli argued,

"A chief is primarily a servant of his people. He is the voice of his people in local affairs. Unlike a Native Commissioner, he is part and parcel of the tribe, and not a local agent of the government. Within the bounds of loyalty, it is conceivable that he may vote and press the claims of his people even if they should be unpalatable to the government of the day".⁵⁴³

However, the Bantu Authorities Act turned chiefs into "minor dictators" whose imposition on African communities has "sidetracked" African development.⁵⁴⁴

In this period, the ANC attempted to distinguish between 'good' and 'bad' chiefs. In the Report of the National Executive Council in December 1958, it was argued that the African Chiefs

"on the whole have a tradition of working with the ANC from its inception. To continue on this has become more difficult in recent years, yet many of them are with the people. Some have in fact been deported as a result of their work but they do not complain. There are some, however, who have become loyal agents of government even better than the police. It is this group, which has become

⁵⁴⁰ "Address to Annual Conference of Natal Branch of ANC", 23 November 1951. Published in G.J Pillay, *Voices of Liberation: Albert Luthuli*. Pretoria: HSRC. 1993: 42.

⁵⁴¹ Luthuli, "The Road to Freedom is Via the Cross", published in Pillay, "Voices of Liberation", p. 48-49.

⁵⁴² G.J Pillay, "Voices of Liberation", p. 11.

⁵⁴³ Luthuli, "The Road to Freedom is Via the Cross", published in Pillay, "Voices of Liberation", p. 48-49.

⁵⁴⁴ Luthuli, "Our Vision is a Democratic society", published in Pillay, "Voices of Liberation", p. 128

desperate in its efforts to implement the government's plan and has become very cruel and brutal against the people. This distinction is necessary because some people condemn all chiefs and some think all the chiefs are with us".⁵⁴⁵

At a later stage the ANC claimed that it was "not opposed to the chiefs as such. The government is attempting to cause conflict between the chiefs and the ANC. We must not fall into this trap and we warn chiefs not to allow themselves to be used as pawns against the ANC. Our struggle is primarily against the Government and those Africans including chiefs who support and pilot Government schemes".⁵⁴⁶ Increasingly however, as chiefs were absorbed into homeland structures as "bossboys", the "indunas, the policemen of Apartheid", the ANC adopted a hardline attitude against them. In a memorandum to the United Nations in 1959, the ANC described the chiefs as "employees of the state".⁵⁴⁷ In 1962 Chief Luthuli argued that it was "no surprise that certain chiefs and tribesmen have already welcomed the plan. They have, by their actions in the past, shown that they are prepared to support the government in all its plans because of certain benefits they receive by their support".⁵⁴⁸ At a later stage, Govan Mbeki stated that if the Africans have had chiefs, "it was because all human societies have had them at one stage or another. But when a people have developed to a stage which discards chieftainship, when their social development contradicts the need for such an institution, then to force it on them is not liberation but enslavement".⁵⁴⁹ Increasingly, circles within the ANC began to believe that the next stage in African development lay with communism.

The influence of the South African Communist Party served to increase the ANC's attitude against the chiefs. The SACP argued that government's attempts to turn chiefs

⁵⁴⁵ Doc 31: Report of the NEC submitted to the Annual Conference, 13-14 December 1958. Published in Karis and Gerhart, "Volume 3 Challenge and Violence" in Karis and Carter (eds), *From Protest to Challenge*. Stanford: Harvard University Press. 1977: 448.

⁵⁴⁶ Doc 33: Report of the NEC submitted to the annual conference, 12-13 December 1959. Published in Karis and Gerhart, "Challenge and Violence", p. 468.

⁵⁴⁷ Memorandum Submitted by the ANC to the 1959 Session of the General Assembly of The United Nations on the *Question of Race Conflict in South Africa Resulting from the Policies of Apartheid of the Government of the Union of South Africa*. Internet: <http://www.anc.org.za/ancdocs/history/un/ancmem.html>

⁵⁴⁸ Luthuli, "We Don't Want Crumbs", 1 February 1962, published in Pillay, "Voices of Liberation", p. 148.

⁵⁴⁹ Mbeki, "Peasants Revolt", p. 47.

into “BAD officials with black skins - working for boy’s wages”⁵⁵⁰ would “hasten the breakdown of tribal institutions” because “those chiefs who collaborate with the government have become the most hated group in the countryside, relying on dictatorship and terror, contrary to African traditions, to enforce the laws of the White authorities on the unwilling people”.⁵⁵¹

Although the ANC and SACP were vocal in their criticism of the chiefs their involvement in rural struggles against the chiefs were minimal. The ANC was banned in 1960 and set about rebuilding the democratic movement in exile. Nevertheless it remained hopeful about the revolutionary potential of the bantustans and possibility of a united rural-urban struggle.⁵⁵² This was echoed by the SACP which stated that “in a country like ours, where such close links already exist between the Africans in the town and their brothers in the platteland, it is the duty of every member of our party to assist the rural people in their bitter struggles and to show in practice that the staunchest ally of the peasant masses is the industrial working class of South Africa”.⁵⁵³

In the Eastern Cape, East London was a stronghold of the ANC particularly during the Defiance Campaign. As a result of the close proximity to the Ciskei, the ANC established a number of branches in the Pedi districts, which had over a thousand paid-up members. The ANC was actively involved in strikes at the Good Hope Textile Mills and in the student revolts in Fort Hare.⁵⁵⁴ However, the ANC did not feature in the peasant revolts of the early 1960’s although officials blamed the uprisings on the ANC and other “subversive elements from outside the Bantu homelands”.⁵⁵⁵

⁵⁵⁰ SACP Document 133: “Transkei Sham” Statement published in the underground *Inkululeko-Freedom*, February 1977. In *South African Communists Speak*. London: Inkululeko Publishers. 1981:432.

⁵⁵¹ SACP Document 115: “The Road to South African Freedom”, programme of the South African Communist Party adopted at the 5th national conference in 1962. Published in *South African Communists Speak*, p. 302.

⁵⁵² I. van Kessel and B. Ooman, “One Chief, One vote: The Revival of Traditional Authorities in Post-Apartheid South Africa” in E.A.B van Rouveroy van Nieuwaal and R. VanD Dijk (eds), *African Chieftaincy in a New Socio-Political Landscape*. Hamburg: Lit Verlag. 1999: 158.

⁵⁵³ SACP Document 116: “The Revolutionary Way Out,” statement by the Central Committee of the South African Communist Party, April-June 1963 in *South African Communists Speak*, p. 328.

⁵⁵⁴ T. Lodge, “Black Politics”, p. 290.

The ANC also had a number of links to the Transkei. Govan Mbeki and Nelson Mandela were sons of Transkeian chiefs and Mandela had a close relationship to Paramount Chief Sabata Dalindyebo. Walter Sisulu was a member of the Transkeian aristocracy and leading ANC figures such as Nokwe, Resha and Oliver Tambo were Transkeians.⁵⁵⁶ However, it also played an insignificant role in the Transkeian rural uprisings. In 1954 it was still looking to Bunga councillors for support. In Tembuland, the PAC and its affiliate Poqo played a role instigating the conflict, but the ANC was virtually absent. In Mpondoland, the ANC played an indirect role through the Hill's secretary, Anderson Ganyile who had been a member of the ANC Youth League and a leading ANC official in the Eastern Cape. Furthermore, the Hill's chairman Leonard Mdingi was a local ANC member. But the same can be said of the PAC and SACP. Zibonyile Ganyile, Cornelius' right hand man, was a PAC leader and Rawley Anderson, a veteran communist from Durban, was the lawyer and advisor of the Hill movement.⁵⁵⁷ The ANC did not however play a direct role in these rural revolts. After the 1976 Soweto uprising, the ANC had clearly shifted its focus to the urban areas as "the road to power, it was now believed, was not through rural rebellion, but through urban guerilla warfare in combination with indefinite strikes and mass risings".⁵⁵⁸

In the 1980's the ANC attempted to re-enter the rural areas with the UDF, which was an umbrella organisation under which a multitude of organisations united and functioned as the internal ally of the banned liberation movement. In 1986 the National Working Committee of the UDF argued that organisation in the Bantustans "must be intensified and tribal structures should be replaced with democratic organisations".⁵⁵⁹ Terror Lekota described the institution of chieftaincy as a "dying institution" because "as the pressures of the capitalist economy penetrate even those rural areas, more and more people are making a break with the tribal ties of loyalties to the chief - who are being seen to be serving not the community but themselves. What we are going to see is the building of

⁵⁵⁵ Ciskei Territorial Authority: 24/10/1962.

⁵⁵⁶ T. Lodge and B. Nasson, *All Here and Now: Black Politics in South Africa in the 1980s*. Cape Town: Ford Foundation. 1991: 236-237.

⁵⁵⁷ Campbell, "Radical Resistance", p. 247-249.

⁵⁵⁸ van Kessel and Ooman, "One Chief, One Vote", p. 158.

⁵⁵⁹ *Ibid*, p. 161.

new leaders, not on the basis of old tradition".⁵⁶⁰ The UDF sought to create a unitary state, which ethnically based homelands and their chiefly functionaries contradicted. Thus the UDF stood firmly against the chiefs. Nevertheless, its role in the rural areas was also minimal. Its rural affiliates were mainly students in secondary and tertiary schools and its campaigns were generally geared to the urban areas.⁵⁶¹

The Chiefly Centrepiece

Chieftaincy was the centrepiece around which the National Party's grand attempt at social engineering revolved. The chiefs were placed at the centre of discourse on cultural segregation in order to justify the exclusion of Africans from equal representation in the South African parliament and to divide the increasingly urbanised, united and volatile black opposition. Hence, the chiefs formed the basis of the independent, culturally and linguistically distinct Bantustans. Within the Bantustans, chiefs dominated national, provincial and local levels of governance and consequently, political parties competed for their support to dominate parliament, ensure electoral victories, finance party machines and crush opposition. Due to bureaucratisation, which placed the chiefs' succession and incumbency in the hands of government and ensured that they were financially dependent on this government, the institution of traditional leadership became a pliable instrument in the quest for power.

However, bureaucratisation distorted the tradition of the democratic 'good' chief by creating a 'civil servant' chief, who relied on legitimacy bestowed from above, rather than from below. The tension between the 'good' and 'bad' chief formed the centrepiece of conflict in the 1960's, as the chiefs became the focus of attacks against the oppressive TNIP and CNIP governments in Thembuland and Mpondoland in the Transkei, and in the Ciskei respectively. In the 1980's chieftaincy came under threat once again. In the Ciskei, Gqozo's dismissal and re-instatement of headmen, provided the impetus for the collapse

⁵⁶⁰ Terror Lekota cited in I. Van Kessel, *Beyond Our Wildest Dreams: The UDF and the Transformation of South Africa*. Charlottesville: University Press of Virginia, 2000: 80.

⁵⁶¹ Van Kessel and Ooman, "One Chief, One Vote", p. 159.

of the entire traditional authority system. In the Transkei, the chiefs managed to retain a degree of legitimacy by organising behind the Transkei Traditional Leaders Association.

The liberation movement was vocal in its attacks against the chiefs, but its urban orientation ensured that it played a minimal role in the struggles against the chiefs. However, as will be shown the next chapter, the late 1980's and 1990's found the ANC playing on a new field characterised by the politics of transition, negotiation and elections. In this next phase, chieftaincy became once again the centrepiece of party competition and political control.

CHAPTER 6: SUBORDINATION OF THE CHIEFS

Recognition at the National Level

Expediency and pragmatism have largely formed the basis of the ANC's attitude towards the chiefs. This was evident in the democratic transition, multi-party negotiation process, and ensuing national, provincial and local elections of 1994, 1995, 1999 and 2000. The vague and ambiguous treatment of the chiefs in the final constitution of 1996 opened the space for the increased subordination of the chiefs in the provincial and local domains in the name of democratisation and modernisation. Hence, although it has been convenient for the ANC and the chiefs to invent the myth of an ahistorical, precolonial democratic institution of chieftaincy which will live in harmony with an indigenous, modernised government, this myth simply masks the true power relations of a dominant, centralising party utilising the weak, divided and dependent institution of chieftaincy for its own purposes.

Liberation

*"Dear Compatriots! Dear Traditional Leaders! You have an important role to play NOW in the struggles against Apartheid. Your place is in the front ranks of the mass democratic offensive. Let us together shape the future South Africa in which justice, peace and prosperity will reign".*⁵⁶²

A history of collaboration with Apartheid structures severely alienated the chiefs from the liberation movement. The South African Communist Party (SACP), civic bodies and the youth called for the abolition of Traditional Authority on the grounds that their legitimacy and authority was derived from oppressive higher authorities; they were

⁵⁶² Joint Communiques of Meeting between the Congress of Traditional Chiefs and the African National Congress Appeal to all Traditional Leaders of South Africa, 19 August 1989. Published in *Unite for Freedom: Statements by the African National Congress on the Question of Unity and Anti-Apartheid Coalition 1985-1990*. 1990: 40.

inefficient, corrupt, and undemocratic and their tribal orientation undermined attempts at developing a national consciousness.⁵⁶³ However, the issue was far from clear-cut. Not all chiefs collaborated with the Apartheid regime, in fact, some openly sided with the liberation movement.⁵⁶⁴ Despite the history of corruption and pervasive coercion, rural dwellers (particularly the elderly and less educated), continued to hold the institution of chieftainship in high regard, largely because it was seen as the center and protector of culture and identity. This ambiguity towards the chiefs is evident in two letters published in *Horizon* in 1991. Mothale argued that even though “many people, particularly in the rural areas, still have a strong traditional attachment to hereditary chiefs” and many patriotic chiefs played a “heroic role” in the struggle, “this should not divert us from our objective of striving for democratic elections at every level” and thus, “our approach should be guided by the need to, in the long term, to do away with the system of chieftainship altogether”.⁵⁶⁵ Moloto on the other hand, argued that because “we are the custodians of democracy...we should forge working relations with these chiefs, for the sake of educating and liberating the millions of oppressed people who still pay allegiance to these chiefs”.⁵⁶⁶

The outcome of this debate was swayed by four further factors. First, many older ANC stalwarts respected the institution of chieftaincy, notably Nelson Mandela, who was himself a minor chief. Second, the ANC feared that Gatsha Buthelezi’s Inkatha movement would undermine its attempts at developing a unity against the Nationalist

⁵⁶³ Alastair McIntosh, Siphon Sibanda, Anne Vaughan, Thokozani Zaba, “Traditional authorities and land reform in South Africa: Lessons from KwaZulu Natal” in *Development Southern Africa*. Vol. 13. No. 3. June 1996: 27. The fact that worker-based, urban parties such as the SACP were against the chiefs is important given Neocosmos’ assertion that the liberation movement’s urban bias ensured that identification of the institution of chieftaincy with colonialism and Apartheid did not enter the mass popular consciousness (Neocosmos, *Towards a History of Nationalities in Southern Africa*. Denmark: Centre for Development. October 1995:38). But as shown, urban and rural areas were interlinked by the migrant labour system and even though the ANC and SACP were not active participants in the struggles against the chiefs they overtly criticised and denounced them. Thus, Neocosmos’ explanation for the durability of the institution of chieftaincy is inadequate.

⁵⁶⁴ For example, Paramount Chief Sabata Dalindyebo, who was described by the ANC as a “stalwart who, of so long, held high the banner of genuine national liberation...an outstanding leader of our people”. “Extract from the Political Report of the National Executive Committee to the National consultative Conference”, June 1985. Published in *Unite for Freedom*: 2.

⁵⁶⁵ Caiphus Mothale, “Differ on Chiefs” in *Horizon*. May/June 1991: 2-3. *Horizon* was the journal of the ANC Youth League.

⁵⁶⁶ P. Moloto, “Traditional Leaders and Change” in *Horizon*. July/August 1991: 2.

Party government. In the mid-1980's a low-intensity civil war was raging in Natal between Inkatha and the United Democratic Front, pitting traditionalists and whole rural villages against militant youth. Although Apartheid security forces actively supported Inkatha, Buthelezi skillfully manipulated tradition and Zulu identity to accrue support. In 1990 Inkatha transformed itself into a nation-wide political party, the Inkatha Freedom Party (IFP), and violence spread to the Witwatersrand.⁵⁶⁷ The ANC feared that Bantustan elites would adopt a similar strategy across the country and thus aimed to prevent the emergence of an alliance between bantustan leaders, National Party officials and the chiefs. Although it criticised Gatsha for dressing "Inkatha in the clothes of the ANC, exactly because he knew that the masses to whom he was appealing were loyal to the ANC,"⁵⁶⁸ the ANC attempted to adopt the 'attire' of Inkatha by appealing to chieftaincy and royalty to accrue support particularly in Natal and the rural areas.

Third, ANC strategists began to focus on negotiated settlement as the route to liberation. A negotiated transfer of power would only be affected through elections; thus, chiefs were regarded as vital in 'recruiting' votes in rural areas from which the ANC was largely alienated. Hence, chiefs could become "strategic allies in the conquest of state power" by delivering their "bloc vote".⁵⁶⁹ As Chief Mhlabunzima Maphumulo stated in 1990, "Once a chief has identified himself with us, then we know that the whole tribe or the majority of the people in that area are now with the progressive forces".⁵⁷⁰

The fourth factor altering the attitude of the ANC towards the chiefs was the alliance of thirty-eight (38) chiefs in the Congress of Traditional Leaders of South Africa (CONTRALESA) on 20 September 1987. CONTRALESA aimed to "school the traditional leaders about the aims of the South African liberation struggle and their role in

⁵⁶⁷ Ineke van Kessel and Barbara Ooman, "One Chief, One Vote: The Revival of Traditional Authorities in Post-apartheid South Africa" in E. Adriaan B. Van Rouveroy van Nieuwaal (eds), *African Chieftaincy in a New Socio-Political Landscape*. Hamburg: Lit Verlag, 1999: 63.

⁵⁶⁸ The ANC accused Buthelezi of presenting the IFP as a liberation movement but then using it as a "personal power base" as opposed to an "active and conscious force for revolutionary change". This power base could only be maintained by collaboration with the Apartheid government and active coercion. "Extract from the Political Report of the National Executive Committee to the National consultative Conference", June 1985. Published in *Unite for Freedom: 2*.

⁵⁶⁹ Van Kessel and Ooman, "One Chief, One Vote", p. 164.

⁵⁷⁰ Cited in Van Kessel and Ooman, "One Chief, One Vote", p. 164.

it” and to win back “the land of our forefathers and share it among those who work in it in order to banish famine and land hunger”.⁵⁷¹ In CONTRALESA’s constitution the historical tradition of chiefly resistance against the colonial overlords, and in particular their relationship with Nelson Mandela was emphasised: “We look to our forefathers amongst the Sekhukhuni, Ramabulana, Cetshawayo, Ngunguna, Moshoeshoe, Faku, Luthuli and now Mandela, to define our duty and the role we are to play in the ongoing national liberation struggle for a free, unitary and non-racial South Africa”.⁵⁷² They further blamed their collaboration on “the evil system of Apartheid” which forcibly used “chiefs to oppress their own people,”⁵⁷³ and highlighted their role in the liberation movement which led some chiefs to “have been subjected to imprisonment, banishment and all other known form of atrocities committed by Pretoria against its opponents”.⁵⁷⁴ In 1989, Chief Mhlanbunzima Maphumulo became the president of CONTRALESA. He predicted that CONTRALESA “will be a big force in South African politics”.⁵⁷⁵ In 1990, Chief Patekile Holomisa, the cousin of Transkei’s former military leader, Bantu Holomisa, was selected as the new president. At the official launch of CONTRALESA as a national body, Chief Holomisa emphasised that its main objective is to restore “dignity, reverence and respect” to the ancient institution of chieftaincy and to shed the image of chiefs as collaborators and government “sell-outs”, and thereby prove that they are “worthy leaders” and would aid the liberation movement. He further emphasised that chiefs should make themselves more accountable at local level, co-exist with Residents Associations and become receptive to democratic processes.⁵⁷⁶

Initially the SACP, UDF, South African Youth Congress (SAYCO) and trade unionists dismissed the attempts of the chiefs to re-organise themselves in line with the liberation

⁵⁷¹ Cited in Ineke van Kessel, *Beyond our Wildest Dreams -The UDF and the Transformation of South Africa*. London, Charlottesville: University Press of Virginia. 2000: 83. For an extensive list of CONTRALESA’s aims see Thando Zuma, “The Role of the Chiefs in the Struggle for Liberation” in *African Communist*. 2nd Quarter. 1990: 69.

⁵⁷² Zuma, “Chiefs in the Struggle”, p.69.

⁵⁷³ *Ibid*, p. 69. In reality, as was shown in Chapter 3, although constraints were placed on the chiefs, their collaboration was largely motivated by self-interest.

⁵⁷⁴ Zuma, “Chiefs in the Struggle”, p. 69. For details regarding the banishment of chiefs see Helen Joseph, *Tomorrows Sun*. New York: John Day Company. 1967.

⁵⁷⁵ *Weekly Mail*, 6-12/10/1989.

movement.⁵⁷⁷ Then some came to regard this institution as important to achieve liberation with the ultimate goal of abolishing it in a democratic and possibly, classless society. Lessons from Angola and Mozambique showed that repudiating the chiefs would lead to more damage than good. In Mozambique, the FRELIMO government abolished the institution of chieftaincy shortly after coming to power; in retaliation, the chiefs set up power bases outside official structures and supported the opposition RENAMO (Mozambique National Resistance Movement) resulting in civil war.⁵⁷⁸ In order to prevent the chiefs from subverting the struggle, the liberation movement embraced chiefs who had genuinely repented. The UDF hailed it as “a great achievement to see chiefs coming back to the people” and called “on all chiefs to join CONTRALESA and become part of the oppressed people’s struggle for liberation”.⁵⁷⁹ SAYCO stated, “We are proud that traditional leaders are beginning to realise the truth...We have a long history of chiefs who fought on the side of the people...Let the present chiefs, if they are still chiefs, lead the people in the fight against what actually deprives their people of their land...Let them be accountable to the people and directed by them”.⁵⁸⁰ In February 1988, a CONTRALESA deputation visited Lusaka to meet an ANC delegation headed by the secretary-general Alfred Nzo. The ANC’s 1988 party guidelines reflected this alliance: “The institution of hereditary rulers and chiefs shall be transformed to serve the interests of the people as a whole in conformity with the democratic principles embodied in the constitution”.⁵⁸¹ Thus, in order to protect and ensure liberation, the ANC used the chiefs as part of a broad alliance to build up constitutional negotiations and to break the alliance between government and conservative Apartheid supporters. Hence, chiefs were invited to climb aboard the “liberation bandwagon”.⁵⁸²

⁵⁷⁶ *Daily Dispatch*, 18/09/1990; Leslie Bank and Roger Southall, “Traditional Leaders in South Africa’s New Democracy” in *Journal of Legal Pluralism and Unofficial Law*. 1996: 416.

⁵⁷⁷ Van Kessel and Ooman, “One Chief, One Vote”, p. 162.

⁵⁷⁸ Cecil Manona, *The Collapse of the Tribal Authority System and the Rise of Civic Organisations*. ISER Seminar Series: Rhodes University. March 1995: 32.

⁵⁷⁹ Zuma, “Chiefs in the Struggle”, p. 70.

⁵⁸⁰ *Ibid*, p. 70.

⁵⁸¹ *Weekly Mail*, 7/10/1988.

⁵⁸² Bank and Southall, “Traditional Leaders in South Africa”, p. 416.

CONTRALESA's position in the homelands was varied and often ambiguous. In KwaZulu-Natal, CONTRALESA had a limited impact largely because in September 1989, Buthelezi ordered the chiefs not to join the organisation.⁵⁸³ According to some commentators approximately eighty percent (80%) of chiefs in the Transkei declared themselves in favour of CONTRALESA (and the ANC)⁵⁸⁴, although others argue that the majority of chiefs were part of the Transkei Traditional Leaders Association (TTLA), which was in theory non-aligned but tended to adopt an anti-ANC stance.⁵⁸⁵ The Ciskei Traditional Leaders Association (CTLA) lost supporters to CONTRALESA when Gqozo began to lose power. However, the Border region of CONTRALESA endorsed the election of headmen proposed by Gqozo, which was claimed by Burns-Ncamashe "as conforming to the ANC's constitutional guidelines which provides for the continuation of the chieftainships within a democratic framework".⁵⁸⁶ In the face of opposition from BOCCO⁵⁸⁷, Patekile Holomisa intervened saying his organisation could not dictate that chieftain structures be accepted although he thought headmanship was a 'sensitive issue' in Ciskei and urged reconciliation.⁵⁸⁸

The fact that CONTRALESA was based on an undemocratic institution, supporting undemocratic bodies such as headmen, was a bone of contention.⁵⁸⁹ The ANC's support of the old homeland elite created ambiguity and confusion because "the picture of ANC leaders wining and dining with bantustan leaders and paying homage to chiefs was thoroughly upsetting to rural activists".⁵⁹⁰ This led to an "at best-uneasy relationship between CONTRALESA, youth and migrant groupings"⁵⁹¹ in Sekhukhuniland, and

⁵⁸³ Zuma, "Chiefs in the Struggle", p. 72.

⁵⁸⁴ *Weekly Mail*, 6-12/10/1989.

⁵⁸⁵ Bank and Southall, "Traditional Leaders in South Africa", p. 416.

⁵⁸⁶ *Daily Dispatch*: 31/08/1991.

⁵⁸⁷ *Daily Dispatch*: 09/09/1991

⁵⁸⁸ *Daily Dispatch*: 09/09/1991.

⁵⁸⁹ The institution of traditional leadership was regarded as undemocratic because of its sexist, racist, autocratic and hierarchical nature. C. Keulder, *Traditional Leaders and Local Government in Africa: Lessons for South Africa*. Pretoria: Human Sciences Research Council. 1998: 2, 10. A. Sachs, *Advancing Human Rights In South Africa*. Cape Town: Oxford University Press. 1992: 77. M.O Hinz, "The 'traditional' of traditional government: traditional views versus democracy-based legitimacy" in *Traditional Authority and Democracy in Southern Africa*. University of Namibia: New Namibia Books. 1998: 14-31.

⁵⁹⁰ Van Kessel and Ooman, "One Chief, One Vote", p. 165.

⁵⁹¹ Delius cited in Bank and Southall, "Traditional Leaders in South Africa", p. 420.

spurts of violence between residents associations and the chiefs in the Eastern Cape. Even though the relationship was 'uneasy' the ANC used the chiefs as part of a national alliance against Apartheid forces.

In 1990, the ANC's National Executive Committee gave a special tribute to the chiefs who "having broken away from the stable of those who help to administer the apartheid system" have "regained the respect of the people and are a valuable and indispensable component of the genuine forces for change".⁵⁹² However, the extent to which the ANC would "re-instate, protect and promote the institution of chieftainship, its traditional status and bonding function in the community"⁵⁹³ after change had been enacted, was still unclear.

Multiparty Negotiations

On 2 February 1990 F.W De Klerk announced the unbanning of the ANC, SACP and PAC. This was the year of 'talks about talks' culminating in an agreement to hold CODESA, an all party conference in which the ground work for the election of the constituent assembly, the interim government, constitutional principles and the time-frame for transition would be laid; in other words, CODESA was to establish the framework for the transition towards a new 'democratic' South Africa. The Pan-African Congress (PAC), Azanian People's Organisation (AZAPO), South African Communist Party (SACP) and Afrikaner Weerstand Beweging (AWB) announced that they would not take part. Buthelezi stated that the IFP's involvement was contingent on the inclusion of separate delegations representing the IFP, KwaZulu government and Zulu King Goodwill Zwelintini. He justified this latter demand on the basis that Zwelintini represents the interests of tribal authority and through it, the 'specific' interests of the Zulu people as a whole.⁵⁹⁴ CONTRALESA and other individual chiefs also demanded

⁵⁹² Zuma, "Chiefs in the Struggle", p. 75.

⁵⁹³ *Daily Dispatch*: 18/10/1991.

⁵⁹⁴ *Weekly Mail*: 28/2/1992

inclusion into CODESA.⁵⁹⁵ Nelson Mandela supported this request because “in keeping with the spirit of unity the ANC considers it important that traditional leaders be involved in the process... Just as traditional leaders were present at the formation of the ANC, they should be present at the watershed events that herald the dawn of a new, democratic South Africa”.⁵⁹⁶ CODESA had originally excluded the chiefs because their entrance would necessitate the inclusion of other interest groups namely, business and labour.⁵⁹⁷ The result was a negotiated agreement in which all traditional leaders including Zwelintini would be represented by one delegate and five advisers from each of the four provinces, although their role and degree of participation was not defined. The CODESA Working Group Two Steering Committee concluded that the “constitution should define a suitable role for traditional leaders consistent with the objective of a united, non-racial, non-sexist, democratic South Africa”.⁵⁹⁸

In the draft Bill of Rights, no mention was made of culture other than freedom to speak language of choice and to pursue artistic, sporting or recreational activities, because of the political implications of culture. Right wing political groups used cultural uniqueness as justification for gaining recognition as a separate self-governing nation. Buthelezi was using culture and traditional leaders (as protectors of culture), to campaign for constitutional autonomy in KwaZulu-Natal. In contrast, the ANC was advocating a unitary state based on a single national identity underpinned by norms of equality and non-discrimination.⁵⁹⁹ However, the participation of the chiefs at the transitional talks at the World Trade Centre in Kempton Park in 1993 forced attention to be focused on culture, customary law and the role of the chiefs.

⁵⁹⁵ Jason C. Myers, “The spontaneous ideology of tradition in post-apartheid South Africa” in *Politikon*, Vol 26 (1). May 1999: 36.

⁵⁹⁶ Nelson Mandela, *Participation of Traditional Leaders at CODESA*, (17/12/1991) Internet: <http://www.anc.org.za/ancdocs/pr/1991/pr1217.html>. A meeting held on 21 February 1992 was attended by a delegation from the ANC, Inyandza National Movement, Intando ye Sizwe, Labour Party, Indian Congress, SACP, Transkei Government, United Peoples Front and the Venda Government. The product of this meeting was a *Joint Statement of a Meeting of Patriotic Forces in CODESA*, which affirmed the important role that traditional leaders play in society and agreed to facilitate consultations with traditional leaders. See <http://www.anc.org.za/ancdocs/pr/1992/pr0221.html>.

⁵⁹⁷ Bank and Southall, “Traditional Leaders in South Africa”, p. 417.

⁵⁹⁸ Myers, “Spontaneous ideology”, p. 36.

⁵⁹⁹ T.W Bennett, *Human Rights and African Customary Law Under the South African Constitution*. Cape Town: Juta & Co. 1995.

The involvement of the chiefs was an attempt by the ANC to ensure the IFP's participation in the Multi-Party Negotiating Process and to ensure the chiefly vote in the upcoming elections. In return for political support the traditional leaders were promised that their position would be maintained in the future constitutional order.⁶⁰⁰ As Nelson Mandela stated, "the institution of chieftainship has played an important role in the history of our country and chiefs will continue to have an important role to play in unifying our people and performing ceremonial and other functions allocated to them by law".⁶⁰¹ This importance was entrenched in the Interim Constitution.

Interim Constitution

The interim constitution (1993)⁶⁰² did not define the precise role of the chiefs in the new dispensation but clarified the definition of 'traditional' leaders, and the extent and nature of their authority in national, provincial and local levels of government. In terms of recognition, a traditional authority recognised as such by the previous constitution, would retain that status for the five-year transitional period.⁶⁰³ In other words, it delayed dealing with the issue of approximately 734 chiefs, a large number of whom owed their position to the National Party and homeland governments.⁶⁰⁴ "A traditional authority which observes a system of indigenous law and is recognised by law immediately before the commencement of this constitution, shall continue as such an authority and continue to exercise and perform the powers and functions vested in it in accordance with the applicable laws and customs, subject to any amendment or repeal of such law and customs by a competent authority."⁶⁰⁵

⁶⁰⁰ Sibongile Zungu, "Traditional Leaders Capability and Disposition to Democracy: the example of South Africa" in *Traditional and Contemporary Forms of Local Participation and self-government in Africa*. Konrad-Adenauer Stiftung: JHB. 1997: 170.

⁶⁰¹ ANC. 'Ready to Govern': Policy Guidelines for a Democratic South Africa adopted at the National Conference, 28-31 May, Section 3. <http://www.anc.org.za/ancdocs/history/readyto.html>.

⁶⁰² Constitution of the Republic of South Africa (Act 200 of 1993). Assented to on 25 January 1994. Commenced on 27 April 1994.

⁶⁰³ Myers, "Spontaneous ideology", p. 37

⁶⁰⁴ *Ibid*, p. 37.

In the face of an outcry from rural women, an additional clause was inserted that “indigenous law shall be subject to regulation by law.”⁶⁰⁶ In other words, attempts by chiefs to get customary law entrenched as a ‘fundamental right’ were thwarted, thus making it subject to the more general ‘equality clause.’ Under customary law, women fall under the guardianship of fathers or husbands. Without the consent of their male guardians they are have no contractual capacity, cannot appear in court and are sometimes precluded from obtaining land and inheritance rights.⁶⁰⁷ The patriarchal nature of customary law is clear in Chief Mwelo Nonkonyana’s complaint that “who must *lobola* whom if we are all equal?”⁶⁰⁸ In addition he lamented that “my son can be successfully challenged for my throne by may daughter because the Bill says that all forms of discrimination - as is emphatic on gender - should not be permitted.”⁶⁰⁹ The threat by women’s groups to boycott the election was abated by section 33(2) that “no law, whether a rule of the common law, customary law or legislation, shall limit any right entrenched in this paper.”⁶¹⁰

In terms of representation, the Interim constitution stated that provincial legislatures must establish a House of Traditional Leaders (HTL) consisting of representatives, elected or nominated by the authority in the province. The HTL is entitled to advise and make proposals to the provincial legislature or government in respect of matters relating to traditional authorities, indigenous law, traditions and customs of indigenous communities.⁶¹¹ At the national level, a Council of Traditional Leaders was to be established in due course consisting of a chairperson and nineteen representatives elected by the traditional authorities. This council was entitled to advise and make recommendations to the national government and president at his request and could delay the passing of a bill for thirty days.⁶¹² At the local level, the interim constitution stated that “the traditional leader of a community observing a system of indigenous law and

⁶⁰⁵ Constitution of the Republic of South Africa Bill B212B--93(GA), p. 116.

⁶⁰⁶ Ibid

⁶⁰⁷ Van Kessel and Ooman, “One Chief, One Vote”, p. 167.

⁶⁰⁸ Neocosmos, “Towards a History”, p. 38.

⁶⁰⁹ Bennett, “Human Rights and Customary Law”, p. 21.

⁶¹⁰ Section 33 (2)

⁶¹¹ Section 183(2)a

⁶¹² Section 184(4)

residing on land within the area of jurisdiction of an elected local government referred to in Chapter 10, shall ex officio be entitled to be a member of that local government, and shall be eligible to be elected to any office of such local government".⁶¹³ However, it also stated that there shall be democratic representation at all levels of government. Hence, although traditional leaders were given a measure of representation at the national, provincial and local levels, their real power was limited.

Final Constitution

Three main factors influenced the making of the final constitution: first, ambivalence within the ranks of the ANC about the future role of traditional leaders. Civics called for their abolition whereas others recognised the role that traditional authorities could play in mobilising communities for political ends and implementing development projects; second, increasing independence of CONTRALESA from the ANC; and third, the importance of drafting a constitution based on the consensus of the major parties.⁶¹⁴ The exclusion of the chiefs would invariably lead to the exclusion of the IFP, which could irrevocably damage the democratisation process. However, political scuffles between the ANC and IFP could not be avoided, particularly over the issue of remuneration and the political neutrality of the chiefs.

In the opening speech of the forty-ninth ANC national conference in 1994, Mandela stated that the objective of the ANC should be to liberate traditional leaders by ensuring that they become non-partisan servants of the people and that no party should threaten peace and democracy in South Africa by claiming to represent a kingdom or a king.⁶¹⁵ Mandela was explicitly chastising Buthelezi and his attempts to use his nephew, King Goodwill Zwelinthini against his rivals, the UDF and CONTRALESA. In the constitutional negotiations, Buthelezi tried to secure the status of the King in the constitution because he regarded the monarch's support for the IFP in the 1994 elections

⁶¹³ See Ch. 11.

⁶¹⁴ Chris Tapscott, "The Institutionalisation of Rural Local Government in Post-Apartheid South Africa" in *traditional and Contemporary Forms of Local Participation and Self-Government in Africa*. JHB: Konrad Adenauer Stiftung. 1997: 302.

as crucial for its victory in KwaZulu-Natal. After the 1994 election and the formation of the Government of National Unity, Mandela recognised the importance of having a king 'in his pocket' even though he continued to emphasise the non-partisan nature of chieftainship. He paid courtesy visits to the King and backed pro-ANC Zulu Royal members' attempts to re-establish the Royal Council, which had been disbanded by Buthelezi. Tension between the King and Buthelezi increased and finally erupted when Buthelezi appointed himself as the chairman of the HTL in KwaZulu Natal in the face of protests from the King's Royal Council.⁶¹⁶

In terms of remuneration, the ANC proposed empowering the central government to pay the chiefs. The NP, DP and IFP opposed this. The NP questioned the implementation of such an initiative; it recommended that a body of experts be formed to assist the payment of salaries and to ensure that traditional leaders were bona fide. The DP questioned the genuine leadership of many traditional leaders, opposed the notion of inherited leadership and argued that it was unacceptable for government to pay for services rendered by cultural groups. The IFP accused the ANC of political bribery and dispensing party patronage at the taxpayer's expense. Buthelezi further stated that this initiative was aimed to remove powers from the provincial government.⁶¹⁷ *Business Day* complained that it "would create another layer of parasitic officials at a time when the ANC has suggested reducing the number of national MPs to relieve the hard-pressed fiscus".⁶¹⁸ In the face of all this opposition, the Remuneration of Traditional Leaders Bill was passed at the end of June 1995. It dictated that payment of traditional leaders was to be handled by the central government although provinces could add extra allowances for example, for attending sessions of the HTL. Five out the six provinces accepted the bill; however, the IFP

⁶¹⁵ *Business Day*: 1994/12/19

⁶¹⁶ Yang Lihua, *African Traditional Authority and Its Role in South Africa's Current Social Transition* in B. Brothers, J. Hermans and D. Nteta (eds), *Botswana in the 21st Century*. Gaborone: The Botswana Society, 1994: 299-300; Ooman and Van Kessel, "One Chief, One Vote", p. 164. In a speech given on 24 July 1993, King Zwelenthini stated that he does not support a single political party. The ANC hailed this announcement as "an important milestone", which would help towards "the creation of a climate for free political activity in Natal". In other words, it would open up space for the ANC to compete equally with the IFP in Natal. Department of Information and Publicity, *Response to King Zwelenthini Speech at FNB Stadium*, Internet: <http://www.anc.org.za/ancdocs/pr/1993/pr0728.html>.

⁶¹⁷ Lihua, "African Traditional Authority", p. 300-1

⁶¹⁸ *Business Day*: 1995/06/14.

continued to insist that payment remain the responsibility of provincial government. The IFP-dominated provincial government of KwaZulu-Natal passed legislation prohibiting traditional leaders (including the King) from receiving remuneration from the central government.⁶¹⁹ Buthelezi further mandated the KwaZulu-Natal government to challenge the Act in the Constitutional Court, which ruled in July 1996 that on the grounds of the constitution, the province had the right to pass such legislation. This ruling was met with great criticism, and by the end of 1996, legislation on remuneration had not yet been implemented.⁶²⁰

A further factor influencing the structure of the final constitution was that although CONTRALESA was aligned with the ANC it had increasingly carved out an independent role for itself. The first sign of this was in 1991 when Chief Holomisa led a delegation to the war-torn Eastern Townships as a 'neutral broker' for peace, although numerous verbal attacks against the IFP highlighted its obvious ANC alignment.⁶²¹ This independence increased as traditional leaders relied less on the 'liberation bandwagon' and more on their 'traditional' status. In other words, in a society characterised by growing discontent with the slow process of formal and substantive liberation, it was more expedient to rely on tradition and culture to which many South Africans had turned. Hence, Holomisa emphasised that "chieftaincy was deeply rooted in African societies and should be trained and harmonised with modern societies. Chiefs being the custodian of norms, customs and folklore would continue to be needed by communities...and remain unifying symbols by wielding their communities together at all times".⁶²² Using tradition, the ANC's 'need' for the chief's 'voting blocks' and the obvious importance of the chiefs in ensuring a consensus-based constitution, CONTRALESA began to demand more power particularly in the sphere of local governance.⁶²³ In five out of the six provinces,

⁶¹⁹ The payment of salaries, allowances and other privileges to the Inganyam Amendment Bill of 1995 and KwaZulu Natal Amakhosi and Iziphakanyaniswa Amendment Bill of 1995.

⁶²⁰ Ooman and Van Kessel, "One Chief, One Vote", p. 169. As a result, salaries and differences between the provinces varied greatly. Chiefs in the Northern Province received about R50 000 annually while those in the West Province received only R6000 annually.

⁶²¹ Bank and Southall, "Traditional Leaders in South Africa", p. 417.

⁶²² *Daily Dispatch*: 14 October 1991.

⁶²³ The dynamics of local governance will be addressed in greater detail with reference to the Eastern Cape province.

chiefs favoured the ANC, but as democratic reform increased in these communities, chiefs felt threatened. Although President Chief Holomisa was an ANC member and CONTRALESA was ANC-aligned, Holomisa led a protest march together with Chief Buthelezi in November 1995 against the local government elections. The chiefs clearly played on party competition to accrue greater power. However, Holomisa justified this behaviour to the ANC disciplinary committee, on the grounds that CONTRALESA's action was directed at the government, not the ANC and that this position could cut across political divides. Holomisa also called for a strengthened national council of traditional leaders and the power to block legislation that affects traditional authorities.⁶²⁴ This 'independent action' forced the ANC to recognise that chiefs are actors, who seek power and seek to entrench their own positions at any cost.

Thus, the ANC was forced to 'tip-toe' around the chiefs. It needed to entrench their power in the constitution to ensure that they did not align with the opposition, did not cause 'havoc' in the countryside and ultimately did not jeopardise the democratisation process. On the other hand, it was clear that the ANC could not give the chiefs too much power due to the possibility of a rival threat for authority, particularly in the rural areas. Hence, the faction of the ANC which argued that traditional leaders "are entitled to a dignified and respected role which enables them to take their place in and make their contribution towards building a new democratic South Africa",⁶²⁵ was victorious. On the other hand, the ANC sought to restrain the chiefs' power within a democratic framework. In terms of its strategy and tactics, the ANC stated that "while recognizing the existence of traditional leaders and traditional structures of governance, we must ensure that these leaders and structures recognize, respect and facilitate the process of democratization in the country while they serve as institutions to unite the people around questions of peace, development and nation-building".⁶²⁶ These tensions were reflected in the final constitution; although it made provisions for the chiefs it was extremely vague about their

⁶²⁴ Lihua, "African Traditional Authority", p. 301.

⁶²⁵ Albie Sachs, *Advancing Human Rights in South Africa*. Cape Town: Oxford University Press. 1992: 77. Albie Sachs was a member of the ANC Constitutional Committee and National Executive Council.

⁶²⁶ *Strategy and Tactics of the African National Congress*, as adopted at the 49th ANC National Conference, December 1994. Internet: <http://www.anc.org.za/ancdocs/policy/stratact.html>.

powers and functions due to the ANC's internal tensions, the growing independence of CONTRALESA and the ANC's attempts to satisfy all parties, NP, DP and IFP.

The National Assembly adopted the new constitution on 8 May 1996.⁶²⁷ Section 211(1) stated, "The institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution."⁶²⁸ The courts are directed to apply customary law but this law is still subject to the constitution.⁶²⁹ National and provincial legislation⁶³⁰ is permitted to provide for the creation of houses of traditional leadership.⁶³¹ National legislation *may* establish a council of traditional leaders and *may* provide a role for traditional leaders at local level.⁶³² At the national level, traditional leaders can propose legislation but cannot generate statutes of their own accord; they can advise and may insist on being consulted about new bills concerning customary law and they can delay the passing of an act by thirty days. However, by October 1996, Houses of Traditional Leaders had only been established in four out of the six provinces namely, KwaZulu-Natal, Northwest, Mpumalanga and the Free State.⁶³³ As a result, it was impossible to proceed toward establishing a National Council of Traditional Leaders, and consequently, the enabling legislation was withdrawn from parliament in October 1996.⁶³⁴

⁶²⁷ Constitution of the Republic of South Africa, as adopted on 8 May 1996 and amended on 11 October 1996. Act 108 of 1996.

⁶²⁸ Constitution of South Africa, 1996: Section 211 (1).

⁶²⁹ Ibid: Section 211 (3). Nzebeza questions what "counts as 'customary law', 'tradition' and 'custom' in a rapidly urbanising, late-twentieth century South Africa." Customary law is regarded as a dubious invention originating in the first colonial explorations into Africa. Furthermore, one needs to question whether traditional authorities are necessarily experts on various customs in their areas since there are great variations between clans and groups. Lungisile Nzebeza, "Rural local government in post-apartheid South Africa" in *African Sociological Review*, 2 (1) 1998: 159. See T.W Bennett, *Human Rights and African Customary Law Under the South African Constitution*. Cape Town: Juta & co. 1995 for a detailed outline of the origins and nature of 'customary law' as defined by the South African constitution.

⁶³⁰ Provinces were given space to promulgate legislature but by assigning responsibility for defining the overall status of traditional leaders to the national legislature, provincial powers were curtailed.

⁶³¹ Constitution of South Africa, 1996: Section 212 (2) (a)

⁶³² Ibid: Section 212(2)(b) and 212(1)

⁶³³ The Eastern Cape was deadlocked by conflict between chiefs and civics while in the Northern Province, the issue hinged on the mode of representation of chiefs. The Northern Cape, Gauteng and Western Cape were not destined to have an HTL as they did not incorporate former bantustans.

⁶³⁴ Ooman and Van Kessel, "One Chief, One Vote", p. 166.

This ambiguous and vague recognition of traditional leadership at national level had a number of important ramifications for chiefs and local governance across the country. In the Eastern Cape, this ambiguity opened the space for the increased subordination of the chiefs. As in developments at the national level, the ANC-led provincial government used the chiefs to accrue rural votes in competition with the United Democratic Movement in the local and national elections. However, once chiefs had served their purpose and elections had faded into memory, chiefs were largely marginalised, subordinated and contained in a highly dependent relationship with the provincial government.

Subordination at the Provincial Level: The Eastern Cape

The Eastern Cape posed unique and enormous challenges to the new ANC-led provincial government, headed by Raymond Mhlaba, a former Robben Island prisoner and longtime party member. Central to these problems was the issue of combining the poverty-stricken Transkei and Ciskei bantustans with a large segment of the former, 'wealthy' white Cape. This required establishing a unified administrative and political structure in Bisho, the former capital of Ciskei. This led to a number of difficulties. First, former Transkeians resented the fact that Umtata was not chosen to house the new government. Second, in order to reduce bureaucratic duplication and cost, a significant number of the 131 000 civil servants had to be retrenched. Third, the bantustans' heritage of corruption had to be addressed.⁶³⁵ And fourth, it had to address the issue of the chiefs who by and large had formed a large portion of the corrupt civil service but continued to wield a degree of authority particularly in areas in the former Transkei.

The national leadership of the ANC opted to intervene in an increasingly volatile situation. Senior personnel were sent to the Eastern Cape to restructure the provincial administration. Mhlaba was replaced by the younger Arnold Stofile as Premier, and from 1997 the Eastern Cape was subjected to increasingly severe financial restraints.⁶³⁶ In

⁶³⁵ Roger Southall, "A Deepening of Democracy? Establishing Provincial Government in South Africa" in *Africa Insight*, 28, 1/2: 5-18.

⁶³⁶ Roger Southall and Zosa De Sas Kropiwnicki, *Containing the Chiefs: the ANC and Traditional Leaders in the Eastern Cape*. Working Paper. Grahamstown: Rhodes University. 2001: 8.

terms of traditional leadership, the ANC adopted a pragmatic strategy: pay lip service to the chiefs when it is important to do so, and ignore them when it is not. The importance of chiefs lay in their ability to deliver rural votes; hence, increased chiefly status was a precursor to the local elections in 1995, provincial elections in 1999 and local elections in 2000.

Local Elections of 1995

The ANC attempted to secure the chiefs' support and in turn, their 'voting constituencies' by literally cementing its relationship with key individuals such as Stella Sigcau and Phatakile Holomisa. Stella Sigcau who was the former Prime Minister of Transkei and the sister of Mpondombini Sigcau (the Paramount Chief of Pondoland) was appointed to the cabinet. Phatakile Holomisa, the nephew of General Bantu Holomisa and the president of CONTRALESA was made a member of parliament. It was hoped that these appointments would permanently ensure that the chiefs toe the ANC's party line.⁶³⁷ In addition, R17 million was spent on the province's 138 chiefs and 832 headmen during 1994, with each of Transkei's five paramounts earning R281 256 annually.⁶³⁸ These national initiatives aimed to ensure that the chiefs' influence in the rural areas would be used in the ANC's favour. However, squabbles between the ANC-led provincial government and the chiefs threatened to subvert national efforts.

The delay in the establishment of the House of Traditional Leaders (HTL) was caused by conflict between the chiefs and the new provincial government over the issue of increased salaries and increased seats in the HTL. Max Mamase, the Minister of Housing and Local Government in the Eastern Cape overtly supported the South African National Civics Organisation (SANCO) and its call for the abolition of the headman system. He was cited as saying, "there will be no headmen in this province any more. We want

⁶³⁷ This did not work on Phatakile Holomisa as he used his new found status and power to seek more power, even if this meant criticising the ANC. However, official chastisement was often used to bring him in line.

⁶³⁸ Compared to an MP's basic salary of approximately R150 000 annually. Tshediso Maloka, "Traditional Leaders and the Current Transition" in the *African Communist*. Second Quarter 1995: 41-2.

people who are democratically elected”.⁶³⁹ In response, CONTRALESA took the issue to court, citing the Transkei Traditional Authorities Act of 1965 in its defence. Chiefs further threatened to deny SANCO activists access to rural areas.

The national Amendment of Local Government Transition Act further worsened the situation in June 1995.⁶⁴⁰ This Act gave provincial MEC's the option of excluding chiefs from rural governance, allowing traditional leaders to be *ex officio* members of transitional local councils or be represented on this council as one of four interest groups, which included levy payers (commercial farmers), women, farm workers and traditional leaders. All interest groups together could not have more than twenty percent (20%) of elected seats and no interest group alone could have more than ten percent (10%) of elected seats. The choice of interest group and the exact percentage each would represent was left at the discretion of the MEC.⁶⁴¹ Holomisa complained that the *ex officio* status gives chiefs less rights than elected councillors, which invariably leads to the status problem that the chief's subjects are more powerful than the chief.⁶⁴² He also complained about the interest group option because “this will put the position of the traditional leaders in the hands of the people who are so hostile to us”.⁶⁴³ Other chiefs resented being put in the same category as rural women.⁶⁴⁴

The Eastern Cape government chose the model excluding chiefs from participating in rural governance. In response, CONTRALESA attempted to reverse the decision, called for national government intervention and organised a boycott of the local elections. Contrary to Holomisa's assumption that about sixty percent of people under traditional

⁶³⁹ *Daily Dispatch*: 20/01/1995.

⁶⁴⁰ This Act attempted to remedy the urban bias inherent in the Local Government Transition Act of 1993, which made no account of the differences in rural areas, the lack of experienced leadership and the absence of local government negotiating forums. For the rural areas it simply proposed a mirror image of provisions outlined for urban areas. It also left the role of traditional leadership ill defined and open-ended. For further details see Tapscott, “The institutionalisation of Rural Local Government”, p.299 and Galvin, “Impact of local government”, p. 90.

⁶⁴¹ Nzebeza, “Rural Local Government in Post-Apartheid South Africa” in *African Sociological Review*, 2 (1) 1998: 156-157

⁶⁴² Ooman and Van Kessel, “One Chief, One Vote”, p. 168.

⁶⁴³ *The Star*: 23/08/1995.

⁶⁴⁴ *Weekly Mail and Guardian*: 18-24/08/1995.

leaders would join their boycott⁶⁴⁵, many people defied their chiefs by voting, thus reinforcing the provincial government's argument that "people don't listen to *amakhozi*".⁶⁴⁶ When CONTRALESA declared the election null and void, the ANC threatened Holomisa and Nonkonyana with disciplinary action on the grounds that their actions have "the effect of denying citizens in the rural areas of their right to vote and shape their own future, and is contrary to everything the ANC stands for".⁶⁴⁷ Holomisa and Nonkonyana were suspended from CONTRALESA due to the promptings of the KwaZulu-Natal CONTRALESA branch because of their increased orientation towards the IFP. Holomisa chastised the ANC for dividing the chiefs within CONTRALESA and ignored the suspension. He continued to work within CONTRALESA with Winnie Mandela, who not only used the organisation to mobilise personal support but also to buttress her claim that she was the Princess of the Madikazela clan in Bizana.⁶⁴⁸ Nevertheless, CONTRALESA was brought in line with official ANC policy at the provincial level.

With the local elections becoming a mere memory, the chiefs were increasingly subordinated to the provincial government. This is evident in the weak and essentially ineffectual House of Traditional Leaders. The chiefs boycotted the public hearings on the establishment of the HTL because they were held in urban areas and the provincial government had allegedly not consulted the chiefs.⁶⁴⁹ Regardless, the provincial government proceeded to establish an HTL composed of twenty (20) members nominated by traditional leaders and drawn from ten separate regions. On the basis of the ANC's argument for the non-partisan nature of traditional leaders, the six paramount chiefs were originally excluded from the House. However once established, the House membership increased to twenty-six members, thereby including the paramount chiefs.

⁶⁴⁵ *Business Day*: 21/09/1995.

⁶⁴⁶ *Daily Dispatch*: 30/10/1995.

⁶⁴⁷ Cyril Ramaphosa, *Statement on Call to Boycott Local Government Elections*. Internet: <http://www.anc.org.za/ancdocs/pr/1995/pr1030b.html>.

⁶⁴⁸ Tshediso (Eddie) Maloka, "Populism and the Politics of Chieftaincy and Nation-Building in the New South Africa", *Journal of Contemporary African Studies*, 14, 2, 1996: 173-96. See also Maloka,

"Traditional Leaders and the Current Transition" in the *African Communist*. Second Quarter 1995: 41-2.

⁶⁴⁹ *Daily Dispatch*: 20/01/1995.

A further bone of contention between the provincial government and the chiefs was the location of the HTL. Due to insufficient funds, the government asked that the HTL meet in the Bunga, which housed the former Transkeian legislature. Then the government, on the recommendation of SANCO, turned the Bunga into a museum dedicated to Nelson Mandela and transferred the HTL to a temporary structure in Bisho namely, the agricultural hall of the former Ciskei. Renovations costing a mere R250 000 left the chiefs with limited resources and poor facilities.⁶⁵⁰ After its first meeting in October 1996 the House has allegedly given frequent advice and information to the South African Law Commission. However, the provincial government has refrained from utilising the HTL's official mandate set out by the Interim constitution namely, to advice on matters related to indigenous communities. Hence, the chief's contribution was largely ignored.

The Provincial Elections of 1999

In the 1994 provincial election, the ANC secured 84.4 percent (%) of the vote in the Eastern Cape thereby ensuring that it did not have to accommodate the chiefs in order to accrue rural votes in the 1995 local elections. However, by 1998 the tables had turned somewhat: first, the ANC could not rely on an automatic victory on the basis of its role as the 'liberator' of the African masses. The fear that its failure to ensure substantive equality would significantly affect the electoral outcomes greatly influenced its attitude towards the chiefs. Second, although the attempt to boycott the 1995 local elections was a failure, the chiefs appeared more organised and popular, thereby entrenching the assumption that the chiefs could deliver the vote to their favoured party. Third, the ANC was no longer the only contender for the people's votes in the Eastern Cape. The United Democratic Movement (UDM) founded by the youthful and popular former military leader Bantu Holomisa after his expulsion from the ANC in 1997, offered a non-racial challenge to the ANC, particularly in the former Transkei. Recognising the value of chieftainship in mobilising support and votes, the UDM competed with the ANC for the allegiance of the chiefs.

⁶⁵⁰ *Annual Report of the House of Traditional Leaders (Eastern Cape Province), 1999-2000: 5-6.*

The ANC's Reconstruction and Development Programme (RDP) launched during the 1994 elections aimed to alleviate poverty and reconstruct the economy on an equitable basis. This involved the construction of infrastructure in rural areas, the improvement of education and communication and general socio-economic upliftment.⁶⁵¹ It was believed that the RDP would reduce the material base of chieftaincy as people no longer had to rely on the chiefs for access to strategic resources such as education and health facilities.⁶⁵² However, its failure had the converse effect. In both the former Ciskei and former Transkei poverty persisted. In Melani (in former Ciskei), 41 percent of all adults were unemployed, 73 percent of households were supported by members working elsewhere, 70 percent of citizens did not have land and only 24 percent of landholders managed to sell something they cultivated. Furthermore, it was riddled by drought and a severe shortage of effective, motivated labour.⁶⁵³ Soon after the 1995 local government elections, the RDP steering committee initiated a national Rural Administration Development (RAID) programme, which aimed to provide administrative infrastructure and trained administrative staff; however, it produced no meaningful results.⁶⁵⁴ The Regulation of Development in Rural Areas Act removed the powers of traditional leaders to handle development in rural areas in favour of District Councils and transitional representative councils (TRC's). However, these councils faced numerous problems, which included a shortage of funds and personnel. Vast lands and inaccessible rural villagers left the limited number of officials unable to deal with local problems; for example, in Mquanduli, there were only seventeen councillors for forty villages. In the Eastern Cape councillors earned a mere R120 and R160 a meeting and a monthly allowance of between R300 and R350. Transitional Representative Councils (TRepC's) also lacked control over resources; they were entirely dependent on district, provincial and national governments to address their needs.⁶⁵⁵ Even with authority to extract resources from the people, there was nothing to extract from the poverty-ridden former reserves. According to the Rural Development Framework in 1997, three quarters of

⁶⁵¹ For a succinct account of the RDP see Tom Lodge, *South African Politics Since 1994*. Cape Town & Johannesburg: David Philip Publishers. 1999: chapter 3, pp. 28-41.

⁶⁵² Lihua, "African Traditional Authority", p. 304.

⁶⁵³ Cecil Manona, "The virtual collapse of agriculture in a former Ciskei community" in *Africa Insight*. Vol 28 (3/4). 1998: 161-162.

⁶⁵⁴ Nzebeza, "Rural local government", p. 157.

people in South Africa live below the poverty line in rural areas.⁶⁵⁶ “When the rural masses voted in the 1995/6 elections they dreamt of a better life that would give them access to services that were only available to urban residents”⁶⁵⁷, but by 1999 their expectations were dashed by low service delivery, financial crisis, backlogs in infrastructure and decreased economic activity in rural areas.

As in the past, when the government failed to deliver, rural dwellers turned increasingly to the chiefs as an alternate form of authority. Unlike councillors who were chosen by proportional representation and thus, distanced from the people, the chief was a figure to turn to in crisis for emotional and often economic support. For example, ‘good chief’ Richard Nchabeleng has been described as being “on the side of the people” because “he represents our needs and aspirations. He is a developer. We judge him according to his participation and involvement in matters that intimately affect the community and as a consequence, he is highly regarded by the community”.⁶⁵⁸ Hence, the ANC was faced with the threat of a rival authority, which could transfer the people’s allegiance elsewhere particularly since this allegiance was no longer based solely on gratitude and respect for the liberation movement.

CONTRALESA’s ambiguous position over non-partisanship ensured that chiefs could be enticed to support a party that serves their needs. CONTRALESA decided to allow its members to stand as party candidates but as a body it would remain non-partisan. This allowed Phatakile Holomisa and Mwelo Nonkonyama to be placed at high positions on the ANC’s national list even though they were highly critical of the ANC’s treatment of traditional leaders. As shown above, the ANC members supported the notion that chiefs must remain ‘above politics’ when it suited them. However, in the upcoming national elections it was vital to ensure that chiefs did not join the ranks of the UDM. Thus it was that the ANC dangled a number of ‘carrots’ before the chiefs, such as an unscheduled pay

⁶⁵⁵ Ibid.,p. 157-158.

⁶⁵⁶ K.O Lefanya, *The Role of Traditional Leaders in Local Economic Development* presented at TAARN conference. April 2001: 3.

⁶⁵⁷ Sicelo Dladla, “New Plans for Local Government” in *Land and Rural Digest*. November-December 2000: 12.

⁶⁵⁸ Sicelo Dladla, “Good Chief Nchabeleng” in *Land and Rural Digest*. November-December 2000: 27.

rise for chiefs in the Eastern Cape. Paramounts received R322,800 and chiefs R77,472 per annum. In addition, it backtracked on its decision to exclude headmen from these benefits by announcing a R5 million package for Transkei's 997 headmen.⁶⁵⁹ Even so, despite these salary increases, the chiefs inclined informally to the UDM.

In early March 1999, the UDM claimed twenty out of twenty five of the most senior traditional leaders. Instead of resorting to bribery, it focused on tensions between the chiefs and the Bisho government in order to accrue support. These tensions included the conflict over the refusal of the provincial government to remunerate headmen in Ciskei; the minimal influence accorded to the HTL and the increased tendency to divert power from the chiefs and headmen to elected Transitional Local Councils at local level. In addition, the UDM exploited the discontent felt by members of the former Transkeian petty bourgeoisie who failed to accrue the same status and power under the ANC-led provincial government. Bantu Holomisa stressed how his former government had delivered benefits to the people and remained constant to the chiefs. Consequently, former members of the TTLA (Transkei Traditional Leaders Association) joined the UDM in droves under the leadership of Chief Dumisane Gwadiso.⁶⁶⁰

Ultimately however, the ANC's financial 'enticement' prompted a stronger reaction from the chiefs. With 73.8% of the vote, it returned to dominate the provincial legislature once again. However, it lost approximately 10% of the votes accrued in 1994⁶⁶¹ to the UDM which secured 13.6% of the vote in the provincial election largely derived from areas surrounding Umtata, where it won 56 % of the vote cast in the rural areas and 53% in the town itself.⁶⁶² Hence, it was that the chiefs were regarded by both the UDM and the ANC as vital for securing power in the rural areas on the basis of an unproven assumption that

⁶⁵⁹ Roger Southall, "The Struggle for a Place Called Home: the ANC versus the UDM in the Eastern Cape" in *Politikon*, 26 (2). 1999: 163. These pay rises were legalised by the Proclamation on Remuneration of Public Office Bearers Act No. 20 of 1998 which stated that kings/paramount chiefs and chiefs would be entitled to salary adjustments from 1 April 1999. See Department of Housing, Local Government and Traditional Affairs. Budget Speech. 1999/2000.

⁶⁶⁰ Gwadiso is now the UDM's provincial leader and was the candidate for premier.

⁶⁶¹ It received 84.4 % of the votes in 1994.

⁶⁶² For extended details of this contest for the chiefs see Southall, "The struggle for a place called home", p. 155-166.

the chiefs could deliver the vote. This assumption was reinforced by the fact that the people began to question the ANC's ability to secure not only formal rights, but also substantive rights on an equitable basis given the continued impoverishment of the former reserves.

The Local Elections of 2000

After the ANC secured its dominance in the Eastern Cape provincial government it no longer needed to court the chiefs. Although the upcoming local elections in 2000 led once again to the belief that traditional leaders and their bloc votes were of importance, the tables had turned yet again. The HTL was divided, dependent and weak and the UDM failed to offer any serious political competition due to its poor performance and internal divisions at national level. Hence, the ANC in the Eastern Cape no longer needed to 'tip toe' around the chiefs or 'dangle carrots' in their path because the threat of chiefs influencing votes in an alternate party's favour, was virtually non-existent. On the other hand, for safety sake, the ANC avoided alienating the chiefs completely by appeasing them with (as yet unfulfilled) promises of more power at the local level.

According to Nonkonyana, Chairperson of the Eastern Cape, House of Traditional Leaders, "During 2000 we have seen lots of pressures from all corners seeking to destabilise our system. This year we are going to emerge more united than before and fight any system that seeks to undermine traditional leadership in our country".⁶⁶³ This unity is unlikely given the number of bitter squabbles within the provincial HTL. The deputy chairman of the Provincial House of Traditional Leaders, Chief Dumisani Gwadisho, made allegations that the outspoken house member Prince Zolile Burns-Ncamashe was an 'illegitimate prince' because he is only a nephew of the Burns-Ncamashe family and therefore not qualified to be a member of the House of Traditional Leaders⁶⁶⁴. The divisions between the chiefs were once again evident in the conflict over the election of chiefs to the provincial HTL. Nonkonyana argued that the replacement of

⁶⁶³ *Daily Dispatch*: 01/01/2001.

⁶⁶⁴ *Daily Dispatch*: 15/01/2001.

Chief Mphulo Jongilanga by AmaRharhabe's Prince Langa Mavuso was "irregular" and the results of the nomination and election were "null and void" because Jongilanga had not resigned fully. AmaRharhabe King Mxhoba Sandile disagreed and berated Nonkonyama for acting prematurely⁶⁶⁵ These divisions even led the executive coordinator of the Xhosa Royal Council, Prince Xhanti Sigcawu, to urge the provincial government to disband the Eastern Cape House of Traditional Leaders because it fails to meet the needs of the community and is used instead to discuss personal differences.⁶⁶⁶ In response, Premier Stofile announced the Provincial Government's intention to conduct a "chiefs' audit" which he argued would have "sweet" outcomes for "those undermined by Apartheid and other political whims" but would be "bitter for those who benefited from the punishment and sidelining of their legitimate senior and should-be rulers".⁶⁶⁷ This measure would threaten the power of present traditional leaders by placing succession and incumbency in the hands of government, and would invite continuing divisions, thereby weakening and neutralising the chiefs as significant actors.

The extent to which traditional leaders are significant actors is debatable given their high levels of material dependency on the state. Traditional leaders want a basic salary, medical aid, pension fund, car, travel allowances, housing subsidies and a thirteenth cheque⁶⁶⁸ In June 2000, CONTRALESA asked government to upgrade the perks of traditional leaders to match those of MP's even though this would cost taxpayers R172.8 million per year. Provincial and Local Government Department Chief Director of Traditional Leaders, Thaka Seboka said that South Africa's eight hundred traditional leaders each receive a monthly salary of approximately R7000 whereas the average member of parliament receives R18 000. CONTRALESA also requested a ministry of traditional affairs and a school to train chiefs' children.⁶⁶⁹ In the Eastern Cape House of Traditional Leaders' submission to the 'Draft Discussion Document Towards a White Paper on Traditional Leadership and Institutions', the chiefs argued that government, "as

⁶⁶⁵ *Daily Dispatch*: 02/11/2000.

⁶⁶⁶ *Daily Dispatch*: 27/1/2001.

⁶⁶⁷ *Daily Dispatch*: 10/03/2001.

⁶⁶⁸ Peires, "Traditional Leaders in Purgatory: Local Government in Tsolo, Qumbu and Port St. Johns 1990-2000" in *African Studies*. Vol 59 (1). 2000:109.

⁶⁶⁹ *Business Day*: 21/06/2000.

custodian of the taxes of our people, should be responsible for the remuneration of traditional leaders. The fact that government pays traditional leaders does not make them public servants, they remain accountable to their communities and the nation in the same manner that other public office bearers account to their constituencies and the nation".⁶⁷⁰ However, their dependency on the state for resources and their inability or unwillingness to openly question the ANC government cannot be denied. Hence, the ANC no longer needed to cater to the chiefs' whims to secure electoral victory because the chiefs were too divided and dependent upon the ANC to mobilise an attack against it.

A further reason why the ANC could afford to sideline the chiefs was that the UDM was unable to live up to its expectations because it was divided nationally and did not provide robust opposition to the ANC-dominated legislature. In the run up to the 2000 local elections, it was forced to rely wholly upon its Umtata constituency. It once again focused on the discontents of the former Transkeian bureaucracy. This orientation was indicated by its leading lights. For instance, its political leader, Chief Gwadiso was a minister under both George Matanzima and Stella Sigcau. Herbert Tshegwa, mayoral candidate for Mbashe, was the former Minister of Education in the Transkei. Dowa Mgudlwa, the UDM's mayoral candidate for Umtata, was a minister under Kaiser Matanzima, a businessman and a chief from Engcobo.⁶⁷¹ In terms of the chiefs, it backed CONTRALESA's attempts to discourage people from registering as voters, on the grounds that the "dignity of traditional leaders have been denigrated".⁶⁷² Nevertheless, the UDM was increasingly appearing as the "TNIP in Disguise"⁶⁷³, couched in homeland politics. Thus, the fact that it offered no major competition to the ANC in the Eastern Cape (apart from in Umtata⁶⁷⁴), led many ANC officials to believe that a 'race for the chiefs' would be pointless.

⁶⁷⁰ *Eastern Cape House of Traditional Leaders Submission towards a White Paper on Traditional Leadership and Institutions*. Bisho: 2000:32.

⁶⁷¹ See Roger Southall, "Election Updates" in *Local Government Elections 2000*. NO.5 11/11/2000.

⁶⁷² *Business Day*: 03/10/2000; *Daily Dispatch*: 14/09/2000.

⁶⁷³ Southall, "The struggle for a place called home".

⁶⁷⁴ In the elections, the UDM performed poorly throughout the province except in Umtata. See Roger Southall, "Eastern Cape", *Local Government Elections 2000*. No. 5, 11. November 2000. Electoral Institute of Southern Africa. Also see David Pottie and Heather Ford (Eds), *Local Government in South Africa: Elections 2000*. EISA: Johannesburg. 2001.

Hence it was that the ANC could afford to subordinate the chiefs in the restructuring of local governance. The Municipal Structures Act of 1998 called for the introduction of three types of municipality: Metropolitan Councils (category A), local councils (category B) and district councils (category C). The latter two categories would share powers and responsibilities. District councils would be responsible for delivering infrastructure and facilitating regional planning and monitoring wide geographical areas and areas of lower population densities. Category A and B councils would be directly elected while 60 percent of category C's membership would be selected by local councils, and the remaining forty percent would be directly elected by proportional representation. In areas where traditional leaders govern communities by customary law, provision is made for not more than 10 percent of the total membership to be filled by traditional leaders on a non-voting basis.⁶⁷⁵ A Municipal Demarcation Board was also created to provide for the 834 existing local councils to be replaced by six metropolitan councils, 241 local councils, 52 district councils and district management areas in sparsely populated areas. In the Eastern Cape, 182 municipalities were to be translated into a single Metropolitan Municipality, 38 new smaller municipalities and six new district councils.⁶⁷⁶

These proposals led to a national and provincial outcry from traditional leaders who argued that traditional entities will be split and others amalgamated with traditional rivals, and that the new the system of local government undermines their traditional powers and responsibilities to be directly involved in the welfare of their communities.⁶⁷⁷ What the White Paper on Local Government described in 1998 as an "innovative institutional arrangement" combining "the natural capacities of both traditional and elected local government to advance development or rural areas and communities"⁶⁷⁸ was regarded by the chiefs as a farce. Instead of establishing "cooperative governance" based

⁶⁷⁵ EISA, *Local Government Elections*, 1, 11 September 2000.

⁶⁷⁶ Roger Southall, "Eastern Cape", *Local Government Elections 2000*, No. 2, 27 September 2000: 3.

⁶⁷⁷ Peires, "Traditional Leaders in Purgatory", p. 113.

⁶⁷⁸ Ministry for Provincial Affairs and Constitutional Development, *White Paper on Local Government*, March 1998: 75-79.

on “mutual trust and joint interest”⁶⁷⁹ chiefs regarded this arrangement as “another form of colonialism” which could result in their “kings and chiefs losing their powers over people they have ruled for decades”.⁶⁸⁰ In other words, this Act entrenched an alien system of governance based on westernised values and was thus, “unconstitutional.”⁶⁸¹ The Eastern Cape HTL argued that chiefs should be the sole local authority in rural areas of traditional jurisdiction, even if this meant that the majority of traditional authorities would be elected for the sake of democratisation and gender sensitivity. Thus, traditional authorities should not fall under the control of town councils and should have representatives on district councils. It further asserted that these changes were necessary to ensure conditions “conducive to free and fair local government election”.⁶⁸²

This underlying threat was reiterated by traditional leaders nationally, to President Thabo Mbeki, on 28 June 2000 in their demands that traditional authorities should have the same status as category B municipalities and should be allowed to work directly with Category C councils. In his response, Mbeki rejected the traditional leaders’ argument for a central role in rural local government; however, he did stress the need for “a dual system, which provides for the retention of traditional leadership, while at the same time allowing local communities to elect their public representatives”.⁶⁸³ In addition he agreed to a few marginal concessions: first, the participation of non-voting traditional leaders in category B councils would be increased from ten per cent to twenty percent, although this would not extend to representatives of traditional leaders; second, the demarcation process would be re-examined; third, national and provincial governments would examine functions that *might* be assigned to traditional authorities; fourth, local government MEC’s will be *advised* to provide a role for traditional leaders in the affairs of districts or local municipalities as stipulated by Section 81 (4) (6); and fifth, the role of

⁶⁷⁹ Department of Provincial and Local Government, *A Draft Discussion Document Towards a White Paper on Traditional Leadership and Institutions*, 11 April 2000, p. 40.

⁶⁸⁰ Chief Jongita Ngubo cited in *Daily Dispatch*: 14/09/2000.

⁶⁸¹ Eastern Cape House of Traditional Leaders, *Submission of the House of Traditional Leaders (Eastern Cape) to the Draft Discussion Document Towards a White Paper on Traditional Leadership and Institutions*. June 2000.

⁶⁸² *Ibid*

⁶⁸³ John Seiler, “The continuing Stand-off between the National Government and Amakhosi: Can it be resolved?” Unpublished document. 2000.

the house of traditional leaders will be reviewed in order to strengthen “their participation in the national and provincial legislative processes”⁶⁸⁴. Lastly, Mbeki emphasised that the white paper would proceed and be approved in March 2001 and national legislation will be enacted in July 2001. However, Mbeki emitted a negative view of traditional authorities who propose to “disenfranchise a section of our people” and “negate the aspirations of millions, including some traditional leaders, who fought for democracy”.⁶⁸⁵

The chiefs rejected these proposals and mobilised the people against the demarcation and registration process. Many people believed that the incorporation of rural areas into new municipalities would result in increased taxes for services in rural areas and consequently supported the chiefs against these proposals.⁶⁸⁶ Popular protests forced the closure of seven voting districts in Qumbu over the registration process of 16th and 17th September.⁶⁸⁷ In response, former President Nelson Mandela stated with reference to kings in Europe that “all those who did not respect democracy are gone. Those who have survived are the ones who have respected democracy”. He further warned the chiefs not to proceed with their planned demonstration to the Union Building in Pretoria on 21 October.⁶⁸⁸

Nevertheless, the government attempted to carry out a form of ‘damage control’ by pushing two measures through parliament in September. The Municipal Structures Act compelled municipalities to consult communities when making decisions concerning local development and. The Municipal Structures Amendment Bill increased the number of non-voting traditional leaders in a municipality to 20 percent.⁶⁸⁹ Further negotiations took place on 9 October. Once again, traditional leaders argued that the new municipal structures would erode their powers in the rural areas and municipal boundaries would incorporate areas under their jurisdiction. The state, on the other hand, argued that democratically elected councils would improve service delivery in the rural areas. The

⁶⁸⁴ *Ibid*, p. 2.

⁶⁸⁵ *Ibid*, p. 3.

⁶⁸⁶ *Daily Dispatch*: 04/09/2000

⁶⁸⁷ *Daily Dispatch*: 24/11/2000; *Eastern Province Herald*: 26/09/2000.

⁶⁸⁸ *Daily Dispatch*: 19/09/2000.

⁶⁸⁹ *Eastern Province Herald*: 26/09/2000.

meeting ended in a deadlock and government was forced to postpone the elections to December 5.⁶⁹⁰ Nonkonyama put forward another proposal that traditional authorities be reconstituted as Regional Authorities and share equal status with Category B municipalities. Yet again, the government refused to concede.⁶⁹¹

In response, the chiefs threatened to discourage voting and to take the issue to the constitutional court.⁶⁹² The government attempted to appease the chiefs one last time by proposing the Municipal Structures Second Amendment Bill to parliament in November. It vested Municipalities with the power to delegate tasks to traditional leaders. It also gave traditional leaders powers on matters related to witchcraft, divination, burials and the “gathering of firewood”.⁶⁹³ However, this bill was withdrawn from parliament due to procedural problems.⁶⁹⁴ Regardless, traditional leaders were unhappy with the bill, which they described as “insulting and meaningless”.⁶⁹⁵ In order to offset possible disruptions in the election, a ministerial task team was established under Deputy President Zuma, to work on the new Local Government Structures Second Amendment Bill to be passed the following year. The government further emphasised its commitment “to ensure that the powers and functions of traditional authorities in local government are not eroded” by issuing a Statement of Intent which indicated their joint commitment to recognising the critical role of traditional leaders in the system of governance.⁶⁹⁶

On the 5 December local elections went ahead amidst worries that traditional leaders would disrupt the election process. The chiefs eventually agreed to cooperate in the elections but not in the new local government councils until both the constitution and the

⁶⁹⁰ *Daily Dispatch*: 09/10/2000.

⁶⁹¹ *Daily Dispatch*: 26/10/2000; *Business Day*: 09/10/2000.

⁶⁹² *Business Day*: 09/10/2000.

⁶⁹³ *Daily Dispatch*: 02/12/2000; *Eastern Province Herald*: 06/11/2000.

⁶⁹⁴ The bill was withdrawn from parliament because it differed from the version gazetted on 3 November. The bill published on the 3 November was a Section 75 bill; in other words, mandates from the provincial legislature were not necessary. After publication and consultation, the department reworked the bill with the result that it became a Section 76 bill (requiring mandates from provincial legislatures). Hence, if the original bill had been passed it would have been deemed unconstitutional. *Daily Dispatch*: 18/11/2000.

⁶⁹⁵ *Mail and Guardian*: 25/11/2000.

⁶⁹⁶ *Daily Dispatch*: 02/12/2000.

Municipal Structures Act had been amended in their favour.⁶⁹⁷ However, ten months down the line (August 2001), these amendments have not been carried out. In early May 2001 Sydney Mufamadi stated that major progress had been made in terms of consultations with the Congress of South African Trade Unions, SANCO, the South African Local Government Association, the Municipal Demarcation Board and the Commission of Gender Equality. However, the exclusion of the chiefs from these meetings was met with contempt. IFP councillors warned that chiefs would disrupt the functioning of municipal structures and Nonkonyama announced a possible “programme of action” by the chiefs in the Eastern Cape.⁶⁹⁸ Over and above this dispute, the National Land Committee criticised the government for not consulting the “ordinary rural people” in what had become an “elitist” debate.⁶⁹⁹

Hence, in retrospect the chiefs were corralled into accepting a compromise, which they rejected. In addition they were fed promises that as yet, have not been carried out. It is clear that the government was able to sideline the chiefs because they were too weak, too divided and too dependent upon the government to counter the ANC. In the run-up to the 1994 and 1999 elections, traditional leaders were successful in exploiting party competition to their advantage; however in the 2000 local elections, the UDM’s failure to provide the most basic competition undermined the chiefs’ attempts to use this strategy yet again.

So Where Do the Chiefs Lie?

Clearly the accommodation of chieftaincy to the new arrangement of power is still very fluid. In agreement with Pieres one cannot assume that there is a homogeneity of interest amongst the chieftaincy⁷⁰⁰. However, speculative evidence suggests that the Eastern Cape House of Traditional Leaders is a vehicle for a relatively well off band of the chieftaincy. This group includes lawyers, politicians absorbed into ANC structures, the new black

⁶⁹⁷ *Daily Dispatch*: 04/12/2000.

⁶⁹⁸ *Sunday Independent*: 06/05/2001.

⁶⁹⁹ *Business Day*: 10, 14/05/2001.

⁷⁰⁰ Pieres, “Transkei on the Verge of Emancipation”, p.193.

bourgeoisie/middle class as well as chiefs who benefited from their role in homeland governance and are now relatively well-off businessmen and educators. As Dladla aptly states, “They drive Porsche cars out of the very poor communities they leave behind”.⁷⁰¹ Similarly, CONTRALESA has been described as “a vehicle for certain petty bourgeois elements to get into government through the back door trying to establish a power base for their own class interests”⁷⁰². Patekile Holomisa until recently was an active legal practitioner in the Transkei Supreme Court and did not grow up among the Hegebe people over whom he was to become a traditional leader⁷⁰³. Maloka describes him as more a member of the urban educated elite than a traditional leader.⁷⁰⁴ In other words, those claiming the status of ‘traditional’ leaders are simply exploiting tradition for their own ambitions and class interests. This explains why Winnie Mandela is suddenly a ‘princess’ of the Madikizela clan in Bizana.⁷⁰⁵

As in Apartheid, traditional leaders are more dependent on the state for power than on the people or the land. By attempting to counter the state through boycotts, public criticism and so forth it appears as though the link between the state and the chiefs has loosened, thereby moving the chiefs from the core to the periphery of the state structure. Today, chiefs share the lifestyles and ambitions of the middle class. The majority of the chiefs in the Eastern Cape House of Traditional Leaders are doctors, lawyers and businessmen but have largely been excluded from political power.⁷⁰⁶ As has been shown above, chiefs may be represented in the House of Traditional Leaders but its advisory role accords them limited political power. In addition they have been relegated to a symbolic role and their official local authority has been removed. The fact that they are part of the periphery provides them with space to counter government; however, this space is limited. As members of the petty bourgeoisie they are still dependent on state resources in the form of salaries, pensions, contracts and so forth. Given their past history of collaboration, it is clear that traditional leaders are inclined to work with whoever holds power and whoever

⁷⁰¹ Dladla, “Good Chief Nchabeleng”, p. 27.

⁷⁰² Maloka, “Traditional Leaders and the Current Transition”, p.41.

⁷⁰³ Business Day: 06/10/2000.

⁷⁰⁴ Maloka, “Populism and Chieftaincy”, p. 192.

⁷⁰⁵ Maloka, “Traditional Leaders and the Current Transition”, p. 41.

⁷⁰⁶ Southall and De Sas Kropiwnicki, “Containing the Chiefs”, p. 19.

subsidises their opportunistic business and political career purposes. Hence, unless an alternative force offers them these benefits, they will more than likely collaborate with the government. This suggests that the UDM will find its attempts to gain the support of traditional leaders more difficult given its present divisions and weaknesses.

The extent to which traditional leaders are representative of headmen is unknown, however it is clear that as leadership is being drawn into ruling structures via the House of Traditional Leaders and CONTRALESA, the independence of chieftaincy is being eroded. The extent to which traditional leaders have a resource in the form of the allegiance of the people is also not known. According to a survey conducted by Ooman in the former Lebowa in the Northern Province, seventy-three percent of the populace support chieftaincy.⁷⁰⁷ However, a similar investigation has not to my knowledge been conducted in the Eastern Cape. They may remain figures of local influence, yet evidence from the Eastern Cape has shown that traditional leaders are being steadily subordinated to the ANC-led government.

Subordination of the Chiefs?

In, 'Traditional Leaders in South Africa's New Democracy', Bank and Southall question whether the current dispensation can be described as a form of mixed government or 'mix-up'.⁷⁰⁸ As shown in the first chapter, Sklar's ideal of a mixed government refers to a system of governance in which state and traditional authorities co-exist peacefully and autonomously. The extent to which this occurs depends upon a number of factors which include the historical relationship of the chiefs with the colonial/Apartheid structures; the nature of the democratic transition; the nature of the post-colonial institution of chieftainship and the nature and ideology of the ruling party.

In the first case, a history of collaboration and absorption into Apartheid structures ensured that the chiefs were greatly delegitimised; hence, the fact that the democratic

⁷⁰⁷ Ooman, B. "We must now go back to our history: Retraditionalism in a Northern Province Chieftaincy" in *African Studies*. Vol. 59 (1). 2000: 79.

transition needed the institution of chieftaincy to ensure a smooth, consensual based negotiated settlement, required a great deal of invented tradition. This 'invented tradition' emphasised the 'good chief' who was the protector and father of culture; played an active role in the liberation struggle; was often *forced* to cooperate with government structures and who suffered as much as the average black person. However, this invention did little to pacify former rural activists in the throngs of the South African National Civic Organisation (SANCO) who continued to associate chieftaincy with material deprivation and out-dated tradition. SANCO was incorporated into the Tripartite Alliance (ANC, SACP and CP) as a junior party in 1995.⁷⁰⁹ Furthermore, many SANCO members were incorporated into the Eastern Cape provincial government. Hence, it would be more costly to alienate former alliance partners than it would be to isolate the chiefs. Thus, although the constitution recognised the institution of traditional leadership it remained vague, ambiguous and open-ended about precisely what role the chiefs should play in provincial and local governments. In many ways it left this role to the discretion of provincial MECs who as in the case of the Eastern Cape adopted a hard-line attitude towards the chiefs: utilise their services when it is expedient to do so and subordinate them when it is not. In the 1995 elections, the ANC was relatively confident about its victory in the Eastern Cape and hence, courted the chiefs to a limited point. However, in the 1999 elections, the ANC could no longer rely on its status as the liberation party and faced growing challenges from the emergent UDM. Hence, it resorted to a campaign of bribery to win the allegiance of the chiefs. In the 2000 local elections, the chiefs were no longer of great importance because the UDM had failed in its role as the official opposition in the Eastern Cape and the chiefs were themselves weak, divided and dependent. As history as shown, chiefs refrain from biting the hand that feeds them. They are thus unlikely to risk their positions as members of the petty bourgeoisie by overtly challenging the government.

⁷⁰⁸ Bank and Southall, "Traditional Leaders in South Africa's New Democracy", p.425.

⁷⁰⁹ The electoral structure provides that 60% of elected candidates should be from the ANC while the alliance partners (SACP, COSATU and SANCO) share the remaining forty percent. Southall, "Eastern Cape" in *Local Government Elections 2000*. No. 5. 11/11/2000: 4.

Therefore, the more obvious interpretation is that instead of a mixed government, chieftaincy has been subordinated in the name of 'democracy'. Chiefs have been relegated to a symbolic honorific role; collaboration with the new government is the only way in which their power can be enhanced. In the Eastern Cape government is being run effectively by urban interests, thereby excluding interests that have their basis in rural society, namely traditional leadership. Much more germane is the centralisation of power within the ANC. Powers have been allocated to the local governments, especially to the metropolises, but these new local governments are still heavily financially dependent upon the centre. As a centralising party, the ANC is unlikely to devolve significant powers to other actors at the local level. Hence, increased centralisation has negative implications for the future of the institution of traditional leadership in South Africa.⁷¹⁰

Accommodations to the institution of traditional leadership have been motivated by pragmatic considerations as opposed to a firmly based ideological commitment to mixed government. Increasingly, these pragmatic considerations have been overshadowed by the need to extend modernisation into the former-reserves through the new structures of local government; chiefs are no longer seen as vital representatives of the rural people and hence, their ability to deliver 'bloc votes' is increasingly called into question. The extent to which this is true will be revealed in the next elections when the ANC will decide whether it is pragmatic to entice the chiefs with benefits or subordinate them further in the name of democratisation and modernisation.

⁷¹⁰ The issue of centralisation and decentralisation will be discussed in the next chapter. See Southall, "The Centralisation and Fragmentation of South Africa's Dominant Party System", in *African Affairs*, 97, 1998: 443-469; Geoffrey Hawker, "Political Leadership in the ANC: The South African Provinces, 1994-99", *Journal of Modern African Studies*, 38, 4, 2000: 631-650.

CHAPTER 7: IMPLICATIONS FOR DEMOCRACY

Cultural theorists attribute the failure of democracy in Africa to the universalisation of the democratic model. Leaders assumed identical codes of morality and political conditions without recognising the diverse historical and cultural dimensions of the African continent. In so doing, they dismissed the institution of traditional leadership as an “irritant appendage to a largely misunderstood and misapplied European style of parliamentary democracy”.⁷¹¹ Consequently, they subordinated the chiefs in the name of modernisation and democratisation without recognising the important role that chiefs could play in furthering democracy, development and even modernisation in a uniquely African form of governance.

Democratisation

South Africa’s transition usually refers to the extension of the right to vote and the end of legally sanctioned racial discrimination. It also refers to the victory of democratic principles namely, equality, human dignity and human rights. However, liberals argue that the continued existence of the institution of traditional leadership is not in accordance with democracy because of its hereditary title, male-centeredness, racial and tribal nature and its history as an auxiliary of a repressive government. In contrast, they argue that democracy is based on free and fair competition for office, regular expression of interests and opinions through popular vote, transparent decision-making through elected representatives and the opportunity for the electorate to remove unpopular decision-makers.⁷¹² They conclude that “traditional authorities want apartheid style structures that are undemocratic, unaccountable and contrary to the spirit of the

⁷¹¹ Ramose cited in D.S Kanyana, “Administrative functions of traditional leaders” in *Traditional Authority and Democracy in Southern Africa*. University of Namibia: New Namibia Books. 1998: 127.

⁷¹² C. Keulder, *Traditional Leaders and Local Government in Africa: Lessons for South Africa*. Pretoria: Human Sciences Research Council. 1998: 2, 10. A. Sachs, *Advancing Human Rights In South Africa*. Cape Town: Oxford University Press. 1992: 77. M.O Hinz, “The ‘traditional’ of traditional government: traditional views versus democracy-based legitimacy” in *Traditional Authority and Democracy in Southern Africa*. University of Namibia: New Namibia Books. 1998: 14-31.

Constitution”⁷¹³ and hence, the subordination of the chiefs is necessary to ensure formal and substantive democratisation.

In contrast, others argue that there “is no inherent or inevitable tension between traditionalism and democracy”.⁷¹⁴ In fact, the institution of traditional leadership could be vital in furthering the impact of democracy. Democracy as defined by Abraham Lincoln is “government of the people, by the people and for the people”. Therefore, if the people support traditional leaders, the fact that they are subordinated has negative implications for democracy in South Africa. In 1994, Vali Moosa stated that

“for as long as the people who live in faraway valleys, majestic green hills, on widely stretched out plains and mountainsides honour and support traditional leaders, the Government of the day will support and respect traditional leaders, as they are the custodians of people’s culture and we are a people’s government”.⁷¹⁵

A survey held in 1996 by Market Research Africa found that 60% of blacks believed that traditional leaders should serve in local government and nearly 70% of South African adults of all races regarded them as important players in community affairs.⁷¹⁶ The conclusion that traditional leaders enjoy the support of the people has been affirmed by a number of other studies. Dlamini’s surveys indicated that tribal courts are preferred to magistrate’s courts amongst respondents throughout KwaZulu districts. This is echoed by Marais, whose survey amongst fifty-four chiefs revealed that 10% of chiefs had never had cases taken on appeal to the magistrate.⁷¹⁷ Ooman’s survey in the former Lebowa in the Northern Province revealed that 73% of the populace supported chieftaincy.⁷¹⁸

⁷¹³ L. Nzebeza, “Traditional Authorities Rule OK? In *Land and Rural Digest*. Nov/December 2000: 24.

⁷¹⁴ Sachs, “Advancing Human Rights”, p. 77.

⁷¹⁵ RSA: House of Assembly Debates, 14 Nov 1994, cl 4237 cited in J. Myers, “The spontaneous ideology of tradition in post-Apartheid South Africa”, in *Politikon*. Vol. 26 (1). May 1999: 52.

⁷¹⁶ *Business Day*: 1996/05/13.

⁷¹⁷ Cited in McIntosh, “Rethinking Chieftaincy and the Future of Rural Local Government” in *Transformation* (13). 1990: 31.

⁷¹⁸ B. Ooman, “We must now go back to our history: Retraditionalisation in a Northern Province Chieftaincy” in *African Studies*. Vol. 59 (1). 2000: 79. For an in-depth look at the institution of chieftaincy in the Northern Province (Sekhukhune) see B. Ooman, *Tradition on the Move: Chiefs, Democracy and Change in Rural South Africa*. Amsterdam: Netherlands Institute for Southern Africa. 2000.

Although this support may be attributed to a number of different factors such as fears of taxation increases, necessity, patronage networks, and state support, one can nevertheless attempt to make the tentative assumption using historical evidence, qualitative and quantitative research methods, that in parts of South Africa traditional leaders are regarded as legitimate. This contradicts Myer's argument that "the intertwining of chieftaincy with the powers of patronage and the overarching authority of the state makes impossible any independent measure of the political power of belief. In this sense, the proof of cultural legitimacy becomes the political scientist's equivalent of the philosopher's proof of god".⁷¹⁹ Nevertheless, even though such an analysis forces one to make a leap from compliance to belief, it is not necessarily unfounded.

If one had to exclude traditional leaders from governance on the grounds that overt action in support of them does not necessarily mean that they are regarded as legitimate, one would also be forced to question the nature of representative democracy. Although elections are supposedly free and fair, an individual's explicit voting behaviour may be influenced by factors other than belief in the legitimacy of a particular party, but this does not mean that one must disregard their vote or question the legitimacy of the particular party. Hence, although traditional leaders are supported for a multiple of reasons, they are still supported and must be accommodated in a democracy that purports to represent the will of the people. As the Regional Consultative Forum on Rural Development (RCF) stated, "The institution of traditional authorities is an old institution with a lot of influence on its people. This will not change overnight and will not change because of any law, proclamation or constitutional clause...This issue is not simply a question of political patronage, but a complex part of people's lives which needs to be taken seriously and accommodated in some way".⁷²⁰ Therefore, by subordinating the chiefs, a government, which ignores the will of the people, cannot claim to be democratic.

⁷¹⁹ J. C. Myers, "Ideology of Tradition", p. 63.

⁷²⁰ Regional Consultative Forum on Rural Development (1995) cited in S. Zungu, "Traditional Leaders Capability and Disposition to Democracy: The Example of South Africa" in *Traditional and Contemporary Forms of Local Participation and Self-Government in Africa*. JHB: Konrad Adenauer Stiftung, 1997: 173.

Traditional Authorities are a diverse group. Similarly, democratic elected representatives are not homogenous. Just because they are elected democratically does not mean that they are necessarily honest. Reports have emerged about Transitional Representative Councils involved in corruption, embezzlement, nepotism and so forth. Without proper checks and balances, transparency and accountability, the institutions of hereditary and elected leadership are open for abuse.⁷²¹ With this in mind, one cannot discount the important role that traditional leaders can play in shaping political perspectives, orientation to politics and attitudes to authority; in other words, traditional leaders can affect the success of modern political activity. Hence, “the attainment of constitutional democracy can develop from a mere dream into reality provided institutions like chieftaincy are allowed to play a more meaningful role than at present”.⁷²²

Decentralisation

The subordination of the chiefs undermines an important way in which of democracy can be extended into outlying areas. Because the chiefs are “more in touch with community sentiment than the central state”⁷²³ they can play a vital role as agents of decentralisation, which is based on the rationale that to succeed in making a meaningful improvement in each community the best actors and decision-makers are on the ground.⁷²⁴ The objects of decentralisation include the transfer of political, administrative, financial and planning powers from the national level to the local level in order to promote popular participation, empower the local people to make their own decisions, and enhance accountability and responsibility.⁷²⁵

⁷²¹ S. Bekker and P. Mawhood, “Poor Relatives: Rural Local Government” in *Indicator South Africa*. Vol. 91. (1). Summer 1991: 161. See reports of corruption in the Port. St. Johns District’s TRC in J. B Peires, “Traditional Leaders in Purgatory: Local Government in Tsolo, Qumbu and Port St. Johns 1990-2000” in *African Studies*. Vol 59 (1): 108.

⁷²² Ampem, “Chieftaincy in Ghanaian Constitution”, p. 182.

⁷²³ T.W Bennet, *Human Rights and Customary Law Under the South African Constitution*. Cape Town: Juta & co. 1995: 70.

⁷²⁴ Sarpong, “Local Government and Chieftaincy”, p. 163.

⁷²⁵ R. Mukyala-Makiika, “Traditional Leaders and Decentralisation” in A. Nsibambi (ed), *Decentralisation and Civil Society in Uganda*. Kampala: Fountain Publishers. 1998: 96; A. Sarpong, “Local Government

Decentralisation is pursued in a number of ways. First, constraints are placed on state activities in particular its role in the economy. Second, society is given a large role in governance; in other words, public participation in politics is increased and organisations in civil society are legalised. And third, local government is given greater authority, responsibility and a role in developing projects.⁷²⁶ Thus, decentralisation occurs by means of three processes namely, deconcentration, delegation and devolution. Deconcentration involves passing authority to a field office of the central government thereby ensuring that the central government retains its autonomy and authority as it reviews all decisions made by the lower body. Delegation involves granting power to an autonomous agency over which government maintains a degree of control through appointments. Devolution involves granting local bodies with authority to make decisions. This creates conditions of accountability and improves the applicability of decisions to local conditions.⁷²⁷

Developing governments are wary of this latter option because it weakens the power of central government in local areas, leads to increased pressure for change as local areas become empowered, and may lead to the development of new leaders and new opposition in these areas. Developing countries generally follow a similar pattern. Colonial rule was based on centralised rule through a form of indirect rule or association with the district commissioner. The transition from colonial rule was met with a degree of devolution to dampen nationalist demands. Post-colonial governments then reverted to centralisation at national level, destroyed alternate political organisations and limited the power of local government.⁷²⁸ They also marginalised, subordinated or manipulated traditional leaders in local government arrangements because they feared that the chiefs could divert loyalty away from the state. In the 1980's international donors switched their rhetoric from state-led development to decentralisation as a means of "tapping the energy and potential

and Chieftaincy" in *International Roundtable on Democratic Constitutional Development*. JHB: Commonwealth Secretariat. 1995: 163.

⁷²⁶ M. Galvin, "The Impact of Local Government on Rural Development in South Africa" in *Transformation* 40. 1999: 88.

⁷²⁷ *Ibid*, p. 89.

⁷²⁸ *Ibid*, p. 95.

untapped at Africa's grassroots".⁷²⁹ However, developing states often opted for deconcentration as opposed to devolution as is evident in South Africa.

The 1996 constitution ensured a level of devolution. Local government was given a new status as one of three spheres of government. Section 151 defined local government as "a sphere of government which has the right to govern on its initiative, the local government affairs on its own initiative, the local government affairs of its own community, subject to national and provincial legislation, as provided for in the constitution".⁷³⁰ Section 54 states that national and provincial government "supports and strengthens the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions through legislative and other means".⁷³¹ Local government is required to "structure and manage its own administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community". Section 214 and 227 ensures that central government cannot remove local government functions arbitrarily unless it lodges a complaint, goes through strict procedures and even then it can only take over these functions temporarily. Furthermore, local government is guaranteed an equitable share of revenue raised nationally.⁷³² Provincial governments are responsible for education, health, welfare, town and regional planning while local governments are responsible for portable water supply, sanitation, electricity, gas, roads, market and municipal planning.

However, the failure of the constitution to clarify the implementation of this devolution left provincial and local levels of governance open to abuses by the central government. Over a third of local government structures faced financial and administrative trouble. The municipal budget expenditure for 1996-97 was over R48 billion whereas rural councils only received R5.2 billion through intergovernmental transfers, local taxes and from services.⁷³³ The result was that rural local government became the "poor relative"

⁷²⁹ Ibid, p. 95.

⁷³⁰ South African Constitution, 1996: Section 151.

⁷³¹ Ibid: Section 54.

⁷³² Ibid: Section 214 and 227.

⁷³³ Galvin, "Impact of Local Government", p. 99.

requiring support, training, technical assistance and additional funding, thereby justifying increased central government interference.⁷³⁴

Centralizing tendencies have a number of important implications for the chiefs. First, central government could exploit the tensions between the chiefs and local governments in order to weaken local government and provide a standing excuse for increased interference in this level. Second, the government could devolve increased powers to the chiefs (and not elected local governments) because chiefs are easily manipulated. Alternatively, it could lead to direct constraints on the institution of traditional leadership and increased exclusion from local governance. And third, the inefficiency and inadequacies of local government (caused by lack of expertise and finances) could lead to an increase in the chiefs' popular legitimacy, but, their exclusion from meaningful political participation may lead them to use their popular legitimacy for undemocratic purposes, such as boycotting local elections. As Rutsch argues, "Chiefs who lose politically will turn against the system and divide the community. The traditional terrain will be a constant field of political struggle, and disharmony will result".⁷³⁵

Hence, by subordinating the chiefs, developing countries may undermine the development of a "decentralised cushion for the centre of an evolving democracy".⁷³⁶ Not only could they provide pillars of local government on the ground and facilitate communication between the people and the government, but they could also ensure a degree of social stability, and thereby give the central government little reason to interfere in local governance. This would also work in the central government's favour by shielding it from popular confrontation.⁷³⁷ Furthermore, chiefs "symbolise the integrity and unity of communities and provide the necessary sense of cultural identity to their people. Chiefs are therefore, amongst the best placed individuals for social

⁷³⁴ Bekker and Mawhood, "Poor Relatives", p. 50. For more details regarding the ANC's centralising tendencies see R. Southall, "The Centralisation and Fragmentation of South Africa's Dominant Party System", in *African Affairs*, 97. 1998: 443-469. G. Hawker, "Political Leadership in the ANC: South African Provinces, 1994-99" in *The Journal of Modern African studies*. Vol. 38 (4) 2000: 631-650.

⁷³⁵ P. Rutsch, "Chiefs: Bureaucrats, Bullies or Popular Champions?" in *Sash*. Vol. 37 (2). January 1995: 13.

⁷³⁶ Sarpong, "Local Government and Chieftaincy", p. 163.

⁷³⁷ Sarpong, "Local Government and Chieftaincy", p. 161, 164; R. Mujjala-Makiika, "Traditional Leaders and Decentralisation", p. 97-98.

mobilisation".⁷³⁸ They can thus play an important role in encouraging political participation by being accountable and responsive to their communities' interests and needs.

On the other hand, some advocates of decentralisation argue that it is necessary to subordinate the chiefs in order to further democracy because they "encourage people to focus on their differences rather than what unites them as human beings" thereby creating social disorder and necessitating state intervention.⁷³⁹ Furthermore, they argue that chiefs cannot play a role as organs of civil society because civil society is the realm of civility, bargaining, rationality, compromise, accommodation, negotiation and tolerance, whereas traditional authorities represent intolerance and emotive behaviour, thereby leading to social polarisation and the demolition of the public sphere.⁷⁴⁰

However, these arguments are based on two failed assumptions: first, it assumes that national identity is an "all-or-nothing proposition" but in reality "ethnic loyalty and national integration do not represent two fixed and irreconcilable points on a continuum".⁷⁴¹ Traditional authorities represent an African culture and represent African values and can thus be used to create a sense of pride in the national community, which is necessary to build a sense of national identity. South Africa's 'rainbow nation' celebrates differences in the name of unity. Thabo Mbeki's African Renaissance attempts to inspire nationalism largely through culture. Traditional leaders, as agents and protectors of culture, could be vital in this regard. Second, the argument that the European notion of democracy and civil society is necessarily the form that civil society and democracy must take in African societies is a false assumption.⁷⁴² As Kanyama argues, "the whole issue is tied up with perceptions: there is democracy in the African sense, and there is democracy

⁷³⁸ Kgosi Linchwe II, "Chieftainship in the 21st Century" in *Botswana in the 21st Century*. Gaborone: The Botswana Society. 1994: 395.

⁷³⁹ R. Mujjala-Makiika, "Traditional Leaders and Decentralisation", p. 98.

⁷⁴⁰ *Ibid*, p. 99.

⁷⁴¹ Sibongile Zungu, "Traditional Leaders Capability and Disposition to Democracy: The Example of South Africa" in *Traditional and Contemporary Forms of local Participation and Self-Government in Africa*. Konrad-Adenauer Stiftung. 1997: 175.

⁷⁴² See C. Hann and E. Dunn (ed), *Civil Society: Challenging Western Models*. London: Routledge. 1995.

in the Western sense. The greatest mistake that can be made is summarily dismissing one system or another as 'undemocratic'.⁷⁴³

Utilising traditional leaders as agents of decentralisation does provide opportunities for abuse; granting them greater powers and resources may lead to authoritarianism, corruption and political manipulation.⁷⁴⁴ Buthelezi used the chiefs as servants of the Inkatha Freedom Party to ban gatherings and limit political activity within their jurisdiction. The ANC used the chiefs to mobilise votes against the opposition. In Cameroon, Uganda and Mozambique chiefs are also used to interfere with opposition political activities.⁷⁴⁵ Furthermore, chiefs may be self-serving and use their influence to discourage political participation as was evident in the local elections of 1995.

However, the fact that the chiefs may be co-opted for undemocratic purposes does not justify the exclusion of all chiefs from governance. In fact their exclusion would not solve the root of the problem, which rests with the political system itself; in the absence of 'checks and balances', horizontal and vertical forms of accountability, and in the presence of centralising tendencies, abuses will take place with/without chiefs being present. The extent to which the chiefs can play a role in governance, as agents of decentralisation, development and even modernisation depends on the nature of the political system and the nature of the institution of chieftainship, specifically its organisational strength, financial autonomy and organisational cohesion.

⁷⁴³ D. S Kanyama, "Administrative Functions of Traditional Leaders" in *Traditional Authority and Democracy in Southern Africa*. University of Namibia: New Namibia Books. 1998: 125.

⁷⁴⁴ A. McIntosh, "Rethinking Chieftaincy and the Future of Rural Local Government: A Preliminary Investigation" in *Transformation*, 23. 1994: 33.

⁷⁴⁵ R. Carver, *Deadly Marionettes: State sponsored Violence in Africa*. Article 19. Scottburgh: International Centre Against Censorship. October 1997: 44-45. In Mozambique, Portuguese colonialists established a layer of salaried chiefs known as *regulos* who did not necessarily correspond to hereditary rulers. At independence in 1975, many *regulos* were replaced by chiefs more amenable to the new order. In areas controlled by rebels (Renamo - Reistencia Nacional Mocambicana -Mozambique National Resistance) yet another set of chiefs known as *mambos* were installed, who once again did not necessarily correspond to the original blood-line chiefs. In Uganda, former-President Museveni made himself the guardian of the young king of the Toro Kingdom in order to formalise links between the state and the chiefs and thereby to manipulate them in the state's interests. Mukyala-Makiika, "Traditional Leadership and Decentralisation", p. 99.

Traditional leaders' 'organisational strength' depends upon the extent that they can act as a counter veiling force against the state. In other words, it depends upon the extent that they can remain autonomous from state structures in order to subvert the state's attempts to use them to extend its own hegemony. This often involves acting in a non-partisan manner, backing an opposition party or creating an independent niche in civil society. Internal divisions and a lack of financial autonomy often undermine organisational strength. If chiefs rely on the state for finances their ability to question or counter it, is limited. Alternatively, chiefs often rely on donations or voluntary contributions which they justify as their traditional right. However, this often leads to difficulties in holding them accountable to a 'romanticised past'. On the other hand, chiefs may engage in independent business practices for their own self-interest at the expense of their communities' welfare. Organisational cohesion depends on the extent to which they enjoy popular legitimacy, and the extent to which this can be used as a political resource.⁷⁴⁶ Thus, a number of different factors determine whether traditional leaders can be harnessed to further the aims of decentralisation (and democracy).

In the Eastern Cape, chiefs are weak, divided, and dependent on the state for finances and in many areas (particularly in the former Ciskei) they do not enjoy any popular legitimacy. Hence, their ability to counter the state and its decision to exclude them from local governance is limited. This situation can be contrasted with the chiefs of the Bafokeng tribe of the Northern Province. Utilising the resources from platinum royalties, they have developed a casino, water-park, Royal Bafokeng Sports Palace⁷⁴⁷, fly in helicopters and provide services to the local community. In many ways they have superseded the functions of the local municipality in this area.⁷⁴⁸ The Bafokeng's vision statement states that they, "the Royal Bafokeng nation, the Supreme Council and Kgosi are determined to develop themselves to be a self-sufficient nation by the second decade of the 21st century".⁷⁴⁹ Other chiefs set up nature reserves through negotiations directly with eco-tourism companies as a means of generating income. These chiefs have the

⁷⁴⁶ Mukyala-Makiika, "Traditional Leaders and Decentralisation", p. 99-102.

⁷⁴⁷ Described as "Africa's Entertainment Mecca of the Millennium".

⁷⁴⁸ K. O Lefanya, *The Role of Traditional Leaders in Local Economic Development*, presented at TAARN-SA Workshop, Durban, 3-4 April 2001: 7-9.

power to challenge government, stand outside government as autonomous entities and fulfill development and democratic functions.

Hence, the nature of the political system and the nature of the chieftaincy determine the extent to which chiefs can play an important role as agents of democratisation. By subordinating the chiefs in the Eastern Cape, the government has undermined the extent to which chiefs can play an important role in consolidating democracy.

Development

The notion that economic growth and development has a positive correlation with democracy is associated with the 'old orthodox'; the idea that class formation manifest in the middle class and working classes push for political reforms because they regard the old system as not serving their interests. Lipset associates wealth, industrialisation and education with economic growth, which in turn are used as yardsticks to measure the level of democracy in a country. Economic development increases the chances of democratic consolidation. This notion is linked to Aristotle who argued that in the absence of high levels of real poverty, a population can intelligently participate in politics. Education is vital because it broadens one's outlook, increases one's understanding of norms of tolerance and increases a citizen's capacity to make rational electoral choices. In other words, education is not a sufficient but a necessary condition for democracy.⁷⁵⁰ In agreement, Mick Moore argues that there is a structural link between economic development and democracy.⁷⁵¹

However, as argued in Chapter One the idea that yardsticks are used to measure democracy is problematic as these yardsticks are generally derived from the West and ignore cultural and social diversities. In the social sciences in particular it is difficult to pinpoint prerequisites for democracy as contextual factors are often unaccounted for. At

⁷⁴⁹ Ibid, p. 8.

⁷⁵⁰ S. Lipset. *Political Man*. Heinemann, 1960: 50.

best, one can rely on requisites that depend on different contingencies.⁷⁵² Nevertheless, one can say that there is a positive correlation between economic development (associated with wealth, industrialisation, urbanisation and education) and democracy.⁷⁵³ However, this correlation depends on complex interactions in each society, which include cultural, historical, economic, social, political and psychological factors. Traditional leaders have an important role to play in furthering economic development and thereby, democracy, but once again this depends on the nature of the political system and the nature of traditional leadership in the country in question.

In Uganda, traditional leaders formed the Buganda Cultural Development Foundation (BUCADEF), which aimed to blend progressive traditional management practices with modern managerial styles for sustainable development.⁷⁵⁴ In Namibia, traditional leaders are involved in natural resource management and conservation.⁷⁵⁵ In Zaire, the Mwaant Yav collective launched a community programme involving twenty-one groups of chieftaincy to solve socio-economic problems over six economic regions.⁷⁵⁶ In Namibia, officials of the Cuvelai Pipeline project stated that traditional leaders were instrumental in mobilising free community labour; contributed constructively to debates by articulating the community's needs to the water bodies; provided legitimacy to the project and decisions made; and formed an important means of checks and balances by ensuring that political leaders did not simply use the development projects for political gain.⁷⁵⁷ In the Northern Namibia Rural Development Project (NNRDP), the traditional leader was vital for linking the team and the community by disseminating information about meetings and

⁷⁵¹ M. Moore, "Democracy and Development in Cross-National Perspective: a New Look at the Statistics" in *Democratisation*. Vol. 2 (1). 1995: 1. For objections see Leftwich, A, "On the Primacy of Politics in Development" in Leftwich (ed), *Democracy and Development*. Polity Press. 1996.

⁷⁵² For a critique of statistical analysis and other methods used by the 'old orthodox', which exclude exceptions and various social and cultural diversities see I. Maclean, "Democratisation and Economic Liberalisation: Which is the Chicken and Which is the Egg?" in *Democratisation*. Vol. 1 (1). 1994: 31-38.

⁷⁵³ Lipset, "Political Man"; Moore, "Democracy and Development".

⁷⁵⁴ Mukyala-Makiika, "Traditional Leaders and Decentralisation", p. 104.

⁷⁵⁵ F. M d'Englebronner-Kolff, M.O Hinz and J.L Sindano, "Introduction" in *Traditional Authority and Democracy in Southern Africa*. University of Namibia: New Namibia Books. 1998: xiv.

⁷⁵⁶ N. Muyer Oyong, "Traditional Authorities and Local Autonomy with Regard to Development in Zaire" in *Traditional and Contemporary Forms of Local Participation and Self-Government in Africa*. JHB: Konrad Adenauer Stiftung. 1997: 197.

organising the community for trials.⁷⁵⁸ On the other hand, in a second community where the project was launched, the traditional leader realised that neither he nor his family would be the primary beneficiaries of the project and consequently adopted a hostile attitude towards it.⁷⁵⁹ In the Integrated Area-Based (development) Programme launched by UNICEF, the king of Uukwaluudhi supported the project without trying to monopolise it, was regularly consulted and played an active role in mobilising community support for the project.⁷⁶⁰

In the Eastern Cape, traditional leaders have been excluded from development projects. In Qumbu, a businessperson, Mrs Dywili organised a development forum for chiefs and former members of homeland structures. However, this was rejected by the TRC. The Mditshwa royal family managed to convince Mandela and two wealthy businessmen in 1999 to contribute money to the establishment of a community center out of the Mdibanisweni Great Place at Tsolo, which was destroyed by a tornado.⁷⁶¹ In general however, the system of local governance excludes traditional leaders from playing a role in development; this exclusion often leads to frustration and attempts to subvert development projects. For example, Chief Majeke of Mahlunqulu in Qumbu stopped a soil erosion project because he claimed that he was not consulted beforehand.⁷⁶²

Hence, there are at least four reasons why development agencies, including the state, would benefit in using the chiefs. First, traditional leaders are the most effective channel through which these agencies can penetrate rural communities due to the presence of weak and underdeveloped local and regional authorities. Second, traditional leaders can be an effective link between project officials and the community. They can play a role in gathering and disseminating information, and mobilising the community. Third,

⁷⁵⁷ C. Keulder, "Traditional Leaders and Rural Development" in F. M d'Englebronner-Kolff, M.O Hinz and J.L Sindano (eds), *Traditional Authority and Democracy in Southern Africa*. University of Namibia: New Namibia Books. 1998: 305.

⁷⁵⁸ Ibid, p. 306.

⁷⁵⁹ Ibid, p. 307.

⁷⁶⁰ Ibid, p. 310.

⁷⁶¹ J. B Peires, "Traditional Leaders in Purgatory: Local Government in Tsolo, Qumbu and Port St. Johns 1990-2000" in *African Studies*. Vol 59 (1): 107-108

⁷⁶² Ibid, p. 104-106.

traditional leaders still control vital resources namely land and labour. And fourth, many chiefs enjoy wide-ranging support and are an important source of legitimacy for community projects.

However, the extent to which a chief can play such a positive role “depends on his/her personal support, and his/her attitude towards development in general and the project specifically”,⁷⁶³ because “many chiefs run the risk of adopting a policy of blocking development”.⁷⁶⁴ It also depends on the nature of the political system. As Keulder argues, “further subordination, could alienate traditional authorities as agencies for development, especially from state-driven development projects. They would no doubt cause substantial disengagement from the state. In fact, it is doubtful if the state can capture the peasantry without capturing its leaders first...The strategy of subordination can only be successful if a viable alternative to the institution is provided”.⁷⁶⁵ Whether the new municipalities and local councils in the Eastern Cape are able to offset the possible negative effects of the chiefs’ subordination, by providing a viable alternative authority, is as yet not known. However, the ANC-government’s readiness to exclude chiefs from local governance and development undermines the important role that traditional leaders can play in extending development, and thereby confidence in the new democracy, into the rural areas.

Modernisation

It is generally assumed that traditional leaders cannot be harnessed to support democracy and development because they are a conservative body that runs counter to the spirit of modernisation. Hence, modernisation theorists would argue that the subordination of the chiefs has positive implications for democracy.

Berger and Luckman argue that institutions embody the values of society in which they are located. As societies evolve so do the institutions, which regulate social relations

⁷⁶³ Keulder, “Traditional Leaders and Rural Development”, p. 312.

⁷⁶⁴ Oyong, “Traditional Authorities and Local Autonomy”, p. 198.

according to the values recognised by the people. When institutions symbolise, uphold and enforce values that hold sway in society, equilibrium or order results.⁷⁶⁶ However, in the case of South Africa, Ndletyana argues that the chief's constitutional entrenchment has 'temporarily arrested' a social evolution in which the values that traditional rulers represent are regarded as redundant by their former subjects.⁷⁶⁷ So one needs to question whether societal values have changed with modernising trends in South Africa and consequently, whether chieftaincy is "an endangered species whose future is rather gloomy and fraught with an uncertain future or no future at all?"⁷⁶⁸

According to modernisation theorists, education, Christianity, development of the modern enterprise economy and urbanisation have had a negative, irrevocable impact on the authority of the chiefs. Education has ensured that social phenomenon can be explained through science as opposed to the power of the ancestors and the chiefs. Christianity has removed the mystical aura from the chiefs. The chiefs have faced a total loss of executive and legislative powers; substantial emasculation of administrative duties; an erosion of judicial powers and a loss of traditional sources of income. Chiefs can no longer dispense military protection or material fulfillment. Even land, their remaining form of patronage, is under threat by the development of the free enterprise economic system; it reinforces the individualisation of property ownership and places pressure on those who hold communal titles to change from customary to common law titles which can be sold or used as security for bank loans.⁷⁶⁹ Hence, modernisation has transformed society and societal values in many ways. However, this transformation is not uniform.

⁷⁶⁵ Keulder, "Traditional Leaders and Rural Development", p. 304-305.

⁷⁶⁶ Peter Berger and Thomas Luckman, *The Social Construction of Reality*. London: Archer Books. 1967: 70-85.

⁷⁶⁷ Mcebisi Ndletyana, "Discussion Document Brakes Social Evolution" in *Centre for Policy Studies Synopsis*. Vol. 4 (1) June 2000: 10-11.

⁷⁶⁸ Gilbert Sekgoma, "Does chieftainship have a future in the next century?" in *Botswana in the 21st Century*. Gaborone: The Botswana Society. 1994: 415.

⁷⁶⁹ Sekgoma, "Does chieftainship have a future?", p. 413-414; Ndletyana, "Discussion Document", p. 11. Lihua, "African Traditional Authority", p. 303. For details about the relationship between the chiefs and the land see, L. Ntsebeza, *Land Allocation in South Africa's former Bantustans with Specific Reference to the Role of Traditional Authorities*. Presented at TAARN-SA Workshop. Durban. 3-4 April 2001.

In Africa, the line of demarcation between 'traditional community' and modern society is a permeable barrier. In some areas the modern market economy is omnipresent and has a great influence on social behaviour while traditional values continue to hold a grip on the people. Surveys in KwaZulu Natal in the early 1980's point out that over 90% of rural households included some form of wage labour yet tradition continues to persist.⁷⁷⁰ In many areas people continue to hold onto tradition as a 'safety-net' in rapidly fluctuating societies, and as a buffer where modernisation has not made a positive impact. The agents of modernisation are often too far and distant from the ground. For example, members of the TRCs were selected by proportional representation thereby ensuring that the people's control over who represented their interests in a modernising society was limited. Furthermore, even though modernisation is heralded as paving the way to formal and substantive liberty and equality, poverty persists on an inequitable basis, thereby calling into question its ability to further democracy.⁷⁷¹ In other words where modern institutions or systems of government seem to fail, the chiefs and the tradition they represent, are regarded as bulwarks against modernising state intrusions.

Political leaders recognise this continued influence. As Miller argues, "As seen by nation builders and development experts, the rural leader is tacitly pointed to as the key to success. It is he who can mobilise the people. It is through him that more energy will be expended, more muscles used, and more attitudes changed".⁷⁷² Hence, modernisation schemes often rely on traditional leaders as translators, interpreters, and mediators of government goals because they "provide the vital linkage between the government and the people".⁷⁷³ On the other hand, traditional leaders also need modern bureaucratic leaders, administrators and party officials to make up for their lack of legal ability to use coercive force.⁷⁷⁴ The result is an emergence of a syncretic form of leadership, which is

⁷⁷⁰ Myers, "The Spontaneous Ideology of Tradition", p. 39.

⁷⁷¹ Ampem, "Chieftaincy in the Ghanaian constitution", p. 395; Linchwe, "Chieftainship in the 21st Century", p. 396; Engelbronner-Kolf, Hinz and Sindano, "Introduction", p. xii.

⁷⁷² Norman Miller, "The Political Survival of Traditional Leadership" in I. L. Markovitz (ed), *African Politics and Society: Basic Issues and Problems of Government and Development*. New York: The Free Press. 1970: 118.

⁷⁷³ *Ibid*, p. 119.

⁷⁷⁴ *Ibid*, p. 120.

“neither modern nor traditional but an incorporation of both”.⁷⁷⁵ It is based on the accommodation and compromise of traditional, custom-bound elements of society and modernising bureaucratic demands. This accommodation ensures that “skilful political entrepreneurs such as Buthelezi and Holomisa are thus able to trade simultaneously in the urban and rural markets for traditional authority. In the rural areas, the institutional capacities of chieftaincy can be tapped to maintain patronage networks, mobilise voters and intimidate opponents. In the urban politics of the parliament and the press, the fetish power of traditional authority is played as a trump card with which to ensure that its material powers are kept intact”.⁷⁷⁶ The relationship between the ‘traditional’ chief and the modern government vacillates from alliance to coercion; in each situation, traditional leaders manipulate and capitalise on culture-bound factors that support traditionalism such as local myth, ritual, symbol and customary law. The result is a form of neo-traditionalism in which traditional values are brought forward and embraced in a slightly altered form, which embodies the “moral prescriptions of the past” but can be applied to modern conditions.⁷⁷⁷

Hence, societal values are not necessarily wholly transformed by modernisation. Consequently, the institutions that represent and protect these values cannot be dismissed as redundant. Rather through a process of adaptation, these syncretic leaders have a role to play in a modernising country. As Albie Sachs argues, “There is no contradiction in the idea of traditionalism modernising itself. As their name indicates, traditional leaders are expected to be not only traditional but lead. Leadership means going forward, not back. It presupposes taking the best of the past into the future, not pushing the present into the past”.⁷⁷⁸ Hence, traditional leaders can remain relevant by relating to the changing needs and experiences of their people and thereby “avoiding the stigma of being labelled a relic of the conservative past with little relevance to the future”.⁷⁷⁹

⁷⁷⁵ *Ibid*, p. 119.

⁷⁷⁶ Myers, “Spontaneous Ideology of Tradition”, p. 51.

⁷⁷⁷ Miller, “Political Survival of Traditional Leadership”, p. 120-122.

⁷⁷⁸ Sachs, “Advancing Human Rights”, p. 78.

⁷⁷⁹ Linchwe, “Chieftainship in the 21st Century”, p. 396.

Chiefs in the Eastern Cape have attempted to 'move with the times', thereby ensuring their continued relevance. Many progressive traditional leaders have welcomed the upsurge of self-reliance and affirmation amongst women and many have even welcomed (though warily) women into their ranks.⁷⁸⁰ In November 2000, Chieftainess Nosiseko Gayika was elected to the male-dominated Eastern Cape House of Traditional Leaders.⁷⁸¹ Traditional leaders have also attempted to dispel the notion that they are a hierarchical institution excluding the youth. In January 2001 CONTRALESA announced its intention to create a youth wing.⁷⁸² The Eastern Cape HTL also elected twenty-seven year old, AmaRharhabe's Prince Langa Mavuso into its ranks.⁷⁸³ Furthermore, traditional leaders have attempted to dispel the argument that they play a divisive role in society. Although divisions have obscured the Eastern Cape HTL, CONTRALESA has united chiefs across tribal lines. Hence, the fact that a former autocratic and exploitative institution is attempting to change is an important symbol for a society undergoing a transition to a 'new' democratic society.

Traditional leaders can play a positive role in furthering modern democratic aims such as decentralisation and development. However, the extent to which this will occur depends upon history, the nature of the chieftainship and the nature of the political system. As was shown in the Eastern Cape, the ANC-led provincial government subordinated, sidelined and contained the chiefs, who were weak, divided and highly dependent. This may have negative implications for democracy for a number of reasons. First, it ignores the fact that in many areas in the former Transkei, the people regard the chiefs as legitimate. Second, it creates a tense relationship between local governments and the chiefs thereby providing a standing excuse for increased intervention by the central government. Third, it undermines the role that an independent institution of chieftaincy can play in encouraging political participation; holding the central government accountable; creating a situation of stability conducive to development; and furthering nationalism and pride in the new democratic South Africa. Fourth, it reduces the important role that traditional leaders can

⁷⁸⁰ Sachs, "Advancing Human Rights", p. 79.

⁷⁸¹ *Daily Dispatch*: 06/11/2000.

⁷⁸² *Daily Dispatch*: 01/01/2001.

⁷⁸³ *Daily Dispatch*: 02/11/2000.

play in development, which is a requisite for democratic consolidation. Fifth, it creates a volatile relationship based on 'coercion' between the state and the chiefs, which increases the chances that chiefs will utilise their influence for undemocratic purposes. And sixth, it undermines the dialogue and search for a unique, African indigenous concept of democracy. As Ramose argues, the institution of traditional leadership is important because "it forms the battleground for the construction of a home-grown and genuinely representative theory and practice of democracy which can be truly called a South African democracy"⁷⁸⁴

Hence, although the subordination of the chiefs may be justified with reference to democratisation, it is in fact used to subvert this goal. It not only entrenches increased centralisation, but it also undermines the important role that traditional leaders can play in furthering democracy. In contrast, the institution of traditional leadership can be harnessed to build a truly democratic South Africa, which utilises the past and the present to construct a positive future. As Zungu argues, "We need to take what was good from the past, to adapt it to the present and then to amalgamate both the past and the present in order to build something that will be able to withstand all the challenges of the future: we cannot build our future with the ashes of our heritage"⁷⁸⁵.

⁷⁸⁴Ramose cited in D.S Kanyana, "Administrative functions of traditional leaders" in *Traditional Authority and Democracy in Southern Africa*. University of Namibia: New Namibia Books. 1998: 127.

CONCLUSION: VICTORY FOR MODERNITY?

Subordination implies that traditional authorities are made subservient and answerable to other institutions. Modernisation theorists would herald this as a victory for modernity over tradition. However, this view ignores the extent to which many people continue to regard 'traditional' rulers as legitimate; the extent to which the modern state relies on these 'traditional' rulers; the extent to which traditional leaders, as syncretic leaders, encapsulate modern values; and the extent to which this is an empty victory as it undermines ways in which 'tradition' can be used to further modern democratic aims.

In the Eastern Cape colonialists subordinated the chiefs to local councils because they feared the chiefs' power and ability to mobilise the people against them. However, this had the converse effect of increasing the power of the chiefs in terms of their popular legitimacy. State intrusions into the rural areas were enacted by headmen and local councillors, who did not act in the interests of the people. Increased taxation, segregation, loss of land and impoverishment combined with dipping, betterment and rehabilitation schemes affected the peasant's livelihood and offended their customs. In particular, intrusions involving land and cattle sparked violent unrest against the council system. In these acts of revolt, the people rallied around the chiefs who represented an idyllic past, an alternate form of authority, security and protection. Consequently, the emerging liberation movement regarded the chiefs as an integral means of mobilising support and funding. They justified this alliance with the chiefs by pointing to their democratic nature and history of resistance.

However, by the 1930's headmen were greatly delegitimised and local councils were not exercising sufficient control over the peasants. Thus, the government turned to the chiefs as a form of control. Constraints imposed by the 1927 Native Administrative Act made it

⁷⁸⁵ Sibongile Zungu, "Traditional Leaders Capability and Disposition to Democracy: The Example of South Africa" in *Traditional and Contemporary Forms of local Participation and Self-Government in Africa*. Konrad-Adenauer Stiftung. 1997: 174.

costly not to collaborate with the government, while salaries and other benefits made this collaboration worthwhile, particularly since the liberation movement appeared to serve the interests of workers over and above the chiefs and had failed to accrue the chiefs more land. The Congress movement attempted to renew its bonds with the chiefs but the efforts of individuals such as Seme, Xuma and Calata largely fell on deaf ears because the chiefs had already turned their backs on the people.

This transformation was entrenched by the 1951 Bantu Authorities Act, which abolished the council system and increased the powers of the chiefs at local, regional and national levels. This move can be attributed to the National Party government's attempts to use the chiefs to implement the notion of cultural segregation. By giving black people their own indigenous form of government the National Party did not have to risk accommodating them on an equal basis in the South African government. Furthermore, using the chiefs as representatives of culture, the National Party sought to divide the black opposition and reverse the unifying trends of urbanisation. Hence, the chiefs came to stand at the forefront of the discourse of cultural segregation and later neo-colonialism, which divided the black people into independent, culturally and linguistically distinct Bantustans.

Within the Transkei and Ciskei homelands, political parties (TNIP and CNIP respectively) vied for the support of the chiefs for a number of reasons. First, the chiefs' automatic, numerical majority in the legislatures made their support imperative for any party seeking power. Second, chiefs and their patronage networks were a vital means of accruing rural votes in the elections. Third, they were also a means of financing the party machine and lastly, a means of crushing opposition at the local level. The chiefs were particularly effective in this regard because they relied on the continued existence of the homeland government for their survival. Not only were they highly dependent on the homeland government in terms of salaries and other benefits, but bureaucratisation had also ensured that succession and incumbency were vulnerable to the whims of politicians.

The result was that the new 'civil servant' chiefs faced great opposition from the people. They were no longer bulwarks against state intrusions but were the prime vehicle for these intrusions. Conflict occurred across the Ciskei, and in Thembuland and Mpondoland in the Transkei focusing on the issues of 'good' and 'bad' chiefs, legitimacy and authority. Good chiefs were those who sided with the people, whereas bad chiefs were those who sold themselves and their people, to the Apartheid forces. In the Ciskei, the rise of Gqozo became 'judgment day' for the chiefs. He dismissed and then re-instated headmen, thereby providing the impetus for the fall of the entire traditional authority system. In the Transkei, General Holomisa aligned himself with the liberation movement and did not question the authority of the chiefs, thereby ensuring that they retained a degree of legitimacy. The liberation movement was vocal in its attacks against the chiefs, but it played a minimal role in the struggles against the chiefs because of its urban orientation and neglect of the rural arena.

However, in the late 1980's the ANC required the support of the chiefs for a number of reasons: first, it sought to create a broad alliance against the National Party government; it thus needed the support of the rural areas from which it was largely alienated and it needed to ensure that no major political actors were neglected. Second, it attempted to neutralise the IFP. Third, examples from the rest of Africa showed that alienating the chiefs could undermine the stability and success of the transition. Fourth, the chiefs organised themselves in favour of democratic principles within CONTRALESA. And fifth, a negotiated settlement would culminate in an election and in this regard the chiefs' ability to deliver a bloc vote was seen as essential. Hence, traditional leaders were recognised in the Interim (1993) and final (1996) constitutions. However, their role was not clearly defined due to pressure from women and civic groups, ambivalence within the ANC's ranks, increasing autonomy of the chiefs and criticism from opposition parties.

This vagueness increased abuses at provincial and local levels of governance as the ANC used the chiefs for its own purposes. In the 1995 local elections, the ANC was confident about its victory in the Eastern Cape and did little to dispel tension caused by the issue of headmen, salaries, the location of, and the number of seats in the House of Traditional

Leaders. But in the 1999 elections the ANC needed the support of the chiefs because its failure to alleviate the poverty in the region called a complete victory into question. In addition, the emergent United Democratic Movement offered an alternate party to which the chiefs could promise their support and bloc votes. Hence, the ANC resorted to bribery by granting loyal chiefs increased salaries and powerful positions in government. However, by the local elections of 2001, the UDM had failed to offer much competition and the chiefs were weak, divided and highly dependent on the government for resources. Consequently, the ANC sidelined them in its legislation on local government but made a few minor concessions and promises (as yet unfulfilled) to ensure that they were not completely alienated.

Although this subordination was justified in terms of democratisation, it has negative implications for democracy. It entrenches the ANC's centralising tendencies and the future conflict that may arise between the chiefs and the new municipalities may further weaken local and provincial government, thereby providing standing excuses for increased intervention by the central government. In other words, increased subordination and centralisation draws the government further away from the people it is supposed to represent. Furthermore, by subordinating the chiefs, the important role that they can play in furthering democratisation, development and even modernisation, is undermined.

Subordination need not signal the death knell for chieftaincy. The chiefs need to adapt to the times, they need to develop new skills and act on new opportunities. They need to become more inclusive. By excluding individuals on the basis of age, gender and culture from the male, black, elderly, African position of chief, they are fuelling allegations that they are divisive, sexist, racist, conservative and undemocratic, thereby justifying not only their subordination but also their annihilation in a democratic society. In addition, they need to develop a degree of organisational autonomy by overcoming divisions, which justify increased governmental controls over their succession and incumbency. They also need to increase their financial autonomy; as members of the middle class they need to find sources of income that lie outside the realm of the state. State subsidies usually come with strings attached, which dictate support, compliance and

submissiveness. This financial dependence also opens up accusations that chiefs are nothing more than civil servants and government stooges. Not only does this call into question the chiefs' relationship with the people they are supposed to serve, but it also makes their position vulnerable to bureaucratic procedures, which remove the mysticism, cultural sanctity and independence of the chiefs.

Furthermore, the chiefs need to play a larger role in civil society furthering democratic goals in the best interests of the people. Power need not derive from a political, governmental source; rather, power derived from the allegiance of the people is not only more durable but is also a greater bargaining chip in a country that purports to represent the will of the people. History has shown that when the state does not act in the people's best interests the people turn to the chiefs as an alternative form of authority. The ANC's increased centralisation has negative implications for democracy and the people. Thus the chiefs need to realise that their long-term future lies with the people as opposed to with a particular party.

It appears that modernity is victorious and that the chiefs are a spent force, simply used by a modernising party in its own interests. However, this view is shortsighted. The ANC's trends toward centralisation may limit traditional leader's formal power but it opens up opportunities for chiefs in the public realm if the people see them as pursuing democratic and development functions. Hence, one must not underestimate the chiefs; they could someday be central to a truly African form of democracy, which mixes the modern and the traditional to further the rights of both citizens and subjects.

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