

**IS THE AFRICAN TRADITIONAL INSTITUTION (CHIEFTIANCY)
COMPATIBLE WITH CONTEMPORARY DEMOCRACY?
A CASE STUDY OF BOCHUM IN LIMPOPO PROVINCE OF
SOUTH AFRICA.**

by

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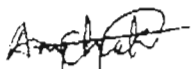
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Abstract

The issue of democratisation and development in Africa is among the most explored and debated field by African and non African scholars. Since the beginning of post African state in the 1960's, scholars have outlined democracy and development as an important issue for African states. In this ongoing debate, African traditional institution has been identified as a key factor that can shape the nature and relationship between democracy and development. African traditional institution is interpreted in a way that it either compliments or obstructs the link between democratisation and development. To some, it is a dead institution that has no place in this era of African development. The role of the traditional institutions in this contemporary era has been open to doubt. This study attempts to look at the role and significance of African traditional institution at this epoch with a case study of a rural community in the Limpopo Province of South Africa. This community offered a viable case study to understanding the manner in which the communities view the traditional institution and this will give a better meaning to the role of the African traditional institution.

Declaration of originality

This dissertation represents original work by the author and has not been submitted in any form to another University. Where use has been made of the work of others it has been duly acknowledged in the text.



Signature

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Chapter One: Introduction

The current controversy over the issue of traditional leadership in South Africa has probably confirmed that it is not going to die as was originally anticipated (Bekker 1993; Mbeki 1984). The rhetoric of the African Renaissance is a call for the institutionalization and coming of age of Africa's Traditional Institutions. This is a call for political systems that will provide space for the existence of institutions that are believed to be part of the people's culture and way of life. For a long time claims that chieftaincies have their own legitimacy and can coexist with democratic state institutions have given rise to intense debates within intellectual and political circles. There has been no conclusive end to the debate, especially on how to integrate traditional leaders into the socio-political order. The plea for incorporating chieftaincy represents a will to retain the culture and heritage of the majority of the citizens of South Africa. Scholars like Keulder argue that chieftaincies must be incorporated into the state to facilitate effective governance at the local level (Keulder 1998). The seeming paradox, that some traditional leaders have been able to incorporate newly established democratic norms, rules and institutions while at the same time keeping 'traditional' ideas and practices, is a testament to the resilience and usefulness of such institutions (Oomen 2002).

The recognition of traditional leadership in Chapter 12 of the South Africa Constitution is an acknowledgement of the presence and continued support for this institution among the population of the country. At the moment, the majority of South Africans, especially those in the rural areas, continue to pay at least token respect to the institution of traditional leadership. Some scholars argue that traditional authorities were an inspirational force in the fight against colonialism and apartheid (Ayittey 1991). Yet other people see the existence of traditional authorities as a political mistake that will keep African development static. They believe they are anachronistic, do not conform to the principles of contemporary democracy, and may undermine the political freedom that many died for in South Africa (Mbeki 1984). The activities of some chiefs with the state during and after the colonial era is not enough reasons to write them off because there are some evidences suggesting their importance in the life of the people in the rural areas of south Africa (Oomen 2000,

Keulder 1998, Van Rouveroy Van Nieuwaal 1996). It has not been easy to ignore traditional authorities even though colonial authorities utilized them in exerting socio-economic and political control of the people (Young 1994). However, the credibility of the African traditional institution cannot be centered on their past roles. Traditional leaders played different roles during pre-colonial, colonial and apartheid periods and are expected to play a different role at this era. I will discuss this possibility in detail in the subsequent chapters.

1.1. The Purpose of this Study

This study intends to look at the following question: Are traditional African institutions compatible with contemporary democracy? My study in this regard will be guided by the sentiments expressed by ex-President Nelson Mandela. On the occasion of the opening of the National House of Traditional Leaders, Mandela in 1999 stated:

I feel truly humbled to officially open the National Council of Traditional Leaders, to stand before my leaders, at last to acknowledge their status and role as full participants in national affairs, as part of the corps of leaders in the reconstruction and development of our country (Mandela cited in Department of Provincial and Local Government, 2002: x).

The birth of the nation state in Africa was the work of the colonial authorities and they ignored existing traditions in most African communities. The shaky and unhealthy political climate in African countries in the aftermath of colonialism has led some to question western liberal democracy and its role in developing the continent, prompting questions such as: Is there an alternative to the post-colonial state? Could traditional authority provide such an alternative? What is a traditional authority? Who controls it? Does it have a constituency? Is its continuance imperative in contemporary South Africa? These questions deserve careful analysis because the majority of the rural population of South Africa still live under the authority of traditional leadership, which can affect the democratization process in the country. The respect and loyalty traditional authorities enjoy in the rural areas can influence how people vote. So the government should not ignore their authority since the majority of the citizens are in the rural areas.

Traditional leadership is one of the oldest institutions of governance, both in Africa and the rest of the world. It predates colonialism and apartheid, and it symbolizes early forms of societal organization. History denotes the role of traditional leaders in the formation of the ANC and in the advent of democracy in South Africa. Thabo Mbeki, in his capacity as Deputy President, on the occasion of the adoption of the South African Constitution in Parliament in 1996, acknowledged the role of traditional leaders declaring:

I am the grandchild of the warrior men and women that Hintsa and Sekhukhune led, the Patriots that Cetshwayo and Mphephu took to battle, the soldiers Moshoeshe and Ngungunyane taught never to dishonour the cause of freedom. (Mbeki cited in Williams, 2001).

These names are those of traditional leaders who fought for the rights of their people in Southern Africa. Traditional leaders in Africa have been exercising political authority over the people on the basis of the traditions that keep the communities together. This study will investigate the compatibility of the institutions with the modern norms and frameworks of democracy. To enable me to do that, I will define some terms associated with traditional African institutions.

1.2. What is tradition?

‘Tradition’ is one of those vague terms that is deployed in a variety of ways to suit the proponent of one or other view. It is common in everyday speech and mostly used by anthropologists, folklorists, and historians. It has many different meanings and can be used in many ways. Tradition can be potentially good or bad. Ruth Finnegan defines tradition as:

‘Culture’ as a whole; any established way of doing things whether or not of any antiquity; the process of handing down practices, ideas or values, the products so handed down, sometimes with the connotation of being ‘old’ or having arisen in some ‘natural’ and non-polemical way (Finnegan, 1992:70).

She further suggests:

Something called a ‘tradition’ is often taken to somehow belong to the whole of the ‘community’ rather than specific individuals or interest groups, to be

unwritten, to be valuable or (less often) out-dated; or to mark out a group's identity (Finnegan, 1992:70).

Understandings of 'tradition' have undergone changes from the outdated conception of being naturalistic, original and authentic to more subtle interpretations. Hassan has showed this in his observation that:

Many students of culture and society have concluded that tradition is no longer an 'authentic' body of knowledge handed down from one generation to another with only minor alterations due to the malfunctioning of memory or skill. Although the past is a powerful authority in culture, human society selectively adds to the past, subtracts from it, or moulds it in it's own images (Hassan, 1996:45).

This shows that traditions are dynamic and constantly in the process of change and adaptation. Some people can use tradition for selfish political and economic reasons. Okpewho offers further clarity on tradition by the use of the analogy of a man taking a forward march with a backward look over his shoulders (1983:160).

1.3. What is Traditional Authority?

Tradition is meaningless without the authority of local chiefs. It is the traditional authority that gives meaning to tradition. Oomen, in her reflections of the government office in Limpopo, explains traditional authority thus:

In the hallway of the Government Department of Traditional Affairs there hangs a giant map on which the country's 800 traditional authority areas are marked in different colors. While these areas-all in the former 'homelands' might cover a mere 12% of South Africa's territory; they are home to the majority of South Africans. There is one similarity: no traditional leader operates alone. All of them are embedded in traditional and neo-traditional structures – royal councils, tribal councils, general advisory groups – together with whom they form the traditional authorities (Oomen, 2000:12).

To use an analogy, traditional authorities can be conceptualized as comparable to the chain of political actors elected by the electorates from the executive president to the parliamentarians. Traditional authority is a system of rule which was in existence before the intrusion of colonialism into Africa. When the British came to Africa they termed the type of rule or rulers they found as "native authorities" (Mamdani

1996:17). Under colonialism, the traditional rulers were intended to have jurisdiction over matters relating to the indigenous people.

Hinz defines traditional authority as “authority” which is based on the everyday belief in the sacred traditions in force since time immemorial, and the legitimacy of those who are called to govern by the said “traditions”. (Department of Provincial and Local Government, 2002:12).

The White Paper on Traditional Leadership and Governance (Department of Provincial and Local Government, 2002) describes traditional authority as:

Having the features (among other things), of leadership structures and positions of authority and support, and are recognized in terms of customary law and (sometimes) by statute, and part of the societal organization of customary society, which observes a customary way of living and its laws (2002:5).

1.4. Traditional leadership

The White Paper on the role of traditional leaders in South Africa provides a definition of traditional leadership as:

The group referred to as traditional leaders/rulers or “tribal” leaders/rulers are individuals occupying communal political leadership positions sanctified by cultural mores and values, and enjoying the legitimacy of particular communities to direct their affairs. Their basis of legitimacy is therefore tradition, which includes a whole range of inherited culture and way of life, a people’s history, moral and social values and the traditional institutions, which survive to serve those values (Adeuwmi and Egwruba, 1985:20 cited in Department of Provincial and Local Government 2002:21).

Clearly given these complicated dynamics, the institution of traditional leadership is not easily located within the state or civil society. In as much as there is an existing political space in Africa that is theoretically different from the state and civil society, perhaps it can be occupied by the traditional leaders. That existing gap was described by sociologists and anthropologists like Moore as a semi-autonomous political space located at the nexus of the official state, “...dealing with partial order and partial control of social life by rules” (1978:3), where “...there can be authorities with rule-making power in many forms of organized society less complex than the state”

(1978:16). Smith (1974: 94, cited in Schatzberg, 2001) sees this group as “an enduring, presumably perpetual group with determinate boundaries and membership, having an internal organization and a unitary set of external relations, an exclusive body of common affairs, and autonomy and procedures adequate to regulate them.” This shows that there are some existing authorities that are enjoying degrees of legitimacy in society, and traditional authorities might be one of them.

1.5. The definition of traditional authority for this study

Traditional leadership, traditional authority and chieftaincy can be used interchangeably to describe the African traditional institution. More specifically, in rural areas, many people refer to the institution in their indigenous language. In Bochum, chiefs are referred to as *amakhosi* (plural) and *inkosi* (singular). A chief has close relations with the *induna* (headman). An *induna* is a representative of a chief (or king) at the village level. The position of *induna* is always passed through family (clan) lines. The chief receives reports about community activities from the *induna*. The *induna* can be regarded as a link between the community and the chief. The traditional authority is defined in many ways as demonstrated above; I will be using the Department of Provincial and Local Government white paper definition (see above) for this study.

1.6. Customs

These are norms implicit in routinely performed actions, or the actions embodying elements of the culture or tradition of an institution. Geoffrey and Alistair Edwards (Department of Provincial and Local Government 2000) have defined custom as “rules of behaviour based on long established and widespread ways in which people actually behave”. The fact that different groups have different customs should not blind us to the fact that customs in general are powerful determinates of human behaviour.

1.7. Customary law

Customary law is not static. As the living law of the people, customary law is adapted, changed and repealed according to the social, cultural, political and economic circumstances of those who live by these rules. It is the customs and cultures the people used traditionally and observed among the indigenous peoples of Africa. Customary law varies from community to community, and is in a constant stage of change. It embodies the beliefs and practices respected in a traditional community. It goes with obligation as well as enforcement and the elders are the carriers of the law.

1.8. Powers of Traditional Rulers

Traditional rulers can be defined by looking at their powers and activities in the rural areas. Their powers are derived from what the tradition has bestowed on them. African traditional institutions are not only about the king, chief, and monarchy; they are also about African people and the way they have been living. They are about the people, what they did, what they are doing, and what they intend to do. These institutions have been controlling Africa's political, economic, social, religious and scientific life over the ages. The role of traditional leaders can be civil and religious. The religious duty concentrates on the relationship of the people with their ancestors. It is a sacred duty and the essence of their existence but this role does not imply to all the Africa societies. The civil duties are settling of disputes, land allocation, and other socialization processes that keep the community in peace. The primary function of traditional leaders is to regulate and control relationships and social behaviour within a traditional community. Chiefs are in essence people working with the local government authorities in the delivery of services and development of the rural areas. A traditional leader is an individual holding a leadership position in a traditional hierarchy.

1.9. Traditional Institutions and Development

It is the purpose of this study to provide insight into the relationship between culture, tradition and development. According to Hassan, "Today, there is hardly anybody who would deny the relevance of culture to development and the need to emphasize

cultural processes and parameters in analyzing Africa's economic problems and political crises" (1996:37). According to Peter Evans for democratization and development to proceed evenly there should be "mutually reinforcing relations between governments and groups of engaged citizens" (1996:119). Ali Mazuri explained this further by asserting:

Development is modernization minus dependency and modernization is change that is compatible with the present stage of human knowledge, that seeks to comprehend the legacy of the past, that is sensitive to the needs of the future, and that is increasingly aware of its global context (1996:4).

African countries have been struggling to make meaning out of development and democracy. Africa has been bedeviled by political instability, wars, poverty, famine and underdevelopment. These have led some to question the political institutions in Africa.

This uneven political development in Africa is a product of the colonial administrative system, which Mamdani (1996) dubbed the "Bifurcated State". This means that there are two different forms of governance in the society. The rural populace is still under the leadership of the traditional authority while the people in the urban areas are under a different government. According to Mamdani (1996:13) the colonial state excluded a large number of the public from the affairs of the state on the basis of race. The colonial authorities found existing institutions in almost all the colonies they conquered in Africa and they were faced with the dilemma of what Mamdani called "the native question" which they answered with "direct and indirect rule" (1996:16). In his words, direct rule for the colonial authorities meant, "there would be a single legal order, defined by the 'civilized' laws of Europe. No 'native' institutions would be recognized" (1996:17).

1.10. Traditional Institution and State

The institution of traditional leadership has resisted many attacks, especially in post-independent Africa. There are places where the state has abolished traditional institutions. In Tanzania, in 1963, the state under the Tanganyika African National Union (TANU) removed and replaced the traditional authorities in the rural areas.

Abolishing the institution by the government however, did not end its operations in the rural areas of Tanzania. Chiefs continued to perform their political duties, like the resolution of disputes, and allocation of land, and their spiritual responsibility of serving as the eyes of god. Moore has observed that “chiefly networks” continued to be influential in Tanzania despite their official abolition (1978:77).

According to Teffo, the European style parliamentary democracy still needs the traditional African leaders to make it accessible and comprehensible to the indigenous African majority (2002:5). It needs to be realized that colonial authorities used the strong attachment the people had to tradition to build or destroy traditional institutions. Most traditional leaders were either imposed upon to provide colonial authorities with easy access to the people. In most cases those used by the colonial authorities did not care about the people. As Segar notes, “they enriched themselves at the expense of the masses that languish under conditions of abject poverty in a region designed to serve those who proclaimed independent” (1989:3). But the fact is that elected officials and hereditary chiefs may both be corrupt (see Mbeki 1984, Bekker 1993). This cannot be used as an excuse for dismissing traditional institutions.

It has been a problem for African countries to organize on the basis of sound democratic principles that respect human rights and social justice. The Convention Peoples Party (CPP) of Nkrumah defined itself from the beginning as:

A socialist Party of the party of the workers, farmers (including fishermen) and co-operative societies it aimed, inter alia, (1) to release the people ‘from the bondage of foreign colonialism and the tyranny of local feudal despotism’, and (2) to replace ‘feudal and despotic chieftaincy’ with ‘democratic and constitutional chieftaincy’ (Owusu 1996:315).

The party later changed its position asserting, “if chieftaincy can be used to encourage popular effort, there would seem to be little sense in arousing the antagonism which its legal dissolution would stimulate” (1996:316). With awareness of the failures of those countries that attained political independence in mind, South African leaders are exploring all possible political models that might suit the national situation.

Africa has been a testing ground for different European political theories, and this gives South Africa an opportunity to break new ground in the creation of a better

system of democracy informed by her history. In South Africa, as in other African countries, concepts like tradition, tribe and ethnicity are emotionally loaded, partly because they were used in a derogatory and denigrating sense in the past. The elections of 1994 aroused the expectation in many people in South Africa that human dignity would be respected and disadvantaged people empowered. It is therefore imperative that South Africa develops a democracy that will evolve from the rural area 'bottom up', lest it becomes unrelated with the people's existential experience.

Barbara Oomen notes that tension between the political leadership and traditional leaders was evident at the inauguration of the National Council of Traditional Leaders:

Behind the festivity, tension lurks. As they listen to a speech by Nelson Rolihlahla Mandela, who addresses them as 'my leaders', some traditional leaders grumble in the backbenches. What does the government have in store for them? Won't the newly elected local government councils take over most of their duties? What about the rumors that the land they command will be 'democratized'? Why are there still such great differences between their salaries? And when will they finally get an answer to all these questions in the promised white paper that will supposedly set out official government policy on traditional leaders? (2000: 10).

It seems that traditional leaders and the national government are at loggerheads over their role in the present political system. Most traditional leaders see the local government as usurping their role. Some of the politicians are arguing that traditional leaders should stand for election and be elected by the people to ascertain their legitimacy. Responding to this view, Chief Mwelo Nonkonyana, deputy chairman of the Congress of Traditional Leaders of South Africa (CONTRALESA), said: "We have told the politicians that there is no political dispensation that could be conducted without us. We have been the leaders of the people long before the arrival of whites and we could not be sidelined now" (quoted in Teffo 2002:3).

Nonkonyana's view should not be simply dismissed, given the number of people living in the rural areas.

1.11. Election and Traditional Leadership

The process of selection of traditional leaders is different from that in western liberal democracy. In some places it is the choice of the reigning King to choose from his favorite wives children. In other places it is the first male child and in still other places the community chooses. The process of selecting a traditional leader is accepted by the people because they see it as their culture. In western countries election is the yardstick of legitimacy. In traditional African societies legitimacy is derived from culture. The process of selection does not affect the legitimacy of the institution in the community. King Swati III of Swaziland was chosen when he was 18 years from the children of the favorite wife of King Sobuzo and the whole kingdom supported this decision. According to Teffo (2000:3) election is unusual for monarchy even in the United Kingdom. King Sikwati Mampuru was coronated the King of Mamone in Limpopo because he was the first son of the late King.

The people always have a 'say' in the enthronement of kings. Oladipo (2000:2) has shown that the people always view the power which they give to the king as a mandate. According to William Abraham, this condition of democratic governance was, in the case of the Akans of Ghana, "safeguarded by the provision for the removal of rulers, and the grounds for such removal" (cited in Oladipo 2000:3). For most cases the traditional leader can be removed despite the nature of selection on a number of grounds like stubbornness, oppression and arbitrariness in governance, corruption, and neglect of state affairs. Every member of the community knows that nobody is above the law and this defines what the political scientists call a social contract. There was, thus, in traditional society a regime of checks and balances, which was meant to ensure that the king did not become authoritarian in his rule. This is a strong test of legitimacy. According to Teffo:

Monarchy controls social relationships among a people in a given society. Indeed, this sense of kingship binds together the entire life of the tribe; almost all the concepts connected with human relationship can be understood and interpreted through the kingship system. This governs the behaviour, thinking and whole life of the individual in the society of which he is a member (2002:4).

The above communal relationship demonstrates the genealogical linkages between all the people who live in the community. The cultural linkage between people in South Africa however, was abused by apartheid. Headmanship was introduced; in some places it was people that were not well grounded in the tradition and culture of the people (cf Mbeki 1984). The future of South Africa lies in the diversity of cultures, and in recognizing such cultural diversity. This requires giving space to traditional institutions. There is a need to be cautious in the management of the traditional institutions to avoid making a mistake that will undermine the nascent democracy. The government has to be cautious in the way it takes democracy to the rural people. There is a need to develop new ground in fashioning an amicable and respectable working relationship between political parties and traditional leaders. The traditional institutions alone cannot provide the rural population of South Africa with all they need from the national government, but they can be a means of facilitating a link to government.

1.12. Research Methodology.

1.12.1. Research strategy

In-depth information was gathered about the relationship between the rural communities and their traditional leaders, using qualitative research methods. The qualitative approach has helped to unravel the understanding of lives and activities of people in the rural communities and their relationship with the traditional authorities.

Specifically, the case study approach involves the use of multiple methods to collect data to investigate a case in an holistic manner. Since the key objective of the research was to explore how traditional institutions are coping in the midst of political changes a case study approach was decided as the appropriate strategy. The Bochum district in Limpopo (Figure 1) was selected as the case for analysis because as a research site it houses traditional institutions undergoing change and was accessible to the researcher.

Much of my work took place in the village of Mamoleka, which I chose because it is the central village in the area.



Figure 1. Map of Limpopo province showing location of Bochum district (After Makhura 2001).

Preliminary field observation in Bochum indicated to me that the functions of traditional institutions are increasingly intertwining with other “modern” duties that are equally important to the local communities. The case study approach seemed appropriate to answer the question of whether traditional leaders are being incorporated in: the decision-making process at Local Government level; the coordination and organization of development planning; and the implementation of democratic principles.

1.12.2. Fieldwork

Fieldwork was conducted in July 2002. The researcher was assisted in the field by Mr Ralph Mathekgha. Mr Mathekgha acted as an interpreter and collected some of the data for the researcher. It was necessary to enlist the assistance of Mr Mathekgha because the researcher was not skilled in the local languages, that is, Northern Sotho and Pedi. There was not problem getting permission to conduct the research in the

area because of the presence of Mr Mathekgha who was seen by the community members and leaders as a son of soil.

1.12.3. Sources of information

Typically of a case study, information was obtained using different methods of data from a number of sources.

1.12.3.1. Survey of community members' perceptions using a questionnaire

The survey which we (Mr.Ralph Mathekgha and I) undertook in Bochum sought to determine the appropriate role for local chiefs in the development of democracy in South Africa.

We had prepared a structured questionnaire (See Appendix A) combining a mix of open and close-ended questions which we administered as a face-to-face structured interview. The questionnaire asked for factual information on age, sex, occupation, religious and political affiliation. The open-ended questions here allowed the interviewees to voice their opinions and offer their interpretations of the role and activities of traditional authorities in the community.

We targeted community members from the ages of 18 upwards irrespective of their sex. Fifty questionnaires were distributed and filled in by residents throughout the village. Convenience sampling was used to select the respondents.

The structure and language of the questionnaire was simple and the duration of the interviews varied according to the person being interviewed. This process is not free of flaws and I do not claim that it offers an extensive or authoritative view of or opinions of all the rural people in South Africa. This is a small academic survey that suggests the beliefs and preferences of a group of people who have had little opportunity to express them so far.

1.12.3.2. Focus groups of community members' perceptions

10 group interviews were conducted. Most of the people in the community are old people and young people attending primary and high school, few have matric level education. We selected people looking at age, level of education and the duration of time they spend in the community.

1.12.3.3. In-depth interviews with key informants

Mr. Ralph Mathekgha had formal interviews with five members of the local government (Council) as well as semi-formal interviews with some community members who have served in school governing bodies and other social groups in the community. This helped us obtain key local stakeholders' views on the relationship of chiefs and local government authority in development projects. The interviews with local government officials were formal because Mr Mathekgha met them by appointment, whereas in other cases the interviews were unscheduled. Mr Mathekgha recommended knowledgeable and influential residents for the key informant interviews and snowball sampling was used to select some respondents for interviews. He conducted most of the interviews in Northern Sotho. I was present at most of the interviews and Mr Mathekgha often translated for me during the interviews.

Many of the initial interviews were tape recorded and then subsequently transcribed but when I became familiar with questions and issues I decided to write down points during discussions.

1.12.3.4. Field observation and other sources of information

We had informal debate with some members of the community and attended some community functions (including meetings). I attended the community harvest that takes community members from village to village and it was dominated by youths, they engaged in dancing, playing of football and other recreational activities at their village primary school premises.

1.12.4. Limitations of the methodology

There were considerable difficulties encountered in this study. The fact that I was a foreigner with little knowledge of life in the rural areas of Limpopo affected the research. I could not communicate with the majority of the people in the area, who speak Northern Sotho or Pedi, and I relied on my interpreter Mr Mathekgha to conduct the interviews, for example.

I used the questionnaire with some community members. The questionnaire was distributed to people that could understand the questions and this limited it to a small number of people in the community.

It may be argued that the methods of sampling used – convenience sampling for the questionnaires and snowballing for the interviews – creates the possibility of the data being skewed. For instance, the person that introduces the next person to the researcher often chooses someone who has similar experiences or often reflects similar opinions or values as him or herself.

The findings are views of some people in a small community and cannot stand as the final authority on traditional leaders. This problem of limited ability to generalise the findings is a commonly stated limitation of the case study approach.

1.13. Plan of Dissertation

This chapter has laid a background for the argument in the subsequent chapters. Chapter Two, which is the conceptual framework, examines the literature on traditional institutions and contemporary democracy. Chapter Two also provides a general historical survey of the African experience of traditional institutions both before and during colonial rule in Africa. Chapter Three deals with the on-going debate between and among the political parties and civil society on traditional institutions in South Africa. Chapter Four presents the case study of Bochum in which the traditional institution is seeking to maintain legitimacy at the local level. Chapter Five concludes the study.

Chapter Two: The Conceptual Framework: Traditional Institution and the African Experience.

A modern society is not just a complex of modern institutions. It is a mode of integration of the whole society. It is a mode of relationship between the centre and the periphery of the society.... It involves a greater participation by masses in the values of the society, a more active role in the making of society-wide decisions (Owusu 1970:3).

The traditional institution of chiefs has been part of pre-colonial, colonial and post-colonial states and it has as a result participated in democratisation processes. The continued resilience of the institution shows that a gap exists between that state and the rural people. This study will investigate some of the popular perceptions of African, and South African chieftainships, specifically those in Bochum in the Limpopo province. I shall try to determine whether or not these chieftainships are compatible with contemporary democracy.

There are some important empirical and theoretical advantages in focusing on chieftainships as distinct political institutions. First, it provides an opportunity to learn more about an institution which is still influencing the political landscape of Africa and South Africa despite all attempts to limit its authority. Oomen (2000) has examined the traditional South African chieftaincy from the bottom-up basing her research in Limpopo Province, unlike other political scientists who have focused on how the institution interacted with the state (See Mamdani 1996; Munro 1996). Mamdani and Munro see the institution as an obstacle to democratisation and development of the continent. They pay considerable attention to the relationship of chiefs to the state and offer little information on the local level. But this is a problem. It is important to examine chieftaincies in their own right without unnecessary comparisons. Questions concerning the legitimacy of chiefs and their degree of authority will take us to those issues that dominate African politics at present: the state, civil society, democracy and governance. It is important to note that chieftaincy occupies a political space which incorporates a variety of rules, customs and processes that are not entirely part of the state or civil society. An examination of chieftaincies in this form will enable an understanding of the politics of rural Africa.

2.1. Process of Legitimacy

The study of politics is about power and control of state power. Legitimacy consists of a proper control of this power, its exercise and the maintenance of authority over society. The issue of legitimacy is raised in all parts of the world, irrespective of the form of government. According to Schatzberg the study of legitimacy demands that scholars look for those “unarticulated assumptions about political life” and those ideas and attitudes seen as “politically thinkable” (2001:11,55). The idea of “thinkability” is interesting when linked with the legitimacy of traditional authorities, as it provides a possibility to bridge the modern and the traditional. On the basis of this, I maintain that political legitimacy in rural South Africa and elsewhere in Africa is based on the normative idea of unity and the rights and responsibilities which people are expected to adhere to in order to achieve and maintain that unity. Political legitimacy in rural South Africa is linked to the process and functions of rules. In the rural areas you have the ruled and rulers; the rulers are the chiefs and the ruled are community members. The traditional leader has authority over the people that are living within the boundaries of the community, and some times it extends to those who temporarily reside in the urban areas and visit the rural areas. These groups of people form the rural community and its political structure. The legitimacy of chiefs depends on existing culture, and the traditional customs and norms of the people.

According to Max Weber, legitimacy is based on a “belief” in a particular structure of domination. Rulers will attempt to “establish or cultivate ” this “belief in legitimacy” to help facilitate voluntary compliance (Weber 1978). In the rural communities of Africa and South Africa, traditional authorities are legitimate because the people believe in particular “traditions” and “customs” which according to Weber are different from rules and laws. There are some problems with Weber’s analysis. He fails to realise the difficulties in tracing the root of the traditions and it is from these traditions and cultures that the traditional authorities derive legitimacy.

2.2. The State, “Traditional leadership” and Civil Society.

In this study, legitimacy is conceptualised as a concept with three components which are related; they are normative, procedural and performance legitimacy. Normativity

relates to the use of norms, procedural legitimacy refers to processes, and performance refers to the way in which the holder of power, in this case the chief, performs. This triple legitimacy shows how the community and the chiefs utilise customs, values and performance to establish and maintain the legitimacy of this particular political institution. Analyses of legitimacy also inform us how political actors and political institutions perform and exercise power. This will mean finding out where the institution of chieftaincy belongs in rural South Africa and Africa.

It is assumed in most of the studies of political legitimacy that the rulers are the state and the ruled are civil society. Most scholars maintain that the state is the main actor in the establishment of legitimacy. Alagappa, however, suggests that it is the function of civil society either to confer legitimacy or resist state hegemony (Alagappa 1995). This means that civil society determines the political mandate of the state and its institutions. Harbeson (1994) sees the existence of civil society in relation to its interaction with the state. The state is seen as the only political institution that may or may not have legitimacy. It is politically incorrect and 'unthinkable' for political legitimacy to exist in another body outside the state. Any other institution that contests legitimacy with the state will expose society to instability (Zartman 1995; Migdal 1988). The traditional chiefs whom I have studied, though they receive salaries from the state, have at present no definite powers delegated to them, and therefore are not receiving power delegated by the state. Zartman's perspective would regard them as illegitimate in the exercise of power. Nevertheless, as African traditional institutions, they have been enjoying legitimacy in the society for centuries.

Zartman's assumption is consistent with the ideas of the "third wave of democratisation". The state is envisaged as the only organ that will shape and determine democracy and development. Evans encouraged scholars to reincorporate local political variables into their analyses, and especially, to recognise the state not just as an arena of conflicts, but as a rational actor capable of facilitating development and transformation (Skocpol 1985). Skocpol defined the state as "the continuous administrative, legal, bureaucratic and coercive system that attempts not only to structure relationships within civil society and public authority in a polity but also to structure many crucial relationships within civil society as well" (1985:7).

Scholars ignored Skocpol's warnings not to throw out society in the process of "bringing the state back in," and those who ignored civil society in their studies emphasised the relationship of state with society. Little was said of how societal forces influenced the state (Hamilton 1983; Bates 1981). Most scholars maintained an unnecessarily strict division between the state and civil society which made the relationship appear conflictual (see Skocpol 1985; Chabal 1986). This is especially the case for some parts of Africa where because state and society failed to understand that they need not be antagonistic to each other it became difficult for them to work together for the betterment of the people and development of the country. In some other cases like Botswana, there was an understanding between the two institutions. The two institutions worked with the philosophy of *Koghtla* that empowered them in serving and delivering services to the communities.

Civil society is defined in many ways and most of the definitions focus on groups that seek to interact and influence the state. Chazan argues that "to be considered part of African civil society, an organisation must simultaneously contain state power and legitimate state authority.... thus parochial associations such as remote village communities and religious cults that do not encourage an interest in matters beyond their own immediate concerns and groups that equate their own aims with those of the state and consequently seek to take it over (some fundamentalist groups, ethno-national movements, and ideological associations) are outside the bounds of civil society" (1991:181,283). This definition encompasses some state entities but it does not include small scale rural chieftaincies which at present have no formal power delegated by the state. The definition of civil society that is widely accepted is "a public sphere of collective action between the family and the state that coexists in a complex relationship of creative tension with the state" (Bratton 1994:75).

Scholars have also noted that much of African politics takes place outside the confines of the state. Chazan argues, "Politics, power and control are not necessarily coterminous with the state. Power, the capacity to control resources and authority, the right to do so, may legitimately be vested in local social structures as well" (1988:123). Bratton has also suggested that there is a larger degree of "unoccupied space" that has "not been adequately explored and mapped" (1989:425-26). It is now

true that people have recognised that “influence and authority are not the exclusive domain of the state” and that “various segments in society manage and maintain patterns of behaviour which are at variance with state code” (Azarya 1988). The African traditional chieftaincies can be considered as being part of this space.

It is therefore widely accepted that there is an existing political space outside of, and autonomous from, the state. Some scholars maintain that the politics that take place here is disruptive and discourages the establishment of coherent states and the deepening of democracy. This is because it is often assumed that civil society provides the legitimate basis for the state (Harbeson 1994: 287). Social forces rooted in the so-called moral economy of peasants and social relations are feared, as they might “devour the less securely modernised institutions of civil society” (Bratton 1989: 415). It is assumed that the patterns of authority and activities of rural African communities will have a negative influence on the state. We must not forget that “concerns with traditional leadership, and patronage are highly relevant at a time when ordinary people are making use of indigenous social institutions” and most scholars have not internalised the legitimisation processes that go on in these institutions (Bratton 1989: 429).

Migdal’s idea of the state in society provides an alternative to those frameworks that assume a rigid distinction between the state and civil society. Migdal sees politics as a series of struggles between competing social forces which he defines as informal organisations, formal organisations and social movements (1994: 20). The state and other social forces compete for dominance within a defined boundary. Migdal criticises the widely held view of civil society that cannot explain “dispersed domination” and those social forces which may not proceed from that state at all, but instead, seek to maintain their own rules and moral order (1994: 29,31). Migdal assumes that we cannot expect all of society to share the same “legitimising universe” or “basic moral order” even if they all formally reside within a recognised sovereign territory (1994: 21). Thus, the dominant issue is the struggle over which ideological framework should prevail and dominate the control and distribution of resources. This means that the point of an idea being politically “thinkable” made earlier may not be the same in every society. It shows the multiplicity of fields where the struggle for control of state power occurs.

Migdal's attention to the propensity of each of the social forces to make rules which differ from those of the state, makes it evident that chiefs, for example, who also make such rules, may be regarded as legitimate by those whom they govern. The observation that "society as a whole may include other organised components ...which strive to make their own rules and institute their own moral orders, without addressing the state directly" should not be ignored (1994: 31). According to Bratton, the autonomy or partial autonomy of such social forces is important (1994: 235-37).

All the social forces which make rules need not share the same goals which may depend on the "basic moral order" of that group and some accommodation may be made to achieving the goals. Migdal argues that in most cases the state will incorporate other social forces to facilitate "mutually empowering" relations (1994: 25). Scholars like Mamdani (1996) have interpreted "indirect rule" used by the colonial powers in Nigeria and other African countries as related to "mutual empowerment". Migdal did not explain why social forces, in this case chiefs, might decide between the path of accommodation or that of autonomy. And he showed that society is made up of different social forces and the state is one of them. But the state seems to have a very strong control over other forces which have the option of either siding with the state or not. The degree of autonomy possessed by legitimate though minor rulers apart from the state may explain the relations between the state and society. And Migdal's observations offer an understanding of the division between the state and society but fail to explain the processes of political legitimacy within chieftaincies.

During the colonial era chiefs were often incorporated into the state in the name of indirect rule. Some of the early post-independent African leaders of the 1960s believed that colonialism had transformed traditional chiefs to a point where they did not have autonomy and were part of the state. This understanding of what had happened to chiefs is one of the problems of the institution because it prompted many leaders to diminish or abolish powers of traditional leaders. It was difficult nevertheless to separate the people from their traditional leaders. In places where the traditional chieftaincies were abolished, like Tanzania, people still paid allegiance to the institution (See Moore 1978). Other leaders recognised the importance of the

institution. Scholars like Lambert (1995) and Clough (1990) showed that chiefs were by no means puppets of the colonial authority.

Many scholars do not understand the complex nature of traditional chieftaincy, which they have difficulty in situating: do they form part of the state or of civil society? There is evidence across Africa that the traditional authority continues to wield power and provides hope and support to rural communities. What is necessary is an understanding of the important role which chiefs can play in both “public” and “private” issues in the society. Chiefs (in South Africa) still receive annual government grants for development projects and a salary; this shows the link between them and the state. According to van Rouveroy, chiefs “are no longer the master to whom every subject must defer... they are expected ...to translate disputes into terms which correspond to the new social and political situation in the country” (1987:26). The state uses the chiefs to know what is going on in the rural areas and the chiefs do not function independent of the state. The chiefs help in collecting taxes, issue fines, decide development plans in the community and some maintain a ‘community bank account’. It is the existence of the community bond that keeps chieftaincies in existence. But the legitimacy of the institution does not depend only on the community bond. The chief is the rule-making and rule-enforcing organ in the community. He performs several duties related to security, relations with government and maintains the community’s values. This does not mean that the chief is above the law, there are some checks on the chief that will be explained in the subsequent chapters.

The state is therefore not the only social force that wants to establish and maintain legitimacy. Other social forces, including chiefs, derive their powers from the use of different norms, rules and procedures from the state. Chiefs may not oppose the state in serious matters but their existence does not depend on the state.

2.3. Traditional Leadership and the Legitimisation Process

The emergence of democracy in the post-colonial era in Africa has transformed these societies. How is traditional leadership maintaining legitimacy in the midst of political changes going on in Africa? Mamdani (1996) has made a breakdown of the reasons

why democracy has not been achieved in post-independence Africa. According to him, for there to be development and democracy, these tasks must be completed, “deracialising civil society, detribalising the native authority and developing the economy in the context of unequal international relations” (1996: 285). He goes on to say that democratisation has been unsuccessful, because the key to democratisation was “the native authority” in the local state, which remained untransformed.

People like Mamdani suggest that the continued existence of the traditional institutions will continue to be an obstruction to democratisation in the rural areas. Other scholars like Munro (1996) maintain that the institution is a historical survival of the apartheid era that lacks the mandate of the rural populations and exercises authority on the basis of fear, coercion, and appeals to tradition and culture, or because the people are eager for a ruler whom they know and trust. In the words of Mamdani:

Reform has floundered on the walls of customary power... in the linkage between the urban and the rural, the rural is the key. So long as the rural is not reformed, the perversion of civil society is inevitable. This is why the limits of the current South African reform are so serious (1996 297-98).

Mamdani’s argument posits that democracy will not be achieved in the rural areas unless the traditional institution is completely “dismantled” or at least restricted to mere ceremonial functions. According to Williams, there are four broadly defined approaches that attempt to explain the continued existence of chieftaincy. These are the colonial legacy thesis, the traditional authority thesis, the weak-state thesis, and the “Janus” thesis (2001:72). I will elaborate on his argument by using the above approaches in explaining the reasons for the continued existence of the institution in Africa.

Williams observed that Mamdani adhered to the colonial legacy thesis in his discussion of the breakdown of indirect rule in Africa. Mamdani emphasised the forms of power in colonial rule and the effects of these forms of power on the postcolonial states. According to Williams, “Mamdani correctly notes that chiefs were the central link between state and society during colonialism” (2001: 73). The relationship between the state and chiefs was shown in South Africa, where “the

legitimacy and stability of the apartheid system depended, in large part, upon the willingness of these leaders to implement government policies” (2001: 74). This is what Mamdani called a “bifurcated state” in which the chiefs were exposed to “decentralised despotism” and served the state to the detriment of the people. Mamdani maintains that the legitimacy of chiefs depends on their usage by the state. Though this may sometimes be true it is not the only deciding factor because most evidence shows that the people did not withdraw their respect and loyalty to the institution of chieftaincy (Williams 2001).

Mamdani may be right in concentrating his attention on the importance of laws and institutions but he ignores the ways in which these institutions can adapt to changes over time. For instance, he does not ask if there is any space between official government promulgation of laws and the behaviour and attitudes of people in the rural areas. If there is such a gap, it may be filled by an existing legitimate chief in the area. Clough (1996) argued from his experience of chiefs and magistrates in Kenya that this could be the case. The chiefs still enjoyed the respect and loyalty of the rural people.

Williams has demonstrated that chieftaincy utilizes community understanding of land ownership to make decisions concerning rural development. He shows how democratically elected representatives and hereditary power holders blend together in unexpected ways (2001:76). There are gaps between state laws and rural laws, as van Rouveroy (quoted in Williams 2001:79) noted: “it is exactly within the ‘gap’ that the traditional authority, being the representative of that other ‘traditional’, cosmological world with its own view from which the chief (partly) derives his legitimacy, credibility and respect, plays a very important role”. Traditional authority continues to have a tremendous influence in rural areas and may act as a route to state resources.

Williams’s fieldwork in the rural villages of South Africa suggests that, “the local populations are cognisant of the fact that their chiefs were “forced” to make decisions they did not want to [make] during apartheid to maintain power, and most respondents did not “blame” the chief for decisions that ultimately hurt the community” (2001:74). The colonial legacy thesis did not account for the gap between “official” directions and institutions and the political behaviour and culture of the people.

The second thesis Williams illustrates is the traditional authority thesis, associated with the work of Max Weber, which investigates the distinction between “modern” and “traditional” legitimacy. This distinction between the modern and the traditional is used by scholars in explaining the dynamics of political development, especially in relation to the problems of underdevelopment in third world countries. According to modernisation theorists, like Rostow, the only way forward for the African countries that still exist in the traditional stage is to move to the modern stage of development. This is used by other scholars to explain why some African countries are adopting the modern political system of democracy, which includes political parties, separation of powers and other forms of civic order (See Apter 1967). This theory maintains that traditional institutions will disappear as social issues become more complex and power will be centralised in the state (See Huntington 1986).

This “traditional authority” theory has difficulty in defining “tradition” and identifying particular traditional functions which are expected from the traditional leader if he is to claim legitimacy. The difficulty in defining tradition has made this argument controversial especially after the colonial period. Most of the traditional authorities worked with the colonial authorities and yet remain traditional leaders of the people. This approach has shown that traditional rulers may be co-opted by modern institutions. Bayart has shown that traditional leaders held positions within their “customary institutions” and within “modern institutions” (Bayart 1993: 170). This integration of powers takes many forms: “those who held ‘modern’ political and economic roles hastened to obtain noble titles in their chieftaincies or native kingdoms, while in turn, those who held traditional authority and legitimacy entered political parties and business” (1993: 17).

Williams also reflected on the Weak State thesis that maintains, “traditional institutions will remain an important institution because the central state lacks the necessary capacity to fulfil its everyday duties” (2001: 76). He showed that traditional institutions benefit from the weakness of the state in Africa. Migal referred to this as “the triangle of accommodations, chiefs and *indunas* are local level ‘strongmen’ which the state seeks to accommodate and control at its own peril” (cited in Williams 2001:79). Keulder in Williams argues that the traditional institution is significant in

South Africa because chieftaincy enhances the state's social control and legitimacy, especially in the rural areas.

William augments his argument with the "Janus" thesis to show how chiefs use both 'traditional' and 'modern' sources of powers to maintain legitimacy (2001: 77). In this approach he showed "the ways in which traditional institutions use regime change and democratisation as an opportunity to enhance their authority and expand their functions, as norms and rules are in a state of flux" (2001: 79). Sklar was of the view that everywhere in Africa, the architects of government are building new structures on political foundations that are traditional as well as modern which he called a "mixed government". According to him, "...in modern Africa, it is normal for traditional political jurisdictions to occupy a second dimension of political space - a dimension behind the sovereign state: Janus-like, or back-to-back" (1999:115). The above approach shows the sources of legitimacy of the institution of chieftaincy and demonstrates that chiefs can interact with the traditional rural populations and modern state officials.

Chieftaincies are legitimated by the constant use of norms, symbols and values. This process enables a chief to retain political legitimacy. For many people in the rural areas, traditional leaders are the only institution that can translate and give meaning to the new laws from the state. The chief therefore tries to fill the existing gap between state laws and civil society. Although it may not be recognised that chiefs acts as liaison between the state and the society, they still have tremendous authority in rural communities. The activities and roles of chiefs give meaning to everyday political events in the rural areas.

In the next section I will look at the possibility of reconciling the existence of chiefs in the rural areas with the achievement of political development in those areas.¹

¹ The notion of political legitimacy and village democracy is more obtainable in the rural areas. This study is based on a rural community.

2.4. Chieftaincy and the Tenets of Democracy

Democracy as a term evolved outside of Africa but the structures and institutions of democracy are not new to Africa. Ayittey writes,

Before the arrival of the Europeans, Africa had participatory and direct democracy, free village markets, and free trade. Freedom of expression also existed in traditional societies. At the village meetings, the natives of Africa freely expressed their ideas and exchanged viewpoints. Africans had a value system, they knew of the works of ethic, justice, order and fairness. 'Primitive' Africans had forms of family, social and political control" (1992:18).

The study of traditional institutions and democracy in Africa is relatively recent. Much research in the past was distorted because the story of Africa was assumed to be 'primitive', 'barbaric', 'uncivilised' and 'poor'. The fight for political independence and the achievement of independence of a large number of African states since 1945 has reshaped the map of politics in the world. The waning of colonial empires in Africa has led to the emergence of new leaders, new movements and new political forms. The meaning of independence differed in the different African countries; the events which followed were often very different from the people's expectations of independence. From west to east the story was often one of political instability, military intervention in politics, communal and ethnic strife, stagnant economy and internal political conflicts. Is contemporary democracy in Africa a failure? And if so, is this problem related to the political actors or the political structure? To answer these questions we will investigate the institution of chieftaincies to see if it is compatible with democracy.

Oladipo has asserted, "Although the traditional African political order was based primarily on kinship and was guided almost entirely by oral tradition and a body of unwritten conventions, it did not lack the core ingredients of a democratic order"(2000:2). In the introductory page of a document based on the writings of African political leaders and writers like Nkrumah, Fanon, Senghor, Soyinka, Luthuli, Mondlane, Kenyatta, Cesaire and Lumumba, Wilfred Cartey and Martin Kilson showed how Casely Hayford commented on the Gold Coast's (now Ghana) native institutions: "the process of government is democratic, for throughout there is

complete participation of the people in the process” (1970:4). Hayford and Kenyatta expressed the communal spirit, the democratic process of the institutional links and the sense of total participation of the people in the governance of the society. Kenyatta showed the idea of allowing, “circumcised men and women” into the council which is not different from the contemporary democratic methods of using age as a criteria to determine eligibility to vote (1974:5).

Busia, cited by Oladipo emphasised the reliance on dialogue and consultation as a means of decision-making. Such a system implies that the people are the source of political power. In this regard, he has commented on the way in which the people come out together to discuss matters affecting the community.

Nwala has expressed the same idea, with particular reference to the Igbos of Eastern Nigeria:

Unanimity and all the rigorous processes and compromises that lead to it are all efforts made to contain the wishes of the majority as well as those of the minority. In short, they are designed to arrive at what may be abstractly called ‘the general will of the people of the community (Nwala 1985:168).

This confirms that decision making in traditional African society was often based on consensus and not on the choice of a ‘representative’. The absence of formal political parties made it easy for people to participate freely without alliances that might influence their choices. In this situation the people have a say in their governance rather than relying on a mouthpiece who may not voice their mind.

Kwasi Wiredu has discussed the notion of consensus and has confirmed the use of direct democracy in Africa. According to Wiredu (2000) there is considerable evidence that decision by consensus was often the order of the day in African deliberations, and on principles. So it was not just an exercise in hyperbole when Kaunda, remarked, “in our original societies we operated by consensus. An issue was talked out in solemn conclave until such time as agreement could be achieved” (2002: 2). Or when Nyerere, ex-President of Tanzania, remarked “in African society the traditional method of conducting affairs is by free discussion” and also quoted Guy

Clutton-Brock with approval to the effect that “the elders sit under the big trees, and talk until they agree” (2002: 5).

The system was inclusive and the people had an important participatory role in government. Sandra emphasized this, on the eve of the colonial take over in Nigeria: “The Lagos of 1850 was a small city-state. Its political system consisted of an *oba* (king) that presided over an elaborate hierarchy of chiefs. They represented most of the groups and interests of the population, and were divided into four chiefly lines: administrative, landowning, warrior, and medical/spiritual” (1988: 29). It appears from this that there was a considerable degree of separation of powers. This was their ‘democracy’ before the colonial authority was established and before post independent African leaders took over. The community came together in the village under a tree to deliberate political, economic and social issues. This was their parliament. Others might perform the same duty inside a building. Recent research has shown that chieftaincies might be democratic and representative. According to Oladipo, “A cautious reconsideration and adaptation of the African heritage of democratic governance could help in the revitalization and consolidation of the democratic ferment which Africa has been experiencing in the past decade or so” (2000:1).

Though there seems to be a fundamental disagreement between chieftaincy and democracy, many scholars do not see any reason for conflict, maintaining that chieftaincy contains many elements of democracy. Julius Nyerere argued in the same way that “ democracy is often spoken of as if it were something alien to the Africans” (1963:14).

Some scholars have maintained that chieftaincy is not undemocratic as assumed. They take the style and scope of decision-making in the institution as inclusive and consultative in nature at the local or village level. According to Naomi Chazan, “there were democratic strands of participation, representation and involvement in pre-colonial sub-Saharan Africa which included public involvement in decision-making, direct participation in communal affairs and functional representation of different sectors in ruling councils. The traditional premium on consensus (such as that found in Tswana culture), utilised extensive debate to blur extremes”(1993:70). In support

of this is the ancient “Kikuyu” system of government in pre-colonial Kenya, which Jomo Kenyatta said was based on “true democratic principles” (1938:18).

Benjamin Barber and Patrick Watson have argued that “Africa’s past can serve as a guide to its re-democratisation, particularly the equality and participation found in village councils” (1988: 85). Scholars like Joseph S.Coleman did not see anything undemocratic in the idea where political power lie in the hands of a hereditary chiefly lineage or clan. He argues that “such leadership was not necessarily autocratic. Leaders were checked by various countervailing forces, such as multiple layers of leaders, council of elders, and religious officials” (1960: 255). And Ali Mazuri showed that “in many systems leaders were held accountable through de-selection and the removal of the symbol of leadership” (1991: 30). Coleman argues further that in chieftaincy “one found the core of the concept constitutionals and the assumption of a measure of popular participation – direct or indirect – in the political process” (1960:255). Some female scholars argue that chieftaincy is not as male biased as it was assumed, maintaining that women possessed more effective influence under the chiefs than they possess now. Karagwa Byanyima argues, “There was no distinction between the public and the private spheres...Women could play indirect political influence through their roles in the extended family, via husbands, brothers, sons and clans people” (1992: 130). She focused her argument on pre-colonial Uganda, asserting that Uganda had a political system that was “uncomplicated, easily accessibly, thoroughly understood, and their services were free” (1992: 130).

South Africa’s transformation from undemocratic, unrepresentative and unaccountable systems of government to a fledging democracy necessitated that all structures of governance, practices, institutions and values be reviewed in the light of the new order. The statements quoted below suggest that this is the ambition of government. This would involve transforming and supporting the institution of traditional leadership so that it is brought in line with the constitutional principles of democracy and equality so as to represent the interests of communities, play a role in socio-economic development and contribute to nation building, and also be accountable to the people.

President Mandela's recollection of the history of South Africa's traditional leadership is remarkable,

Then our people lived peacefully, under the democratic rule of their kings. Then the country was ours, in our name and right. All men were free and equal and this was the foundation of government. The council (of elders) was so completely democratic that all members of the tribe could participate in its deliberations. Chief and subject, warrior and medicine man, all took part and endeavoured to influence its decisions (1984)

Barbara Oomen (2000) expressed similar thinking during the coronation of Billy Sekwati Mampuru as the King of Mamone in Limpopo province of South Africa, "It is now time to restore law and order in your area, a royal advisor put it somewhat differently: you are now like a garbage-heap; the rubbish of the whole community will land on you" (2000: 19). The presence of notable personalities like Nelson Mandela, Mangosuthu Buthelezi, Zanele Mbeki, Archbishop Desmond Tutu, former Botswanan President Sir Ketumile Masire, ANC stalwart Adelaide Tambo and Winnie Madikizela Mandela at the ascension to throne of Kgosi Leruo Tshekedi Molotlegi at Bafokeng on the 16th of August 2003 (*Sunday Times* 17th August 2003) shows the respect South African leaders are giving to the of institution chieftaincy.

There are so many undemocratic traits in chieftaincy that some scholars insist that it will be difficult to incorporate chieftaincy into modern democracy. The institution of chieftaincy is filled with a process of selection that is not open to the people in the form of election. Contestation for these positions is limited to some people by hereditary, family tree and gender. According to Themba Sono "this emphasis on kinship and patrilineal social structure is antithetical to the democratic ethos" (1993:45). Sono disagrees with some scholars that see participation, discussion and search for consent as the supposedly democratic components of chieftaincy.

According to Sono "the consent in the African form of chieftaincy is superficial (civilisation of consent) while in the modern form (civilisation of dissent) it is given freely" (1993: 41-42). The chieftaincy form of consensus places an emphasis on community and group rather than the individual. According to Sono, "The emphasis on group affiliation and or its demands is one of the most potent antidotes of a democratic ethos" (1993: 43). Sono maintains that the system of village discussion is

not democratic because it is the status of the speaker rather than the basis of his argument that is important. There is so much respect for elders that they are seen as the ordnance of ancestral forces. According to Sono, “ African traditional cultures are more concerned with reverence, acquaintance, and thus respect for the profound meaning assigned to the world and the word of the senior (in rank, status and symbol)” (1993:43).

Caution must be exercised before applying the norms of one African culture to another. As stated above, the Tswana village politics are not the same as Zulu culture. According to Chazan “ the Zulu chieftaincy is a highly personal aura of leadership, an emphasis on filial obligation to authoritarian leaders, a deference to elders and leaders, an emphasis on ideas of seniority, and an emphasis on group affiliation rather than individual liberty” (1994: 63).

The institution of chieftaincy may allow for more or less participation by the people. Chieftaincy typically is accompanied by some undemocratic features. It is difficult to develop an element of formalised opposition. Because societies in which chiefs are present are not egalitarian the cultural attachment to the chiefs along the echelon of elders of the community will make it difficult for a young graduate to express his or her opinion freely. In this manner chieftaincy will conflict with contemporary democracy. Thus, to the degree that chieftaincy is in conflict with the contemporary democratic ethos, the level of acceptance chiefs are enjoying in the hands of the communities might be an impediment to the development of a democratic culture. The more the people support chiefs in the name of their tradition and culture, the higher the degree of hostility to any form of government perceived to be disrespectful to the culture and tradition of the people. According to Diamond, “ democracies can persist with hostile or suspicious subcultures, but their stability increases to the extent that those groups’ power erodes, or their hostility to democracy erodes over time” (1993: 430). We can then investigate the question of whether there are people in South Africa whose attachment to tradition and culture are hostile to democracy.

How do people in the rural areas participate in present day democracy in South Africa? The closest governing institution to them is the chief whose role as an administrator is not defined by the bill of rights in the South African constitution.

According to Putnam, “democratic theorists from John Stuart Mill to Robert Dahl have asserted that the key characteristic of a democracy is continuing responsiveness to the preferences of its citizens” (1993:62).

In every political system or society there is a unique set of economic, political and social problems. South Africa is no exception, and the problems of South Africa is challenging because of myths, misconceptions and dissonant factors that have been allowed to interfere with reasoned analysis. During the colonial period authorities typically despised African values and traditional institutions were described as ‘primitive’, ‘pagan’, associated with ‘witchcraft’, and ‘uncivilized’. Colonists often felt contempt for chiefs who were associated with a culture of which they were contemptuous. They believed that culture defines political behaviour and political organisations like chieftaincy and village assemblies must be valueless if they exist in an inferior culture.

As Almond and Verba quoted in Graaf (1990:175) argue, “culture is the prime determinant of both political behaviour and political structure. It is not structure, which determines culture”. The “culture determines structure” thesis portrayed above is, on its own terms full of flaws especially in Africa where people exist in ethnic groups (tribes) with distinct cultures. According to Graaf the Africans were not having one particular culture since they were living in ethnic groups. There is no single African political culture. African polities, for example, range from the militarised and highly stratified kingdom of Shaka Zulu based on kinship groups and age cohorts, to the acephalous (literally: headless), weakly, stratified communities of central Nigeria (1990: 175).

As I have shown, a direct and participatory form of democracy can be presumed to be the hallmark of the African traditional institutions. Yet democracy has been volatile in Africa. According to Zewde, “the pre-colonial past has been portrayed in diametrically opposite fashions: as an age of barbarism and arbitrary rule [by colonialist], and as one of egalitarianism [by African nationalists]” (1999:230). This shows that the above analogy held by some scholars is not true. Some scholars are questioning the relevance of the pre-colonial socio-political organisations to the

contemporary African reality, since Africa has passed through momentous territorial and economic changes.

2.5. Contemporary Democracy and Traditional Institutions

Democracy is based on the assumption that the people are both the subject and object of democratic governance. It implies representative government and participation. There is no exact clear-cut, universal definition of democracy. Most definitions of democracy focus on qualities, procedures and institutions. The specific form that democracy takes in a country is largely determined by the prevailing political, social, and economic circumstances.

Democracy is understood to apply directly or indirectly. Representative democracy is an indirect form of democracy, where people are elected into the parliament and other government structures to represent other citizens in decision-making. The direct form of democracy is the form of consensus obtained in community forums and other structures of "village democracy" where people come together to deliberate on matters.

Teffo has showed that democracy is like culture, in that it is dynamic. "Every society has to receive democracy in its own way" (2002:2). Grete Faremo, quoted in Teffo, has captured the essence of the above statement:

We must not forget that democracy must grow from local roots; it cannot be imported, sold or paid for. It cannot be imposed from outside. The people of each nation must take their fate into their hands and shape the form of government most suited for their national aspirations. Consequently, we must avoid imposing pre-defined models of democracy on African countries (2002:2).

Larry Diamond emphasised the role of the ordinary people, both rural and urban, in ensuring that democracy is consolidated. Dahl maintains that by democracy we mean in some sense "Rule by the people" (1970:45). Democracy can take many institutional forms but the central thesis is constant: there must be a process of accountability to people.

Most of the post-independent occupants of positions of power in Africa believed that rule by traditional chiefs was incompatible with democracy. According to Nwafor Orizu quoted in Cartey and Kilson 1970:60 in *Without Bitterness*, “with the decline of the influence of the Kings comes the loss of prestige of the nobles and warriors.” Orizu explained that the newly trained and educated elites abused the African traditional institutions. These newly educated people were made the interpreters, district officials, chief clerks, heads of police and so forth. According to Orizu, “They had access to the Kings, and were between the Europeans and the African potentates... They took advantage of the situation by introducing a system of bribery never known in Nigerian political history” (1970:61).

This contempt for the culture and institutions of their own people was seen as typical of the educated. Orizu shows that “The educated class became a new privileged class because they felt themselves above the ‘chiefs’ above the elders, above the Nigerian way of life, above the Nigerian attire, above the Nigeria form of marriage, above the people’s ceremonies, in fact, above Nigeria” (1970:67). This influenced the younger generation to treat the traditional institutions and culture with contempt. A similar attitude among young people was observable in Bochum where I completed my research.

Chieftaincies are not only concerned with chiefs; it also includes the council of elders and the community. The group of elders means much to a traditional society; it is the reference library of the community, the encyclopaedia of history and adviser to the council. This is reflected in an adage of the *Igbo* people of Eastern Nigeria ‘*ahu akaghi na-egbu okenye ma akaa amughi na-egbu nwata*’ (an elder will die when he sees evil and fails to talk and a child will die when he fails to listen to the voice of the elders). The life of an African is often emotionally and ideologically attached to a village. Indeed, one’s national self-image is defined to a large extent by the sense of belonging to one’s home locality.

This was expressed by Denis Austin (cited in Owuso, 1996) confirming the power of chiefs on the people:

No party politician or military ruler in Ghana has dared to proclaim ‘the republic of the common man at the village level, or to abolish the office of

chief'. Indeed, 'ordinary illiterate Ghanaians have been moved to violent action in defence of 'rights' when local loyalties have been passionately aroused' this is because in the tradition of 'customary law' and 'usage', as well as in popular ideology, 'chiefs' and 'people' are *inseparable*: they are united by reciprocal rights and obligations, and by a sacred duty to protect and advance the interest of the community (Owusu 1996).

This may help to explain why General Oladipo Diya, the deputy to General Abacha, in Nigeria "felt confident enough to hold consultations before their *putsch* with the Campaign for Democracy (CD), traditional rulers, and other prominent political figures" (Ihonvbere 1996: 67). It is therefore not surprising that the holders of pre-colonial forms of authority have new political roles within the context of the modern state. For all the transformations of such institutions during the colonial and post-colonial periods, the present incumbents claim that they are the true representatives of their people. This was portrayed in the work of Williams:

Even though some political parties such as ANC believed hereditary institutions should only have a limited role in a democratic polity, the political realities in South Africa necessitated some type of accommodation. Most recently, over half of the population in South Africa live under the jurisdiction of chieftaincy institutions and thereby, represent a critical segment of the electorate. To some extent, the large urban-based political parties needed to establish good relations with the chiefs to ensure access during elections (2001:125).

The squabble over the compatibility of democracy and chiefs cannot be approached without unveiling the circumstances that brought the two together. Ayittey writes,

It was one thing to subjugate a people and demand obedience and taxes by military force. But it was quite another to force them to shed centuries-old traditions, to adopt alien ways of doing things, and to respond willingly to the dictates of a foreign culture (1992:18).

The unanswered question is, did the colonial authorities really introduce new institutions to Africa or did they merely influence institutions *already existing* in Africa? Unfortunately, some African leaders did not make this distinction and attempted to replace what they perceived as colonial institutions and in the process destroyed a large part of their own indigenous culture. General Moussa Traore, who ruled Mali for 22 years asserted, "Many African problems stem from the newness of the institutions we are trying to create in the post-colonial period" (quoted in Ayittey 1992:23).

2.6. The African Experience:

The history of most African states offers lessons which may assist in our understanding of how traditional institutions can work with the state in the development of rural communities. Under colonialism African democratic practice was altered and transformed to a new system:

The colonial presence altered social formations in yet other ways, creating named, bounded 'tribes', altering trade patterns, formalizing informal or contested indigenous hierarchies, promoting local headman to chiefs, and chiefs to kings in the interests of indirect rule (Susan 1999:3; see also Mamdani 1996: 44-6, Lemarched 1977).

The British understood themselves as being entrusted with the task of "civilising" the people of Africa. In the process of this "civilisation" some of the traditional and native institutions were altered and corrupted to advance the interests of the colonial authorities. Under direct rule, African chiefs were given limited space to govern themselves in accordance with their customs and traditions so long as these did not interfere with the principles on which colonialism was built. Some traditional leaders who refused to take orders from the British government were banished or killed like Jaja of Opopo in Calabar, Nigeria, and the Peremepe, a traditional chief in Ghana. Most of the traditional institutions that were retained were suppressed and weakened politically.

However, not all African people had a recognised and central traditional authority. Some societies like the Tonga in Zambia, the Masai in Kenya and the Igbos in Eastern Nigeria did not know traditional institutions of centralised leadership. These societies already possessed "village democracy". The British authorities did not recognise this democratic culture. Instead they imposed "indirect rule" on the people, by creating a warrant chief who compelled communities to obey him even if that was contrary to their customs and traditions. Chiefs and traditional authorities like headmen were imposed upon the people, irrespective of the fact that some communities had village democracy. Chiefs were assigned new and uncustomary roles to advance the colonial interest.

After independence, many African states did not know what to do with traditional institutions. Some countries like Ghana decided to retain chieftaincies and others, like Tanzania, abolished the institution of traditional leaders. And still others like Botswana brought them into the main stream of government. Part of the current problem is that some aspects of chieftaincy violate the basic rights and freedom guaranteed in the modern state. The institution is often seen to be male and age biased and therefore in disregard of South Africa's constitutional principles.

The nation state established under colonial rule was often new and undemocratically arrived at. At the same time colonists over-emphasised ethnicity, in a way which allowed for dissension and civil war in the post-colonial period. The case of Africa represents societies that were altered by centuries of contact with powerful, voracious, expansionist economic and political systems. Thus as Skweyiya asserted, "Traditional institutions such as chiefship need to be cleansed of all the undemocratic attributes that were imparted to it both by colonialism and apartheid" (quoted in Williams 2001:80).

Crawford Young, (in Alpers) is of the view that "the heart of the colonial state was its bureaucracy. Perhaps the most enduring legacy of the colonial era is the modern administrative infrastructure" (1999:122). Young looks at the present problems in African states as the product of their past. Alpers re-asserted the opinions of Catherine Coquery-Vidovitch and Henry Moniot, that "a maladjusted bureaucracy, inherited from the colonial administration, [was] moreover dangerously overdeveloped" (1999:123). Young, Coquery-Vidovitch and Moniot are looking at African problems from this angle because they assume that corruption in Africa today is a product of this anomaly. Indeed, they demonstrated that the result of this is "a bureaucratic aristocracy despised by the disadvantaged masses, because of its exactions and corruption" (1999:124). They confirmed that the majority of ordinary Africans would see their present government as exploitative as the colonial administration. The belief in the Congo is that Mobutu Sese Seko was corrupt, in Kenya that Arap Moi was the same and in Nigerian that Babangida and Abacha, were equally so. According to Alpers, "complaints today about the corruption and inefficiency that inevitably accompany it are legion in Africa and reflect what Bill Freund calls the problematic relationship between the state and the mass of the people" (1999:124).

This problematic relationship between central government and the people has weakened the authority and effectiveness of the new African states. On balance one is tempted to conclude that whatever their intentions, the British and French colonial regimes failed to prepare the countries they governed for democracy. Botswana is an example of the opposite. This is a country that had minimal colonial impact and little experience of electoral politics prior to independence. In Botswana democracy and traditional institutions have nevertheless worked together for the betterment of the people. According to Diamond, "the ruling party has built on the tradition of the *kgotla*, a communal assembly to consult public opinion and mobilize public support, in seeking local approval for development policies before any implementation" (1998:48). Ayittey used the story of Kofi Yamgnane to elaborate on the good components of indigenous African traditions that are good for democracy:

In 1989 Kofi Yamgnane, a black African from Togoland, was elected Mayor of the village of Saint Coultiz. He became famous throughout France not only for being a Black Breton Mayor but also for instituting an elected elders council. This practice has been imitated by more than 400 towns around France (1992:48).

In the process of creating the 'civilised' state out of the 'uncivilised' there was the need of educating the population. "Citizenship would be a privilege of the civilised; the uncivilised would be subject to an all-round tutelage" (1996:16). The difficulty was that the colonist usually believed that he had the right to define the term 'civilised'. The resulting vision was summed up in Cecil Rhodes's famous phrase, "equal rights for all civilised men" (in Mamdani 1996:17). Mamdani has demonstrated that the key to democratisation was the native authority.

While accepting this, I think that the best way of detribalising the chieftaincy is through reforming it. This involves cooption into the central government. The nation state has to be developed with the support of rural people through a proper indigenous mechanism that is compatible with national unity. Nigeria is a good example where the failure of reforms have exposed (and is exposing) democracy to exploitation by a corrupt elite which has benefited from deracialisation in the name of 'indigenisation'. Constitutions and federalism are not enough to manage this multi-ethnic society, with

the result that there has been an increase in intensity of inter-ethnic conflict in Nigeria. Gluckman explained the life of the people with their chiefs before colonisation as:

The Chief (and even the King) was supposed to deal with his people himself and should not altogether delegate duty. Chiefs and indunas knew most of their subjects, with their relationships and ancestry... The Zulus sum this up by saying 'the people respect their Chief, but the Chief ought to respect his people (Gluckman 1940:44).

Chiefs were playing their role of governance in the society by maintaining a good relationship with the people until the colonial authority infringed on their rights. The co-option of some traditional leaders into the colonial authority is affecting the image of the institution. (See Bekker 1993). Some scholars insist that chiefs were ultimately agencies of the colonial government or have worked for imperialist goals. But most chiefs were widely regarded as barriers to the achievement of imperialist goals. They stood for the past, for other-worldly values, and were opposed to both individualism and modernizing corporatism. (See Mbeki 1984). Owusu captures it thus:

The processes, by which chiefs ruled, the rituals and ideas, which maintained their authority, were, it was widely claimed, the enemies of rapid transformation. Africa and Africans' besetting problems were broadly those of 'underdevelopment'; chieftaincy was seen as a significant aspect of the problem rather than as part of the solution (1996:87).

Many critics of traditional institutions believed that chieftaincy will die, as material progress and scientific endeavour made it appear socially and emotionally redundant. The newspaper of Nkrumah's party, the *Accra Evening News*, constantly upbraided chiefs for their 'oppression of the masses' and especially for their 'collaboration with the imperialists'. Thus, "chieftaincy would enjoy declining appeal and would eventually die with precious few mourners at the collective graveside" (Owusu 1996:76). But not everyone felt that chieftaincy was doomed to disappear. David Apter, one of the most perceptive analysts of Ghana's politics in the 1950s, said that he

believed in mutation rather than outright extinction. The nationhood phenomenon was new to Africa and it is certain that it cannot take the position of the institution. Chieftaincy has been shaped by values of strikingly different cultural traditions and consequently carries sharply differing meanings from

area to area. Even more importantly, each chiefdom has its own particular contingent history dating from the depths of the largely unknowable past to the present. (Cited in Rathbone 2002: 12).

2.7. Selected Examples of the African Experience

Despite the awesome diversity, there was striking similarities in that Africans governed themselves. African societies that ruled themselves had all four units of government: a chief, an inner council, a council of elders, and a village assembly. In virtually all-African societies, political organisation began at the village level. The village was made up of various extended families. There was the chief, the central authority, the inner or Privy Council and the council of elders. (See Ayittey 1991 and Boama-Wiafe 1993 for extensive discussions).

Most African countries allowed chiefs within the authority of the modern state and some abolished the roles of chiefs. I will use the case of Ghana as an example of a country that recognised the institution of traditional leadership. Chiefs have a role to play especially in developmental issues, but they are not allowed to participate actively in party politics.

2.8. The case of Ghana

Since Ghana's independence no government has ignored the chiefs in the administration of the country. The government and people of Ghana appreciate the rôle of chiefs as a way of linking the rural and the urban people of the country. At times some chiefs have behaved badly and have had an unsatisfactory record in national life, but the Ghanaians remain convinced that the institution of chieftaincy has an important role in the life and government of Ghana, both for the present and for the foreseeable future. They consider it right and necessary that the institution should be protected and preserved by appropriate constitutional guarantees.

The basic problem of Africans, according to Basil Davidson, "is to find their own way of revolutionizing the structures of the past, and the colonial structures that have been imposed upon them, and which they inherited, in large part, when they [became]

politically independent” (quoted in Owusu 1996:87). In Ghana, chieftaincy has over the years responded to the challenges of national development. Nkrumah was not particularly bothered by the apparent ideological contradiction associated with integrating chieftaincy in a socialist economic and political strategy of development, as he had told John Gunther while Prime Minister in 1953,

We are not on the old heritage of the chiefs, not superimposing something from above. Our chiefs are much more democratic than most outsiders think. Our biggest asset is that our movement rises from people who understand our goals. (John Gunther, *Inside Africa* London, 1955: 779-800)

The government of Ghana sought to incorporate some of the chiefs in the civil service. Educated chiefs were rewarded by the Communist People’s Party (CPP) as opportunities were created for them to play a more active role in Nkrumah’s Marxist-Leninist regime. One was made ambassador to India; another served as a delegate to the UN General Assembly, yet another with an Oxford doctorate in anthropology became a cultural adviser to the Ministry of External Affairs, while others were appointed to serve on important boards and commissions. At the local level chiefs were urged to identify with development projects to ensure their successful implementation.

Chiefs were given the responsibility of mobilising support for local development projects aimed at improving living standards. It was assumed that chieftaincy was well adapted to encourage increased popular participation at the grassroots. The chiefs should not, as rulers, see central authority as their adversary but as partners. They should be ready to work and offer advice to any government in power. Symbolically, chiefs see themselves as ‘fathers’ of all the people to whom they are ultimately accountable.

When Jerry Lawrence came into power in Ghana in 1979, he pledged his people’s support for the revolution, and called on chiefs to rally behind the People’s National Defence Council (PNDC) to fight to wipe out corruption and exploitation of the masses by the privilege few. In the words of Owusu:

It must be noted that the majority of the thousands of the Chiefs found in Ghana’s hamlets, villages, towns, and big cities, who still command the

respect and loyalty of the people, enjoy modest lifestyles that are scarcely distinguishable from those of the workers, peasant, or fishermen they lead. The social economic backgrounds and the ideological orientations of Chiefs, as my studies confirm, are as varied as those found among the general population of Ghana. The 'Average Chief', no less than the 'average worker' (and many chiefs are themselves workers in their occupational lives), has a vested interest in the stability, survival, and continuity of any government that is seen to be in favour of improving the general welfare of ordinary people (1996:45).

To illustrate the new influence that some Chiefs began to exercise, Owusu indicated that the "Kyebi PNDC executive was dismissed in early 1983 after a public meeting held in the Akyem Abubakwa Traditional Area, presided over by Barima Boakye Nkyira 1, the Abontendonmhene of Kyebi, had found that it was guilty of imposing heavy fines on individuals for petty offences, and of failing to give a proper account of money collected, as well as being unable to mobilise the town people for greater productivity" (1996:89).

More importantly, PNDC leaders began to stress in their official speeches, press releases, and interviews that the evolving 'true democracy', far from being a carbon copy of any foreign revolution, was being built on Ghana's indigenous political traditions and values. Rawlings himself reassured the chiefs that the PNDC valued the positive potential of chieftaincy as a means of mobilising the people for meaningful development. The popular view is that the structures of governance have failed to mobilise the people and there is need of maintaining the cultural aspect of nationhood.

The above may suggest an idealised view of traditional African political systems, patterns and wisdom of the past, but the essence of my argument is that democracy cannot be meaningful unless it includes that large group of African people who are still paying allegiance to chiefs. Perhaps the inclusion of chiefs in power structures is the only way of detribalising the native authority, which is the gateway to democracy in Africa. Mamdani did not observe that there are chiefs who are not existing under tribes and those types of chiefs are the ones I am interested in. They are the ones living with the people in the rural areas in South Africa and most African countries.

There are two main types of indigenous organisations: (a) tribes with chiefs and their attendant administrative and judicial institutions were referred to as chiefdoms or

states; (b) tribes that dispensed with chiefs but governed themselves peacefully were called stateless societies (see Ayittey 1991). African societies that ruled themselves had all four units of governance: a chief, an inner council, a council of elders, and a village assembly. Tribes that had chiefs included the Fanti of Ghana, the Yoruba of Nigeria, the Mossi of Burkina Faso, the Swazi, and Zulu of South Africa (see Ayittey 1991, Boama-Wiafe 1993). There was an idea of delegation of powers and authorities to the lesser chiefs in the villages. According to Bohannan, "the tendency for many tribes to decentralize government by delegating authority and responsibilities to local entities and by instituting a complex system of checks and balances to curb autocracy evidenced the tribes fear of tyranny (1964:192).

One did not have to belong to one political party or family to participate in the village meeting. The chief do not obstruct the culture and tradition of reaching to a general consensus. At the village meetings, the people expressed their opinion freely. According to Ayittey "Local communities enjoyed the substantial autonomy to run their own affairs [under a chief] which partly explains why many distinct chiefs in Africa today" (Ayittey 1991:34).

If traditional chiefs still enjoy the deep respect of their subjects, it is reasonable to ask for tolerance, accommodation, and peaceful coexistence from the centralised state. I shall argue that chiefs are limited by clear checks and balances and that a chief was an embodiment of the common good rather than of particular interests. Colonialism by co-opting many of them corrupted what had worked effectively in the past. In order that they may now serve their people as in the distant past, they need a relationship to the state which does not amount to co-option. Politics is about control of state power. State power cannot be effective unless it is recognised as legitimate. It is clear that the state is the centre of political activity but what is not clear is how the actions of the state affect people in the rural areas. The way in which these actions affect them determines how they vote. If local government is close and effective in rural areas, this does not reduce the legitimacy of chiefs.

The activities of chiefs in rural areas can make it possible to reconcile 'tradition' and 'modernity'. According to Van Rouveroy, a chief "disposes of two different bases of legitimacy and authority. This permits him to operate differently towards the state and

his people. A kind of hinge point, a chief tries to connect both worlds” (1996: 46). Chiefs maintain the legitimacy of power since they can work efficiently with both “traditional” rural populations and the “modern” state. Chapter Three will investigate this in the case of South Africa.

Chapter Three. Chieftaincy and the Debate in South Africa.

The slogan of the African National Congress during the 1994 election was to build “a better life for all” but the lives of the millions of South Africans in the rural areas living in poverty are yet to improve. According to Nelson Mandela:

Our definition of the freedom of the individual must be instructed by the fundamental objective to restore the human dignity of each and every South African. This requires that we speak not only of political freedoms. My government’s commitment to create a people-centred society of liberty binds us to the pursuit of the goals of freedom from want, freedom from hunger, freedom from deprivation, freedom from ignorance, freedom from oppression and freedom from fear. These freedoms are fundamental to the guarantee of human dignity. They will therefore constitute part of the centrepiece on which our attention will be continuously focused (Mandela 1994).

Mandela was emphasising that freedom will lose its meaning if the majority of the population in the rural areas is still living in poverty and underdevelopment. The connection between freedom and development was stressed by Thabo Mbeki when he argued that “the elimination of poverty remains one of the central objectives of the government and the country” and that this was “fundamental to the restoration of the dignity of all our people” (Mbeki 2000). All South African leaders have noted the story of poverty in South Africa. According to Williams, “the poverty the leaders refer to is most pervasive in the rural areas; specifically, the former Bantustan territories, where an estimated 16.9 million people, or 45 percent of the population, live under the jurisdiction of over 800 chiefs” (2001: 150). “It is estimated that over 70% of the poor households in South Africa reside in the rural areas in conditions of poverty, which are equal to other parts of Africa” (May & Rogerson 1999: 212). Government needs to know the appropriate channel to reach these people in the rural areas.

The dismantling of apartheid in South Africa and the creation of a democratic system has aroused much expectation amongst the neglected communities in the rural areas. Howarth and Norval have argued that, “this [neglect] precludes the continued problematization and investigation of areas of social and political life, such as issues of rural development, in which there has been little, if any, evidence of

change”(1998:1). A visit to Bochum district in Limpopo province that has about twenty-one communities is like a journey from one world to another. There is no comparison between the infrastructure available to the people in these communities and the people in the cities.

The Reconstruction and Development Programme (RDP) in South Africa was not a total failure, even though it was short-lived. It was difficult to deliver services to the people in the rural areas. This was confirmed in the work of Cameron:

Furthermore, the lack of a democratically elected local government structures remained a fundamental obstacle. One of the reasons given by Jay Naidoo for the slowness in the RDP was the lack of legitimate local government structures to drive the development process (1996:238).

The people in the rural areas will continue to bear the burden of the past that left them delinked from the rest of the country unless the institutions that truly represent them are constitutionally drawn into the system. The RDP placed great emphasis on community participation, but the lack of cooperative community frameworks has made most of the work unrealisable. Cameron showed that communities were flooding the RDP office with applications, yet they were not being processed because there was no real framework for community participation; no framework imposed by the authorities from above would resolve the problem. “The RDP attempts to be a top-down programme forcing agencies to reprioritise a people-driven process” (1996:239).

Until February 1990, it appeared that South Africa was one of the countries where a transition to democracy was least likely. Yet in 1990 the ruling Nationalist Party did the unthinkable: it deliberately embarked on a process that ended white minority rule. In the previous year Van Zyl Slabbert had stated bluntly: “there is no single or inherent reason why South Africa could not become a stable, functioning democracy” (1989:1).

There are some democratic norms and practices essential in order to create a democracy. But, according to Terry Lynn Karl, “you do not need democrats to create democracy” (cited in IDASA 2003). This means that what is important for the

consolidation and growth of democratic institutions is the development of a widely acceptable political culture among the citizens of the country. A democratic culture amongst the people will help in the continued operation of the existing democratic institutions and practices and will empower the institutions to give meaning to the life of the citizens.

Political culture is defined as the set of popular orientations (in the forms of norms and beliefs) within the community, its institutions and leaders, and attitude towards their own roles as citizens. The political culture of a new democracy, like that of South Africa, does not come from nowhere; it has to go with the pre-existing structures and attitudes of citizens about the political authorities and institutions. Knowing about the pre-existing structures of governance and their likely implications on the present political culture requires studying the country's history, the socialising institutions, and the past roles of the political institutions. The political history of South Africa will be incomplete unless the historian looks at colonialism, apartheid and the liberation struggle. These issues are the forces with which the present political cultures of South Africa will contend and the outcome will determine the acceptance of and participation of the citizens in a democracy.

This dissertation is looking at the possibility of rendering traditional institutions compatible with contemporary democracy and thereby developing a widely acceptable democratic culture. The institution of chieftaincy is packed with issues and practices that will conflict with the ethos and practices of contemporary democracy. The ideas of respect for tradition, the hereditary process of selection of leaders, the possibility that forces of opposition may be silenced or disregarded and the emphasis on the group rather the individual – all these are problematic in that they can be seen as anti-democratic.

3.1. Chieftaincy in South Africa

Chieftaincy is not a new issue in South African politics. It has been the system of governance of the various peoples in Africa and South Africa prior to colonialism.

According to traditional ideals, a chief could never force his people to do what they did not want to do; he was a leader rather than a ruler, relying for his position on influence rather than force (Bourdillon cited in Williams 2001:97).

This was one of the roles of chiefs before colonialism. Chiefs performed many functions in their different communities, ranging from political, to economic social and cultural roles. They maintained safety and security, allocated land, provided infrastructure and services, collected rates and taxes, implemented court decisions, maintained law and order, provided traditional medicine, performed sacred and spiritual roles and preserve culture and traditions (See Naudascher & Kgathanye 1977). Many of these duties and functions made the institution of traditional leadership an indispensable part of the community.

There are evidences in the past that showed that chiefs were only selfish and corrupt. According to Appiah, chiefs, were “exploitative”, “reactionary”, “corrupt”, and a major obstacle to socio-economic development. According to him, “the heavy underdevelopment in Transkei is due to the existence of the traditional institutions which proved incompatible with modernity, progress and development” (1994:7). In the special case of Transkei, with its status as a ‘homeland’ controlled by the apartheid state, it is true that Kaiser Matanzima, a traditional leader, as well as others, sold out to the government of South Africa and thereby was unable to uplift the rural people whom he claimed to protect (Mbeki G 1984). The local chiefs were corrupt and this is demonstrated in the manner in which they distributed the communal resources. The allocation of land in Transkei was influenced by bribery and a system of political patronage, so that the poor did not have access to land (Southall 1977, 1982, Streek and Wicksteed 1981, Haines *et al.*1987). The attitude of the traditional leaders in Transkei neglected the development of community members. Appiah showed that applications for land had to be accompanied by payments of alcohol, poultry or sheep.

The interest of the colonial authorities was how best to control the indigenous people of Africa. It was not possible to control the people without their leaders. The colonist introduced in some areas the policy of indirect rule and this policy made traditional leaders part of the broader design of the activities of the colonial authorities. According to Nwomonoh “The underlying belief behind indirect rule was that every

system of government, if it is to be permanent and progressive, must have its roots in the framework of indigenous society” (in Mashele 2003:11). The colonial authorities realised the importance of the traditional leaders in their activities in the colonies.

This policy was introduced in Natal in the mid-nineteenth century by Sir Theophilus Shepstone (Zungu 1997). This policy set the scene for the passage of the Native Administration Act No 38 of 1927. This act made the Governor General powerful over the chiefs, and made the chiefs puppets of the central government and in most cases accountable to the colonial government instead of the people (Mzala 1988). The subordination of the chiefs to the colonial authorities instead of their being answerable people was a problem for some chiefs. According to Hammond-Tooke:

In most ways the headman is in a difficult position. On one hand he is liked by ties of Kinship and political office to the people of his location and is expected to look after their interests and well-being. On the other hand he is a paid official of the white administration, under the immediate control of the commissioner and subject to disciplinary action if he fails to obey the latter’s lawful instruction (1962)

It was not easy for the chiefs: those in support of the people were deposed and replaced with people who had no respect for the tradition and this affected the integrity of the institution. According to Govan Mbeki, “the chiefs, without whose participation the apartheid plan as applied to the reserves cannot work, are conscious of the importance of their role” (1964: 87). The political and socio-economic structures of most countries in Africa were significantly transformed by the contact with the colonial authority.

The colonial state became, in effect, a parasite drawing its lifeblood legitimacy from the chiefs. If the state had abolished the chieftaincy and refused to recognise chiefs, it would have had to develop its legitimacy all by itself, a daunting task indeed, and one that few chose to undertake.... The state had to keep chiefly legitimacy more than a mere fiction if it was to continue to benefit from their existence. It therefore preserved some real sense in which chiefs were responsible to their subjects. Chiefs in turn were thus given the space in which to exercise some autonomy from the colonial state (Mahoney 1998:25).

South Africa will not forget 1948 when the Nationalist Party introduced the ideology of Apartheid. This ideology gave rise to a society of deepened racial disintegration

masterminded by the party. According to Hill, the theory behind the ideology states that:

The republic's Africans compose not one but many national groups. Ethnic divisions, it is said, are so fundamental and deeply felt that they could not possibly be overcome to allow all groups to combine in a single political entity...(1964:1).

This ideology was followed by the passing of the Black Authorities Act No. 68 of 1951. This Act provided for the division of South Africa into a system of 'homelands', which divided the people along tribal lines. The Bantu Authorities Act ushered in a process that culminated in the establishment of these 'homelands', and was, therefore, a continuation of the attempts to prevent the urbanisation of Africans, and maintain the fiction those all were rooted in that areas occupied by their ancestors. According to Mbeki, "The Nationalist government began, in 1950, to bribe chiefs. It introduced two scales for headmen in that year" (1964:79). The rural people did not welcome the establishment of 'homelands' and there was resistance to the act in the 1950s and 1960s.

According to Maloka:

The position of individual chiefs, and headmen was strengthened vis-a-vis that of commoners, as the former gradually came to rely on their alliance with the colonial government, rather than popular support, to remain in power. The *kgotla* (council of advisors recruited from the male household heads) [in Botswana] also lost its significance as a structure to which a chief was accountable, while the *pitsa/mbizo* (Popular assemblies) were reduced to gatherings to receive orders and colonial officials (1996:175).

As Bekker (1993) stated, in creating the above system, the Nationalist Party believed that chiefs who were known to particular tribes would be more powerful in the 'homelands'. The position in which chiefs found themselves was not very different from that of the colonial era; chiefs who opposed Apartheid were deposed. For example in Transkei about 30 chiefs were removed between 1955 to 1958 (Maloka 1996). Many chiefs co-operated with the Apartheid government out of fear. Headmen were appointed by the state and exercised authority in rural areas. Chieftaincy was slowly and systematically diluted and the union between the chiefs and the people was damaged. For example, in the case of the Ciskei and other parts of South Africa, by 1950s "elected headmen had largely replaced hereditary chiefs, and the most

visible and articulate spokesmen of black interests lived in towns” (Anonymous, cited in Appiah 1989:397).

What were previously flexible and evolving African laws were redefined, fixed and codified by colonial administrators and apartheid officials into ‘customary law’ in line with the imperatives of colonial rule. Maloka maintains “Colonialism had systematically eroded the material basis of chieftaincy” (1996:176). By taking away the power to allocate land from the chiefs and causing the African rural economy to collapse, colonialism and the Nationalist regime made rural homesteads dependent on regular “remittances from the migrant labourers who were temporarily resident in ‘white’ towns and farms. Production had shifted from the homesteads to industries and commercial farms” (1996:177).

Some of the chiefs in the then homelands nevertheless had very strong ties with the exiled African National Congress (ANC) and its internal allies such as the United Democratic Front (UDF) and the South African National Civics Organisation (SANCO). The ANC has not forgotten the roles of some chiefs during the apartheid era.

Memories of the role and activities of chiefs under the colonial and Apartheid governments are affecting the integrity of the institution in the post-apartheid South Africa. Some members of the ANC look at chiefs from this perspective as expressed by what Simon Bekker called “homogenising modernisation” and their 1988 Constitutional Guidelines qualified chiefs as “remnants of a backward and uncivilised past” (1993:9-10) and planned for their alternative – modern democratic institutions. According to Themba Skweyiya:

One of the main facets of democratisation will be how to design appropriate institutions which will among other things serve to thwart an array of undemocratic impulses that are likely to bedevil the post apartheid society. At the same time these institutions should command legitimacy among the people they serve (1993).

The ANC has not found it possible to adhere to this verdict. There has been tension in the party (cf Marion Edmunds, “Tension in ANC over Traditional Leaders” *Weekly Mail & Guardian*, 8 to 14 December 1995,4). This uneasiness with the decision did

not stop the ANC from having a strong political links with Contralesa. According to Simon Bekker this is "...because of the need to develop a pro-ANC alliance of rural traditional leaders opposed to the IFP" (1993:18).

According to Myers "One could have confidently expected that it would have been speedily done away with by South Africa's first post-apartheid, ANC-led government" (1999:39). Not everyone welcomes this idea; some maintain that this issue should be treated with caution and that the chiefs should not be excluded from the contemporary government because of their closeness to people in the rural areas. According to Ogunna "Any local government system that fails to take into full account local interests and aspirations and the traditional political organisation of the people is doomed to failure" (quoted in Mashele 2003).

Some scholars question the relevance of traditional institutions in the present dispensation. The question then remains, is there any need for traditional institutions in this era of modernity? Mokgoro maintains:

Although the institution of traditional leadership has historically suffered political manipulation, abuse and exploitation at the hands of successive colonial government, a significant sector of rural societies, particularly in former homelands still cherish the system (1994:5).

This shows that many indigenous systems have remained intact and have been responsible for stability, peace and harmony in tribal areas.

How democratic are chieftaincies? According to Mokgoro:

Considering that nearly 40% of all South Africans (most of whom are women) are currently permanently rural and a significant number commute between town and country, where the communities are essentially traditional, the need to call for greater recognition and protection of traditional leadership seems realistic (1994:14).

It must be admitted that it is not acceptable at this time for an untransformed system, which is fundamentally male in character to be governing a dominantly female community. The traditional system must be transformed on a non-racist and non-sexist basis.

Academic writing on chieftaincies within South Africa tended in the 1980s (i.e. under Apartheid) to dismiss the structures of traditional institutions on the basis that crumbling indigenous institutions have been resuscitated and transformed into coercive instruments which derive their authority and legitimacy exclusively from the powers invested by higher authorities. Moreover, chieftaincies are seen as inefficient, corrupt and undemocratic (Daphne, 1982; Haines and Tapscott, 1986; Udit and McIntosh, 1988). Similar criticisms were typically made by new governments in post-independent Africa. Chiefs were seen as conservative, reinforcing tribal rather than national affiliations and having histories of collusion with colonial governments (Van Rouveroy-Van Nieuwaal 1987:3; Mahood 1982/3:209). This view is captured succinctly by Maloka who describes the assembly of chiefs in South Africa as follows: "Contralesa is now 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 interest. Where have you seen a chief who is based in a Cape Town suburb, rather than amongst the rural masses?" (1996:179).

This demonstrated that chieftaincy can be autocratic when there are no checks from the community. According to Appiah, such chiefs are classified as "bourgeoisie", "exploiters" and the "community members who are forced by necessity to work to maintain the "exploiters" or "bourgeoisie"(1994:9). Bribery and corruption was institutionalised and the peasants in the community were exposed to suffering at the hands of the chiefs. Knowing that land is the only resource that the people can use and denying it to them because they cannot not afford the bribes, is a cruel way of disempowerment. According to Streek and Wicksteel "the inhabitants of a particular area have expressed support for a particular development scheme, but it collapsed because of the resistance of the local chief or headman... the situation is unlikely to change in present circumstances while the tribal authority remains" (1981:167). According to Southall, "Chiefs are now located at a judicial administrative juncture from which they could appropriate financial surplus from the community ... through coercive and corrupt mechanisms" (1982:106).

The people who are arguing for the retention of the institution of chieftaincy have not explained how it can be transformed and adopted into the governance of the present-

day South Africa. The question is how to transform chieftaincy to meet the basic requirements of the present South Africa since it is believed to be strong in many rural communities in South Africa? Chieftaincy is seen as a symbol of the unity which maintains peace and mutual support in rural development. Yet it does not operate in accordance with the principles of democracy.

3.2. The Views of The Political Parties.

The issue of chieftaincy has been among the controversial issues in the country. By accepting the 1996 constitution, the national government under the ANC has accepted the fact that chieftaincy should be protected and accorded constitutional recognition. The IFP went to court over the demarcation of electoral districts for areas separate from metropolitan areas. The IFP won its case and the ANC called the judgement in favour of the IFP “more of a victory for feudalism than for our fledging democracy” (quoted in Demarcation Ruling ‘Victory for Feudalism,’ *Cape Times*, 10 November 1995, p.4). According to ANC MP Mike Sutcliff “The decision accepted that KwaZulu Natal was an area of South Africa where feudalism and not democracy should operate” (quoted in Farouk Chothia, ‘Electoral Court Rules Against Incorporation of Tribal Areas Into Durban’ *Business Day* 29th November 1995 p.2).

The election of 1994 affected the relationship of the two bodies on issues relating to chieftaincy. In 1995, Chief Phatekile Holomisa met with IFP-aligned *amakhosi*, and called for a boycott of local government elections in some areas of the Eastern Cape. He insisted that the chiefs and the people would not co-operate with the councillors and he rejected the results. Members of the ANC lodged complaints about Holomisa (‘Chiefs Declare Polls Invalid’ *Business Day*, 9th November 1995; and *Weekly Mail & Guardian*, 8 to 14 August 1995, p4.). The local government election was not welcomed by chiefs, in particular those in KwaZulu Natal.

Thabo Mbeki, reacting to the Joint Technical Committee on the roles and functions of traditional leadership at a local governance level, said that “The government was committed to finalise the issue by finding a long-term solution to the erosion of powers of traditional leaders within the context of our democracy”. Valli Moosa (Minster of Environmental Affairs and Tourism) has argued that “The challenges of

our new democracy were to ensure that our traditional institutions are respected and given the necessary profile and role in the building of a new era” (ANC 2004). On this basis, a Council of Traditional Leaders was established. Deputy President Jacob Zuma, while opening the National House of Traditional Leaders, maintained, “Our democratic system is not something that was cast in stone. It is something that is constantly evolving. In developing and deepening our democracy, we are attempting to develop democratic institutions that can take into account our history and our culture” (8th May 2002).

The IFP, which is based in KwaZulu-Natal, the province with the strongest ties to traditional leadership in the country, nevertheless describes the ANC government as an agent of destruction of the institution. In the words of Dr Lionel Mtshali, Premier of KwaZulu-Natal:

Our country is locked into a great challenge arising out of having to solve the rural-urban disparity. Rural development is essential to our country’s success. Yet the integrated rural development strategy has made no allowance for any significant role to be played in the formula of development by traditional authorities and traditional leadership, which are widely recognised to be essential elements in any plan of rural development. While we speak of promoting poverty alleviation and rural development, the conditions are put in place for what could become a massive disintegration of the social fibre of rural communities because of the undermining of traditional leadership (GCIS: November 12th 2002).

King Zwelithini of the Zulus, while addressing the National House Of Traditional Leaders said, “The Constitution did not make provision for cultural rights”; and added that “An African majority toppled a white minority in 1994 only to get Western-style rule and norms enforced on them” (*Sunday Times* 4th August 2002). Speaking as a member of Contralesa at a United Democratic Movement (UDM) media briefing, Dumisani Gwadiso warned that the demarcation board's interference with the boundaries of traditional authorities was "a recipe for a big problem" (*Dispatch* 6th March). In the words of Chief Mangosuthu Buthelezi, the leader of the IFP "We have denounced over and over again the plan of government to ‘transform’ traditional leadership out of existence. ... this would be a disaster ... chaos would ensue." (*Sunday Times* 4th August 2002).

In my own region my forebears fought wars and battles against colonial and later apartheid regimes in order to maintain our traditional democracy. We cannot afford to dispose of our traditional government institutions in favour of Western kind of democracy. That would mean we fought in vain against domination by foreign powers. Let us merge the two types of democracies for the general good of the people (King Goodwill Zwelethini, address at the opening of KZN legislature 23rd February 2001 in Ulundi).

The comment by King Zwelethini is consistent with those made by traditional leaders across South Africa. The traditional leaders maintain that the government intends to destroy chieftaincy in South Africa. The Zulu King is not happy with developments regarding the role and function of traditional leaders and he has indicated his intention to lodge a request for an investigation. IFP leader Buthelezi has spoken out strongly against the formation of municipalities in rural areas and has made repeated calls for the issue to be addressed.

Traditional leaders countrywide and in KwaZulu-Natal in particular have expressed concern that their powers might be obliterated by the new municipal structures which were implemented after the local government elections of 1995. Gwadiso stressed that Contralesa was not against elections or democracy but was opposed to the formula which demarcated municipalities without consulting chiefs. And he maintained that "It is when government says, we will bring in democracy and you must go into the sea that we have a problem. What was being witnessed was a concerted effort by the ANC government to destroy traditional leadership" (*Dispatch* 6th March 2002). While spelling out the position of chiefs with regard to the demarcation process, Gwadiso said "The concept of one municipality made up of urban and rural areas was rejected, while it was believed elected councillors should work together with traditional leaders" (*Dispatch* 6th March 2000). Buthelezi said "Neither the IFP nor any traditional leader he knew had rejected the need for the institution to evolve. Traditional leaders resolved most disputes in South Africa, maintained stability in their communities, and had been a constant and caring factor in developing and uplifting their communities" (*Sunday Times* 4th August 2002). In his slogan, "Unite against ANC treachery" (*Sunday Times* 4th August 2002) Buthelezi called on Zulus to shelve their differences and unite under a "common leadership" to defend the interests of their kingdom. He said the 19th-century Zulu kingdom had

been destroyed because some within had sided with the British invaders. This needed to be avoided if the current struggle to "provide for the autonomy and the recognition of the Zulu kingdom" (*Sunday Times* 4th August 2002) was to be won.

Listing a range of grievances, Buthelezi said "The establishment of wall-to-wall municipalities in December 2000 had created a clash between the powers and functions of traditional authorities and those of urban authorities" (*Sunday Times* 4th August 2002). He further said "After three years of promises, nothing has been done to address the concerns of traditional leaders" (*Sunday Times* 4th August 2002) and claimed that "Both President Thabo Mbeki and Deputy President Jacob Zuma had entered into an agreement with traditional leaders in terms of which government undertook to amend the constitution to remove any obstacles which prevent traditional authorities from exercising local government powers" (*Sunday Times* 4th August 2002). Three years after 2000 there is still no sign of any steps being taken towards accommodating traditional leaders in South Africa's governance.

3.3. The South African Constitution and Chiefs

The long negotiations that preceded the 1994 general election in South Africa did not ignore the issues of chieftaincy. This is enshrined in the resolution 34 of the National Negotiating Council:

- a). Traditional authorities shall continue to exercise their functions in terms of indigenous law as prescribed and regulated by enabling legislation.
- b). There shall be an elected local government which shall take political responsibility for the provision of services in its area of jurisdiction.
- c). The (hereditary) traditional leaders within the area of jurisdiction of a local authority shall be *ex officio* members of the local government (quoted in Hendricks and Ntsebeza, 1999:120).

The first point implies the recognition of the institution of traditional leadership in Section 211 (1) thus: "The institution, status and role of traditional leadership, according to customary law are recognised, subject to the constitution". This is not different from the first point of Resolution 34, because both recognised the institution of chieftaincy, but this recognition is subject to approval by the legislatures and Parliament. This idea of approval by Parliament was not welcomed by chiefs and was seen as an insult to the chiefs, since approval depends entirely on the decision arrived

at by parliamentarians. Parliament has the upper hand on the issues that affect the powers of the chiefs in the constitution. The chiefs did not participate in the adoption of the final constitution and have no power of veto on the parliamentary processes which affects their authority. This may be the reason why Contralesa challenged the constitution thus:

The provisions of customary law and the Bill of Rights should be placed on an equal footing, which means they should be interpreted in as harmonious a manner as possible. Only when an irreconcilable conflict occurs, should the provisions of the Bill of Rights be binding on all. The Bill of Rights should therefore state explicitly that all its provisions should be interpreted in a manner that respects upholds and furthers the interests and beliefs of customary law (quoted in Keulder, 1998).

Contralesa was of the opinion that subjecting the institutions of chieftaincy to parliamentary approval in the form of legislation implies that chieftaincy will function subject to the Bill of Rights and this will affect the practice of customary law. To use modern democratic principles in order to judge the rights of chiefs involves difficulties: the principles which legitimise each system are different. According to the constitution, "the institution of chieftaincy and the status and role of chiefs, according to customary law, are recognised, subject to the constitution". To subject an old institution like chieftaincy to the constitution is a formalised way of diminishing the powers of chieftaincy and rendering the democratic institutions of parliament supreme over chieftaincy. And this is a good form of reforming the institution. The supremacy of parliament is intentional; the ANC-led government is working hard to mastermind the transformation of chieftaincy. I have shown earlier in this study that the ANC wants chieftaincy to be compatible with contemporary democracy. Compatibility will not imply the suppression of traditional powers or the imposition of more authority by the central government. This apparent intention to avoid the collision of institutions can be seen in the Department of Local and Provincial Government's vision of chieftaincy. According to the mission statement of the Ministry, the wish is for the transformation of chiefs into "an institution, which is in harmony with the Constitution and the Bill of Rights" (Department of Local and Provincial Government 2000). How do democratic institutions like the constitution and the Bill of Rights harmonise with Chieftaincy? Bringing chieftaincy in line with

these two institutions means subjecting the institution of chieftaincy to the powers of the Constitution and the Bill of Rights.

Section 212 (2) (a) of the constitution states that “national or provincial legislation may provide for the establishment of Houses of Traditional Leaders”. The use of the word ‘may’ in the constitution shows doubts regarding the provision of Houses of Chiefs. And the role of these Houses is to advise the legislature on matters relevant to tradition, culture and customary law. This is not different from the original plan of the ANC where chiefs had their special Houses within the organisation and there is little change in the powers of Chiefs (Mzala, 1998:39).

This idea on the role of the chiefs as advisory in the present constitution seems to show that their powers are being reduced because in the old ‘homelands’, chiefs used to wield more power than the elected representatives. In all the former Bantustans traditional leaders were more in number than elected members (Ntsebeza 2000). But now the constitution has given more powers to elected members rather than to the chiefs. The chiefs do not have any power to initiate at the Provincial and National levels. According to Bennet in Mashele:

the new organs have only limited powers. They may propose legislation: they cannot generate statutes of their own accord. They may advise and they may insist on being consulted about bills concerning customary law, but they can do no more than delay the passing of an act (2003:12).

This plan has caused chiefs to cross swords with elected members. Chiefs want to be consulted before concluding on matters concerning them (Keulder 1998). King Zwelithini, while addressing the opening of the KZN legislature (23rd February 2001) in Ulundi, said "If the position of traditional leaders in the province was not clarified, it could pose a threat to the country". Disagreement and misunderstanding over the issue are affecting the relationship of some chiefs with the ANC and have made some chiefs move to other political parties, like the United Democratic Movement (UDM). Referring to the low turn-out at the polls in the 1995 local government elections, Gwadiso, UDM Leader in Eastern Cape, said “The government would not want to be embarrassed for a second time”, adding that the traditional leadership enjoyed the

support of the rural populace of the country. “We can’t just be overlooked” (*Dispatch* 6th March 2002).

In chapter seven of the constitution the creation of local government structures across the country was approved. However the constitution was silent on the role and function of chiefs in these local government structures. This is in contradiction to (c) of Resolution 34 (see page 59). It placed the chiefs in a very difficult position, as their role in the local government was undefined. This means the roles of chiefs in local government is not recognised even in the rural areas where the authority of chiefs in the past and until present day has been important.

According to Hendricks and Ntsebeza “The confusion and lack of understanding of functions, powers, roles, processes and procedures, feeds into the tensions between elected councillors and traditional authorities” (1999:57). This means that there need not be any confusion because the powers, roles, processes and procedures are clear and the problem is that they have not been interpreted in a comprehensible manner. The Municipal Structures Act No.117 of 1998 stipulated the relationship between local government and chiefs. The act touched briefly on issues relating to participation/interaction of elected local government and the traditional leaders. According to the act “Traditional authorities that observe a system of customary law in the area of a municipality, may participate through their leaders...in the proceedings of a municipality...”.

This means that traditional leaders are free to take part in the processes of municipalities thereby influencing issues at the local government level. The most contentious issue concerns participation and this is where the traditional leaders are concerned. If the nature and scope of a chief’s participation is defined, it will be easier to understand the question of power and the balance of power between the chiefs and the elected councillors. According to the act, participation means that:

One could address a meeting; the traditional leader is therefore not merely a silent observer of proceedings. He/she may, subject to the rules and orders of the municipality...participate in any debate on a matter if he/she is a councillor. This would include the right to submit motions, make proposals and ask questions.

This provision did not solve the problem of the chiefs because the act limited the number of representatives of chiefs in the municipalities to less than 10%. This gave more power to the elected councillors than the chiefs because of their superior numbers since democracy goes with numbers, elected councillors will be stronger than chiefs.

This act was not principally concerned with the role of chiefs; rather it was showing the relationships of the different groups in the municipal structures. The tension posed by the chiefs concerning their role and function persisted and obliged the Department of Provincial and Local Government (DPLG) to release the White Paper that deals with the roles of chiefs.

3.4. Government's Position

The release of the White Paper by Mr Sydney Mufamadi, the Minister of Provincial and Local Government, on the 29th October 2002 reduced the pressure and ambiguities surrounding the role and function of traditional leadership in a democratic South Africa. This has given the institution of chieftaincy a status under the constitution of the country. The 1998 White Paper on Local Government laid the basis for transforming local government and highlighted the fact that the issue of traditional leadership would be addressed in a White Paper dealing specifically with these issues. The constitution empowered the cabinet to endorse a policy process that would lead to the finalisation of all outstanding issues around chieftaincy. Afterwards, in April 2000, the Ministry of Provincial and Local Government published a discussion document in which a number of issues and challenges pertaining to the institution of traditional leadership were raised for public comment. The feedback received on the discussion and subsequent consultations led to the drafting of the 2002 White Paper.

The key issues addressed in the 2002 draft White Paper relate primarily to the place and role of traditional leadership in the new system of governance. This draft White Paper sets out a broad policy framework for the drafting of national legislation, which will inform provincial legislations on how to make laws that deals with the peculiarities of various provinces. It begins by looking at the way in which a number of countries, particularly in Africa, have handled the issue of traditional leadership, and at the various legal and constitutional mechanisms that have been developed in

order to accord traditional leaders a suitable role. It also looks at the South African context, in particular the history of traditional leadership. It outlines government's vision for the transformation of the institution and the principles guiding such transformation. It highlights governance and development challenges facing the institution, including political party affiliations and the role of the Houses of Traditional Leaders. It addresses the relationship of chiefs to municipal and provincial affairs. It defines the role of traditional leadership in governance and development with regard to culture, customs, and human and natural resources management in the rural areas.

According to the White Paper (Department of Provincial and Local Government 2002), the following are the functions of the chiefs:

- “Acting as heads of the traditional authority, and as such exercising limited legislative power and certain executive powers
- Presiding over customary law courts and maintaining law and order
- Consulting with traditional communities through *imbizo/lekgotla*
- Assisting members of the community in their dealings with the state
- Advising government on traditional affairs through the Houses of Traditional Leaders
- Convening meetings to consult with communities on their needs and priorities and providing information
- Protecting cultural values and instilling a sense of community in their areas
- Being the spokespersons of their communities
- Being symbols of unity in the community
- Being custodians and protectors of the community's customs and general welfare.

The roles of the chiefs are:

- Making recommendations on land allocation and the settling of land disputes
- Lobbying government and other agencies for the development of their areas
- Ensuring that the traditional community participates in decisions on development and contributes to development costs

- Considering and making recommendations to authorities on traditional licences in their areas in accordance with the law” (2002:10).

The functions given to chiefs by the White Paper are not a problem for the chiefs. Those functions are nevertheless important because most of them are things that no other person except the chiefs can do. On the other hand, the White Paper limited the legislative and executive roles of the chiefs and the chiefs believe that the White Paper is depriving them of their powers in the communities and making them mere political observers.

The White Paper confused the chiefs regarding their role in development issues in the communities. According to the White Paper the chiefs will be consulted as advisors and will be expected to organize the community to support government’s development projects. The chiefs do not accept this as they maintain that at present councillors in the local government are exercising these powers. The chiefs believe it is their rightful duty to participate in the development of their communities. “Under African tribal law, the custody of the land is entrusted to the king as the head of the entire traditional authority and his councillors” (Independent Project Trust 2002:99). It is difficult for the chiefs to accept that their role will be merely advisory on issues of land allocation. And according to Dabengwa in Mashele “The traditional chief is inextricably tied to the land. He cannot be a leader if there is no land to preside over” (2003:24). It will be unacceptable for the chiefs to accept the forfeiture of their powers of land allocation under the White Paper.

The White Paper did not assign any new function to the chiefs and the functions which they retain are not a problem since they do not conflict with any other political power. It is difficult for the chiefs to accept the idea of the central government having jurisdiction on the issue of land allocation in their communities. They feel that the White Paper is not showing respect to the chiefs when it instructs them to lobby government, thereby calling them an organ campaigning for their interests. It is left to the government to decide if the demands of the chiefs are reasonable enough to be granted.

The way in which the institution of chieftaincy will be integrated into the present political structure in South Africa is breeding conflict in the country. The constitution did not specify the activities of chiefs in relation to their civic rights in the country. The constitution in Section 19(3) (b) gave all citizens the right to stand for election at all levels of government. Contralesa allows its members to stand for election. But this will involve chiefs in partisan politics and might mean an abuse of the office of chieftaincy by a chief aspiring for political position. People will see a chief as a politician and this may affect the respect people have for the institution.

The best way of checking this is for the constitution to specify that chiefs are forbidden from participating in elections or joining any political party. This would not be discrimination because the institution of chieftaincy is not compatible with membership of a political party. It is now left to each chief to choose to be a chief or a politician. The constitution will treat them in the category which they have chosen.

If they are not involved in party politics what will the chiefs be? They should be a source of community unity and serving as a bridge between the government and the people. People should always be able to attribute dignity, integrity and honour to their chiefs. They should bring the community together on the basis of culture and tradition. And it would be good for the chiefs to understand that times have changed and we are no longer in the 'good old days' when they were the only political authority in the community. They have to accept that democracy is now established in South Africa and there is no going back. According to Ndebele:

Customs and culture are man-made, therefore they can be changed according to whether man continues to find value in them...when customs no longer cater for proper development of adequate human expression, they should be removed (cited in Mashele 2003:10).

Customs and social values are very important for development in every society though they should not be used as an impediment to development. It is clear that the chiefs cannot have the powers they had in the pre-colonial era. Change and development are inevitable. Suggesting that the institution should change should not be misinterpreted as implying that chieftaincy should cease to exist.

The disputed position of chiefs in the current political scene in South Africa is creating an unfriendly relationship between politicians and chiefs. A careful analysis of this reveals that the chiefs are not happy with their power status as enshrined in the constitution. There are some issues the constitution did not make clear, especially on the role of the chiefs. The National and Provincial government are strong tiers of government and strong decisions are arrived at there which affect the lives of the people of this country. It is because of this that the chiefs want to be represented so as to influence some decisions. But the problem is how to define the kind of influence the chiefs will have and how they will go about exercising it. Chiefs welcome the idea of the House of Chiefs at both levels of government. And according to Contralesa:

The powers of the provincial Houses of Traditional Leaders should in general be strengthened and expanded and the same applies to the National Council of Traditional Leaders. The fact that the Houses...have only advisory powers and that their advice can be ignored by the provincial legislature and parliament, undermines their credibility and legitimacy. The respective Houses of Traditional Leaders should at least have a veto regarding those matters pertaining to the powers and functions of rural local governments, the demarcation of rural areas, the organisation of district councils and matters that directly affect the culture, customary laws, communal land, conventions and usage of communities served by traditional authorities (quoted in Keulder, 1998).

It is clear that the problem is in the sharing of power. Chiefs want to have legislative powers and want to exercise powers on matters that concern them. This means that there will be two legislative houses making laws, the elected members and the chiefs. If the chiefs are given veto powers, it will be problematic, especially on matters where there is disagreement. Whose powers deserve to prevail? And the constitutional court might not solve the problem because it is not a law-making organ. Such an issue will mean politicisation of the institution of chieftaincy. It is thus not an ideal situation for the Houses of Traditional Leaders, both at national and provincial levels, to have veto powers. The advisory role is more suitable for the smooth running of the country. The chiefs should continue to be the custodians of African culture and tradition as well as maintain the unity and peace of the rural community. It will be necessary to ensure that chiefs play a role in local government. The role of the chiefs in the local government will be determined by the level of underdevelopment in the rural

communities. Based on this, chiefs need to be engaged as stakeholders in the smooth running of the rural communities.

My own view on these matters is that the cultures and traditions of the people of South Africa should not be used as a pawn in party politics. Political parties should not campaign for votes in the name of tradition and chieftaincy. Every political association in the country should respect the constitution of the country which maintains that the country is a non-sexist, non-racist, democratic country. South Africa is a republic and not a kingdom, so the idea of hereditary leaders with unchallengeable and extensive powers would not be acceptable in the governance of the country. Political affiliations and interest should not supersede the national agenda, and the national agenda is enshrined in the constitution of the country. In section 2 of the constitution it is stipulated that “ it [the constitution] is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the duties imposed by it must be performed”.

The chiefs should realise that South Africa has adopted democracy as its governance framework. It is imperative for chieftaincy to co-exist within the framework and this means that they must not actively participate in party politics. Chiefs should be interested in preserving the customs of the communities, thereby seeing to their people's needs and reporting to the government. There is a need to detribalise the tribally based chiefs so that democracy will transcend tribalism and a strong national government will be created.

There is evidence that chiefs regret their behaviour in the period 1948 to 1990. Chief Phatekile Holomisa, president of the Congress of Traditional Leaders of South Africa, confirmed that chiefs regret the extent to which they were co-opted by apartheid.

We have admitted we made mistakes in the past, that deep in our hearts we never intended to act against the interests of our people. We are, after all, not the only ones who were used by apartheid. There was really no choice ----- life had to go on. We should not be singled out (*Mail & Guardian*, 7-12 April 1995).

The mistakes of people in political positions does not mean that the political institutions should be discarded. Governance is about developing and changing the

lives of the people. It is the desire of the government of South Africa to see the lives of its citizens change for the better, especially in the rural areas. The Local Government Councils in South Africa have recommended participatory governance at the local level as one of the ways of ensuring the provision of basic services such as water, electricity, sanitation, and shelter to the people (IDASA 2002). This participatory governance is about the active and meaningful involvement of citizens in the process of local government. According to IDASA's publication: "Many central governments are devolving political, fiscal and administrative power to local governments as this sphere is the closest to the people and this is due to the popular belief that citizen participation in governance enhances democracy" (IDASA 2002). IDASA maintains that "citizens are involved in local government in a number of ways – as voters, as consumers of services, as members of interest or stakeholder groups, through traditional authorities and leaders" (IDASA 2002). Men and women chosen by their communities as chiefs are likely to have the linguistic skills and the cultural knowledge which will facilitate the provision of the infrastructure and services discussed above.

South Africa is a young nation with an identity crisis, trying its best to find its feet. Critical inputs by citizens and a government responsive to the needs of all the population can only assist South Africa to grow a better understanding of itself as a nation state.

The national government needs the advice of traditional leaders in respect of all matters relating to indigenous laws, traditions and customs. Traditional leaders who are interested in the betterment of their peoples' lives still command the loyalty and respect of their communities, which means that it would be difficult to talk of transmission of the needs and wants of people in the rural areas without incorporating chiefs. These chiefs will act as a link between government and the poor and unemployed rural people of South Africa. The local chief understands and speaks the local language, the people respect him or her and he/she has knowledge of the local conditions which may be lacking in the office of the local government official. It is assumed that chiefs will have to play a pivotal role to divert opportunities towards the empowerment of the rural peoples and will help to obtain educational facilities and take part in the fight against AIDS and other diseases.

If democracy is the government of the people, by the people and for the people, as Abraham Lincoln said, there is a need to bring the rural population into the modern state and not to remember them only during election campaigns. In the principles of participatory governance, election is not the only event that people can be involved in concerning their government. Mandela believed in the compatibility of the two; in reference to the situation in question, he said “How can [civic associations] and traditional leaders fail to work peacefully when you have the same cultural background? There is so much which unites you” (*Mail & Guardian* 10-16 1995).

In as much as the constitution recognises the significance and authority of “indigenous” traditional institutions, it will now be difficult for the views of the critics of chieftaincy to prevail. My investigation of the form of relationship existing between particular rural communities and their chiefs is therefore relevant. The traditional institutions are constantly evolving, for example that women are being appointed as chiefs, and characteristics that are deemed undesirable can be changed to fit the present time without undermining the structure of the community. I shall use the next chapter on Bochum as a case study to demonstrate the views of the people on chieftaincy in a rural community of South Africa.

Chapter Four: Community Support for Traditional Institutions: The Case of Bochum.

In order to understand the possibility of integrating the traditional institution of chieftaincy, or rather, the local and small-scale chieftaincies with which I am concerned in this study, with contemporary democracy we have to know the community's relationship with its chief in a rural village of South Africa. The debate between traditional leaders and local councillors is going on in Parliament and in newspapers, but the voices of rural dwellers have been unheard in this debate. Politicians, officials and the chiefs themselves claim to speak for the people in the rural areas, but the actual inhabitants have opinions of their own which remain unheard. My work in Bochum will explain some of the changes that have been going on in the rural areas since 1994 and the extent of the people's attachment to traditions.

4.1. Description of Area of Study

Bochum is a district in the north of Limpopo (formerly known as Northern Province) [see Figure 1, Chapter One]; twenty-one communities live in the district. It extends over the local government areas of Mogalakwena and Blouberg. It was not possible for me to visit all the communities, which make up Bochum. Much of my work took place in the village of Mamoleka, which I chose because it is the central village in the area.

Bochum is made up of rural communities, in all of which there is a high unemployment rate. There are few job opportunities. Each community has a chief and in some places there are two chiefs, because of disputes regarding leadership. The people of Mamoleka and other communities supply the greater Bochum traditional authority with its identity as a deeply rooted and settled community. The village of Mamoleka has electricity and running water from standpipes in some parts of the village. The main source of income is remittances by migrant workers. Most of the younger men and women work in urban areas and in particular Polokwane, Johannesburg and Pretoria.

While many of the communities share similar characteristics generalisation of the findings from this study to all Bochum communities would be problematic because only one community was investigated in detail.

Statutorily, no border post exists nowadays between the affluent rural white South Africa and the former homeland of Lebowa but the change is still very noticeable. It appears in the infrastructure, the potholes in the road, and the donkeys and goats scurrying on the side of the road in the hope of finding some grass. Young people cluster around the bottle-stores listening to kwaito music and enjoying beer, while the elders sit under the tree discussing community issues. Women pass, greeting each other with bundles of firewood or water-filled buckets on their heads, and babies strapped to their backs. 'Don't give AIDS a chance, use a condom', shouts a huge billboard in Sotho while another with an ANC slogan tells the people how to vote.

In this community people give different reasons why they support their chiefs, but most revolve around culture and identity. It is a communally-held view that *kgosi ke kgosi ka batho* (a chief is a chief through the community/people). Some respondents emphasised that *setshaba ke setshaba ka kgosi* (a community is a community because it has a chief). In this community, local chiefs influence almost all communal activities, often through the *induna* (headman). An interview with Mr. Selomo (a former Chairperson of the School Governing Body) shows that loyalty to *indunas*¹ is common among most members of the community. There was an incident in the 1980s over the building of a new primary school in the village of My-Darling. The people of My-Darling decided to build a school in their community so as to make life easier for their children, who walk long distances everyday to the village of Mamoleka to attend school. My-Darling needs its own high school because the number of pupils who wish to attend high school is increasing. The leadership tussle between two *indunas* (the headmen who interface between chiefs and the community) affected the project. There was a stalemate in the negotiations as to which *induna* controlled the buildings of the new school and the name it would be given. The wrangling over this issue delayed the opening of the school for a long time even after the building had been

¹ As noted in Chapter One the chief has close relations with the *induna* (headman). An *induna* is a representative of a chief at the village level. The chief receives reports about community activities from the *induna*. The *induna* can be regarded as a link between the community and the chief.

completed. When the school opened the group influenced by the defeated *induna* decided to boycott enrolling their children in the school. This continued till after 1994 and it is still believed that the school represents the influence of the victorious *induna*. This suggests that community activity is shaped by allegiance to chiefs through their representatives (in this case the *induna*).

The history of the relocation of De Vrede² village can help to show the degree of influence of traditional leaders in the community. The villagers were forced to move off their land because they were loyal to a particular *induna*. This happened in the 1960s, and they relocated because they did not pay allegiance to *Induna Kibi*. The question is to what extent can these types of things happen today? Nowadays, chieftaincy is not the only authority in the rural areas of the country. Is chieftaincy still important to the development of the rural communities in the country? There is evidence that this could be answered in the affirmative. Chiefs are still influencing how development initiatives are received in the community. When I asked community members (n=50) whether it would be good for the community to be without a chief, 60% of respondents answered no, and 30% suggested they no longer needed a chief and 10% had no clear answer. They may not like a particular chief, or they may feel that he is not doing his job, but they certainly feel that the institution is part of their identity. According to a village schoolteacher “all our customs and traditions are enshrined in traditional authority”.

According to a local resident, who was explaining to me why the institution is integral to the community, “The whole system of *bogosi* is a way of trying to keep stability in the community, to keep the community together”. An old man told me, when I wanted to know from him how likely it was that the institution of chieftaincy would survive, “It is in our blood. The chief should be a symbol of unity”. According to a pensioner in the village, “Some of the *indunas* are very corrupt. That’s why it’s very annoying if an *induna* is bad. Especially when the whole community has put their trust in him. But this is not the reason to do away with the institution. That’s why they should try to empower the institution instead of the person. If the *induna* is bad, then you can always still discuss with someone else in the institution”. The speaker is

² De Vrede village is situated approximately 40 kilometres outside Messina, in the North of Limpopo Province of South Africa.

aware that the person who occupies the office is different from the office itself.

I found that the establishment of development committees, distribution of development projects, and the resolution of development-related conflicts have affected the relationship between the chiefs and the rural community. I wanted to know from the people if there are other institutions that play a significant role in the life the community. The number of organisations that exist in the area confirms the willingness of residents to participate in democratic institutions. People in this area always come together to debate an issue. There are village development councils, an electricity council, and school forums flourish. The village, since it is small, possesses a participatory instead of a representative democracy. A large proportion of the villagers can, and do, partake in discussions. A lot of this debate takes place at the level of the *Kgotla* under the tree, and the participation is open to every one. But according to a village leader, in some issues women are not allowed to contribute to discussions, though they may observe the proceedings. There is much emphasis on age; in most of the meetings I was privileged to attend, the male elders sit close to each other. According to a young boy “These are our grandfathers and they know the history of this community and we always go to them when we have doubts on some communal issues”.

The survey I conducted shows that there are other institutions that support the chiefs in community activities. The 50 respondents were asked to rank their three most important associations with social institutions. 66% of the respondents see the Church as the next most important institution to the traditional authority. Next in popularity were sporting bodies (47%), then the burial society (46%), and political party organisations (41%). I selected my key informants interviewees from different institutions. Local chiefs are influential in all these institutions. There is a considerable degree of social capital in the community, and people are actively participating in community organisations. In my survey, 43% (n=21) showed that they consider community forums among the most important institutions in the area. Different associations like school governing bodies, political parties and *Mogodisano*³

³ *Mogodisano* refers to the arrangement whereby a group of people agree to pool their savings and that money accumulates and is distributed among members of the group in a rotating manner throughout the year or an agreed period. It may be in the form of goods or groceries.

also have large memberships. This is not surprising given the factors which dominate the political landscape of South African rural communities. Up to 90% of individuals participate in at least one of these associations. I observed that a good deal of alcohol was consumed within the community, when people come together and engage in extensive discussions that lasted till night. The level of brotherhood in this community can be felt during the moment of grief and happiness. In time of grief, the community members participate in funeral-related organisations known as *Diphiri*⁴, although the survey does not indicate that this is among the most important organisations in the community. But the attendance at funerals is always very high and it is shameful not to participate in this activity. Communal cooperation and participation in the community was even stronger during the oppressive apartheid regime. For example the first school to be built in the village was a primary school built by community effort. This was in 1970 long before the wave of modernisation and democratisation. And it is surprising now that the community is responding so slowly to the new development projects.

In rural areas, development projects are often introduced from above and masterminded by government. Government might have done this because rural communities tend to be very poor and lack the resources to start development projects. The government becomes the sole planner and executor of development projects. What then, would determine the development process in this community if there was no trust among the community and government and private business. I asked whether local government officials or chiefs were most trusted by the people of the area. Thirty respondents (60%) responded in support of chiefs and seven (15 %) in support of the local government. I wanted to know what structure was considered the true representative of the community and 60% (n=30) maintained that it was the chiefs. This is important because the way in which citizens respond to development projects is determined by their perception of the institutions executing the projects. It will be difficult for the citizens to show respect to the government if the government is contemptuous of their way of life and the institutions they cherish. It is likely that the people will show a fair degree of positive response to a development program that is initiated by people who respect an institution that is considered important to the

⁴ This is the name giving to the grave-digging communion.

lives of the people in the community. The importance of trust in government, which implies a partnership brokered by an intermediary, in this case the chief, needs to be recognised in order for the communities and government to work together towards development of the area (Taylor 1993).

In my survey, I identified a small but significant successful group in the village of GaRammutla. A group of women, about twenty-one in number, are participating in a small-scale agricultural project⁵. The project was started by the local government in 1996 with the help of the United Nations Development Programme (UNDP). It involves the cultivation of vegetables (*moroho*), tomatoes and the baking of bread which is sold to members of the community. The project has been going on for seven years and is the most successful in the area. It is providing employment to all the women in the group. The government withdrew from the project after three years. According to the head of the group “after three years of funding, the government told us that we had to fund the project ourselves”. This they have successfully done.

The government may have withdrawn because the intention was to make it a self-sustaining project. In my interviews with the women, they told me that the government initiated the project through the chiefs. As they put it “We were contacted through our *indunas*; we were not directly contacted by the government officials”. When I asked them how they feel about their *indunas*, they said, “ Our *indunas* are helpful in advising us how to carry out our project. When we get proceeds, we firstly give a certain portion of our proceeds to them; we respect them”. As she said, this token payment is a sign of respect for the chiefs. The project is successful because of the way it was introduced and received by the community. The chief introduced it to the women and the women welcomed it, with community support. In another case I stopped in a liquor store in Mamoleka to administer a questionnaire. I intended to talk to young people I was surprised when one of them physically threatened me and forcefully requested that I first get permission from the chief before I administer the questionnaire. These instances also attest to the degree of respect and loyalty the traditional authority is accorded by the community.

⁵ I held an interview with the women of Garammutla Community Farming Project. They gave me vegetables and bread.

It is however evident in this community that there is poor communication between the government and the people. This may be because the development model adopted ignores the people's way of life. There is no proper co-ordination of the social capital existing in this community and it is not being channelled towards development. The citizens of this community trust their chiefs; what is lacking is trust between citizens and the new institution of local government. People do not completely distrust local government. Rather they feel somehow annoyed by the way the local government officials behave to their chiefs. When I asked their view on the role of local government officials and chiefs in the development of the community 60% of the respondents (n=30) wanted chiefs to participate actively in developmental projects, 20% (n=10) expect chiefs to allow the local government to play the most influential role in development, 15% (n=7) said the two institutions should work together and 5% (n=2) said that the traditional leaders should not be part of development projects. A young woman narrated her ordeal when she wanted to get a South African identity book, and the issuing officers told her to get a letter from the *induna* before she could get her National Identity card from the local immigration office in Bochum.

The community expects the local government to show some degree of respect for the chiefs, but unfortunately the relationship between the chiefs and local government officials is not cordial, but is based on a power struggle. An interview with a high-ranking officer in the Blouberg Municipal Council in Limpopo Province local government confirms this. He was asked if there is a need for chiefs in this era, and what should be their relationship with the local government. According to him:

“The indunas are still seeing themselves as local government; they do not know that we have relieved them of their duties as local government; we are the local government, and they should focus on other issues.”

This mistaken competitiveness represents the view of most of the officials of the local government in South Africa towards local chiefs. It is probably true that the local government has a role to play in the local areas of South Africa, but officials should not forget that chieftaincy is not a government organ, but the embodiment of the way of life of the people for ages. The local government officials see the traditional institutions solely as former apartheid collaborators and rivals for power and this blinds them to the crucial roles they can play in the new dispensation. The majority of

the local government officials with whom I interacted believed that chiefs should “only perform ceremonial duties” because development duties are now in their hands. This is problematic because chieftaincy has strong support from the community. Therefore, it will be difficult to persuade the people to trust local government officials if the institution they are connected to is antagonised. It must further be noted that not all local government officials speak the local language and very few indeed reside in the village.

According to a member of an NGO based in the community, chiefs are there “...to assist members of the community in their dealings with the state, advise government on traditional affairs, convene meetings to consult with communities, make recommendations on land allocation, lobby government and other agencies for the development of the areas”. This respondent’s view differs markedly from the local government official quoted earlier. He has been living in the rural community for three years. According to Schaeffer “Communities need leaders and managers.... rural communities have traditional leaders” (1998: 5).

Another issue that creates antagonism between the two institutions is different types of people who belong to them. Local government officials tended to be young and have been long-term residents in urban areas; whereas the chiefs are elders and permanent residents in the rural areas. I asked community members whether it would be fruitful for the community to keep its chiefs. Fifty-five percent (n=27) 55% of respondents answered in affirmative, 30% (n=15) thought that it is not a good idea to continue to have this institution, and 15% (n=7) answered that they are not sure. This is a clear indication that chieftaincy is embedded in this community. It can also mean that despite the unsatisfactory performance of some chiefs, chieftaincy is cherished and supported by the community members.

I asked the same people if their way of life has changed since the introduction of local government in that area. Seventy percent (n=35) of the respondents maintained that divisive party politics threaten their culture. 20% (n=10) of the respondents maintained that this is not disturbing their way of life and 10% (n=5) felt the need for their representatives to be educated in the modern political processes of the state. As one well-educated member of the village noted “The aim of some of the workshops is

to teach people the appropriate role of local government, elected councillors and the traditional leaders in the new South Africa.”

The failure in communication in rural communities between the people and the government will hinder the smooth process of development and democratisation. However, chiefs cannot afford to form a parallel and perhaps rival government to that of the local government. The two institutions should work together in extending the benefits of democracy to the communities. The idea that chiefs are traditionalist and old-fashioned is a wrong perception. My discussion with members of the Blouberg Municipal government, after attending a history project in Makgabeng village⁶ suggests that they wished to confine chiefs to ceremonial roles. The history project was organised to show the role of tradition and culture in communal life. Traditional, orally composed poems, folk stories and community legends were recited, local government officials were pleased with the event and saw it as a success because they believe that is the role chieftaincy should be playing in this era of South African democracy. But, if local government officials try to bypass the chiefs in their work with local communities, there will not be high success rates in development and democratisation.

Bochum and its needs were ignored at least until the post 1994 period, and no attempt was made to establish institutions that would facilitate development. One official in the local government, referring to the apartheid period, said “The projects which actually reached the local populations were more as a result of ‘miracles’ than any governmental decisions, policies, or well-conceived development plans.” I wanted to know whether it was the chief or the local government who satisfied the desires and expectations of the people. I asked ‘Have traditional leaders satisfied your expectations?’ Seventy percent of respondents (n=35) replied in the affirmative (Table 1).

⁶ The Makgabeng History Project Festival was held on Friday July 2002 organised by, among others, South African Heritage Resources Agency.

Table 1. Have traditional leaders satisfied your expectation? (n=50)

	%
Yes	70
No	15
Not sure	10
No response	5

Local government fared less well in satisfying community members with only 20% of respondents reporting a yes response (Table 2).

Table 2. Has local government satisfied your expectation? (n=50)

	%
Yes	20
No	60
Not sure	10
No response	10

In urban areas, many people, especially the young, tend to believe that chieftaincy characteristically vests inalienable powers in elders. The fact that traditional leaders were often supportive of the apartheid government is also remembered. Based on beliefs, chieftaincy is seen as old and it is believed that it should be replaced by modern institutions controlled by younger people. This view is mostly held by people who have attained a relatively high level of education. My survey in Bochum suggests that only a small number of people there agree that chiefs could be replaced with structures of younger community members. Bochum is an area in which less than 10% of the youth have managed to gain tertiary education and 70% of adults have not received high school education. This suggests that there is a very small percentage that understand the new political dispensation.

I asked in my questionnaire whether community members would like the people who take part in community affairs to be drawn from the group of elders, since most of the chiefs' advisors are the elders of community. This was also to find out if people are

still loyal to the ways of life which surrounds chieftaincy and which are based on the tradition that elders have a strong influence (if not the final say) in community affairs. The response showed that 60% felt that elders should continue to play their role in community affairs. We should not forget that most of the interviewees fell within the age range of 30-39, and 33% were in the age group of 20-29. Their response shows that Bochum is still a community where loyalty and respect to elders are upheld.

My survey in Bochum reveals that the people are not pleased with the conflicts that arise between chieftaincy and local government. These dissatisfactions have much to do with the introduction of party politics and their divisive influence as well as the fact that the central government is still seen as possessing the authoritarian characteristics of the apartheid regime. Eradication of chieftaincy is not the answer since it is the basis of all societal institutions in the community.

According to Professor Vilakazi of the Centre for African Thought, cited in Oomen:

You can't change tradition from Pretoria; it has to change from the ground. But what is happening on the ground? In the debate on tradition and democracy, little attention is paid to the changes in rural South Africa. The whole debate seems cast in dichotomies: African and Western, Rural and Urban, Modern and Traditional. The reason for this lies with the people who are involved in making policies and drafting laws. Most of them are city people, who don't have an idea of what's going on in the rural areas" (2000:16).

Clearly, then, the institution of chieftaincy needs to be retained and integrated in the post-apartheid political dispensation. This is supported by the results for African respondents of the survey by IDASA (2002)⁷, in which a large majority of respondents felt that chiefs have a role to play in South Africa's new democratic dispensation (Table 3), and half maintain that they should be represented in local government.

⁷ Results from the IDASA survey are presented for all ethnic groups and there are some interesting differences between groups; for example, the African sample is much more likely than other groups to affirm the traditional leader be represented through a seat in local government (Table 6). However, in the text I report on the statistics for the African sample only to allow meaningful comparison to the results from the dissertation survey and interviews from Bochum. This is justified because Bochum's population is mainly African.

A significant majority of Africa respondents (65%) feel that traditional leaders still have a role to play in the new political dispensation (19% said an “important role” and 46% said “some role”). Only 24% said that chiefs had “no role” to play in the new South Africa and 12% had not heard enough about the issues to have an opinion (Table 3).

Table 3. Role of Traditional Leaders in a Democratic S A

Now that South Africa has a democracy, would you say that tribal or traditional leaders have [a role] to play in this country?

	African	White	Coloured	Indian
	%	%	%	%
Important role	19	16	10	8
Some role	46	44	27	47
No role	24	26	24	31
Unsure/don't know	12	14	40	14

Source: IDASA (2000)

Over half of the African respondents of the IDASA survey maintain that chiefs should be represented in local government (Table 4).

Table 4. Traditional Leaders In Local Government?

” When it comes to local or community government, do you think that tribal or traditional leaders should or should not be represented in local government? ”

	African	White	Coloured	Indian
	%	%	%	%
Should be represented	55	45	27	37
Should not be represented	30	35	33	37
Unsure/don't know	15	20	40	27

Source: IDASA (2000)

However, this appears to stem from a pragmatic acceptance of the institution rather

than a belief that chieftaincy can easily co-exist with democracy. Just under one third of African respondents feel that the two systems can go together (Table 5).

Thus, while 60% feel they have a role to play, and 50% feel that they should be represented in local government, less than 30% feel that chieftaincy can co-exist easily with democracy. This suggests a popular acceptance of the role of chiefs and of their representation in local government. Among those who see a conflict with democracy, 57% still feel that chiefs have some or an important role, or at least some role to play.

Table 5. Traditionalism and Democracy

Do you think there is a conflict between the idea of traditional authority and the idea of democratically elected representatives or do you think that the two can go together?

	African	White	Coloured	Indian
	%	%	%	%
Can go together	31	21	17	17
A conflict	39	49	37	35
Unsure/don't know	31	31	47	48

Source: IDASA (2000)

Most people felt that while chiefs should be represented, they should earn democratic legitimacy by running for office (Table 6). Of the African respondents, 40% said the chiefs should have to stand for office and win votes; 38% said they should be automatically given seats; 22% were unsure.

Table 6. How Should Traditional Leaders Be Represented?

“ If traditional leaders are represented in local government, how should they be represented? Should they.....?”

	African	White	Coloured	Indian
	%	%	%	%
Awarded a seat	38	12	8	2
Have to run	40	70	48	69
Unsure/don't know	22	18	44	29

Source: IDASA (2000)

An even larger proportion of African respondents (63%) felt that traditional leaders should not be aligned with a political party (Table 7).

Table 7. Traditional Leaders And Political Parties

“Do you think that traditional leaders should not be aligned with any political party?”

	African	White	Coloured	Indian
	%	%	%	%
Should be aligned	19	28	18	18
Should not be aligned	63	50	39	49
Unsure/don't know	17	22	39	33

Source: IDASA (2000)

The IDASA survey also revealed that over half of African respondents think traditional leaders should not take a public stance on political issues, however, just over one quarter of respondents think traditional leaders should take a stance (Table 8).

Table 8. Traditional Leaders and Political Issues

“Do you think that traditional leaders should or should not take public stances on political issues?”

	African	White	Coloured	Indian
	%	%	%	%
Take stances	28	48	25	24
Not take stances	54	33	31	43
Unsure/don't know	18	19	44	33

Source: IDASA (2000)

Coleman argues, “traditional political systems have largely shaped the political perspectives, orientation to politics, and attitudes toward authority of all but a small fraction (i.e. those one or more generations removed from the conditioning influence of their traditional milieu) of Africans involved in modern political activity” (1960:258).

The support black South Africans give to chieftaincy is affected by their removal from the influence and authority of these institutions that ruled their ancestors. It is clear that rural South Africans who have direct contact with chiefs have different attitudes than urban South Africans (as shown above). “Chiefs are still central to land administration, and residential site allocation, in all provinces except Gauteng and Western Cape. Land, especially rural land, is a key remaining source of power” (*Business Day* 26 March 1996, p4).

Another important issue that affects the attitudes of the people to the institution of chieftaincy is the effect of the “homeland” systems of the Apartheid era. Speakers of minority languages like Venda, Shangaan and Swazi show strong support for chieftaincy in a democratic South Africa. Those in the provinces of Mpumalanga, Limpopo, and Northwest are eager to see their chiefs playing a more active role in present day South Africa. People in the Eastern Cape and Western Cape consider a chief has a right to political views while those in Limpopo and KwaZulu Natal showed higher support for the idea of a non-partisan role of Chiefs. The party that

showed greater levels of support than others for Chiefs is the IFP.

At the end of the White Paper on Local Government, the dichotomy between “traditional” and “modern” authority is presented thus:

There is no reason why African customs and traditions should be seen to be in conflict with the demands of modern governance. What is required is an innovative institutional arrangement, which combines the natural capacities of both traditional and elected local government to advance the development of rural areas and communities. The co-operative model proposed here provides a constructive role for traditional leadership at local level in the government of rural communities (Department of Provincial and Local Government, 1998:78).

The dominant need in the rural area is for development, and people maintain that there should be agreement in the community before a project is launched to avoid the disruption of developmental projects. A large majority feel that chiefs do have a role to play in the new democratic dispensation and that they should participate in local government affairs. This participation does not mean they should have control of local government. The attitude of the people concerning the institution of chieftaincy may be described as a realistic acceptance of the institution as part of their tradition.

The final question is on the consequence of support for traditional leadership. Is the support for chiefs a problem for democracy? Or does the support for chief ensure that the two can be compatible? Can people support the two institutions at the same time? I think that support for chiefs is a traditional part of their political culture. The desire to see traditional leaders play an important role in the new South African democratic system shows that the community wishes its chiefs to act as trustworthy intermediaries between government and itself so that they can extend their trust to government and help in the development of the area. When the people in the rural areas start having access to the benefits promised by a democratic government compatibility will not be an issue because chieftaincy and local government will be happily working together and obeying the laws of the country.

This study has incorporated the feelings of the rural community on the above issues. It has shown that the people in the rural areas want to see the chief and local government working together in relation to development. Misunderstandings between

the elected local government and the traditional leadership have thwarted developmental projects to the detriment of the rural populace. Some new projects have to be encouraged, like radio programmes on the changing laws and issues; women's groups trying to sensitise people to gender issues; discussions between educated young people and village elders on issues like HIV/AIDS. Such programmes, which successfully combine new ideas with respect for rural values, customs and tradition, will allow rural people to share in the changes and developments going on in the rest of South Africa. The challenge to integrate traditional institutions with contemporary democracy will be followed by progress in many remote and dusty villages of South Africa. Partnership between government and chiefs can work.

Chapter Five: Conclusion

“ Ubukhosi is like two-edged sword. Depending on the person wielding it, it can damage; it can easily be used to injure and cause harm; equally it can be used to defend and therefore build. It is common knowledge that service delivery in rural areas has gone smoothly in areas where government structures had good relations with traditional leaders, while the opposite has been true of those areas where relations have been bad... it is immoral for people to be made to choose between traditional leaders and service delivery- they deserve and are entitled to have both... the present struggle is not about the retention of power for its own sake, it is for the retention of power so that it can be used to safeguard the African values which are the bedrock of society”(Chief Holomisa, *Mail and Guardian*. February 16,2000).

The institutions of chieftaincy nowadays do not get their legitimacy only from tradition; rather their activities in the life of the local people entitle them to authority and legitimacy. The relationship of tradition to the institution of chieftaincy does not make chieftaincy archaic; chiefs are still playing a role in the lives of the local populations of South Africa.

This study has showed that it is the interest of the National government of South Africa to make life of its citizens better especially the people in the rural areas of the country. The chiefs will act as better intermediaries between the communities and the government. The constitution of the country will not allow any extra-territorial powers to any other body except the national government. This is why the chiefs are still receiving salary from the government.

The study has showed that the communities have been with leaders who are fixed in those communities and are cognisant of the traditions of the people. And it will be better to use the institutions that are a component of the community. The different communities have their different ways of choosing their leaders. The process of selection should not be a source of worry as long as it is acceptable to the local communities. It is through this way that the tribal based chiefs will be detribalised and those unnecessary antagonisms with the national government that might affect the compatibility of the two institutions will be removed.

How a chief performs in office also affects his or her legitimacy in the community. The legitimacy of the traditional authority is based on something more than personal loyalty. It is normal in the rural areas for chiefs not to make rules without justification, although they may have the power to do so. Throughout this dissertation, I have shown that chiefs are an important actor in the rural areas, as they initiate developmental processes, help in the installation of the institutions of local government and in deepening of democracy. The chiefs have in the past been part of the state, often to the detriment of their authority, receiving wages for their work in the local government and in the rural community. Nowadays they could work with the state in developmental projects and assist the government on other issues like land allocation. Chiefs play a role as intermediaries between the state and civil society. Politics in the rural areas may be different from what they are in developed urban areas. Political activities in South Africa take place in a building called parliament, but they also take place under a tree and, in both places people come together to deliberate on the political and social affairs of their community. Most rural African societies have had centuries old tradition of participatory democracy and government by consensus.

The age and time we live in demands democracy. We should encourage democratic institutions that are capable of intervening to ameliorate underdevelopment that is very prevalent in rural communities of Africa. It is an accepted fact that democracy is important for development and the rural communities are in great need of development. This confirms the need for democracy so as to deliver services to the rural people. Ayitteh has showed that “democratic African countries such as Botswana, Mauritius and the Seychelles Islands, have consistently outperformed non-democratic countries” (2004).

The rural communities want to get a government that they might call ‘our government’ a government that knows what the people need and, can come to their rescue. The people in the rural areas of Africa have emotionally involved themselves in the traditional institutions of chieftaincy in their areas. It will be helpful in Africa to engage the services of chiefs who constitute a strong political mandate in the lives of the rural people so as to extend the dividends of democracy to rural communities.

The democracy we have seen in Africa since independence needs reform and the existing African traditional institutions like tribal chieftaincy need reform. This institution is a call for the institutions that are familiar with the lives of the people in the rural communities to be represented in the mainstream of governance. The process of reconstruction and development will be frustrated by the absence of proper local government structures, especially in the rural areas. A balance will therefore have to be found between the need for a democratically elected rural local authorities and the constitutional provisions guaranteeing the existence of the institution of chieftaincy.

Some contemporary political scientists deem traditional leaders illegitimate due to the system of primogeniture, hereditary and succession when compared with elected ones. This is a question of legitimacy and existing oral and written literature attest to the fact that the people were not ruled against their will. The question of legitimacy is not absent in the elected office holders. Election is a good way of choosing leaders but at the same time we should acknowledge the necessity for the continuation of the office of chiefs, which will be checked by a representative body of the community. There are instances in this dissertation (chapter three) where I showed that chieftaincy is reforming by incorporating some democratic principles like the appointment of women chiefs. Williams (2001) in his study of the institution in KwaZulu-Natal showed in the Mvuzana and Ximba communities that chiefs are embracing some aspects of change and the example of the Kholoweni community demonstrated how local populations are bringing in 'democratic' principles of choice and accountability into the chieftaincy structure. This study is interested in the activities of small chiefs in the rural communities and not big tribal chiefs.

South Africa, like other third world countries, has experienced and continues to experience political changes of monumental proportions. It is imperative to channel this change to a productive end. African politics has been superficial, opportunistic, personality-based, and diversionary. The majority of the people are left out of this development creating an atmosphere of non-participatory democracy. Elections have come to be equated with democracy. Change is taking place yet the status quo appears to be constant. The wide gap between the rural and urban citizens continues to be retained thereby empowering the tribal political base of the rural areas. The landscape is being opened up but the people remain in poverty and deprivation, and their

communities marginalized. A political opening is taking place, yet the room for participation remains rather constrained. The critical challenges for the future in Africa will be how to make the life of the rural people in the communities better and change the existing contradictions within the society. The end to tribal based politics is crucial for Africa and the need of recognising the community chiefs whose attachment is to their village or district rather than to a tribe. I have argued that the idea of democracy in rural South Africa is not about democratic structures (of debate and division). Rather it is about consensus building and the sharing of beliefs towards providing the basic things to the people in the rural communities.

Chiefs should know that South Africa is now a democratic country and this have affected the activities of chiefs in the country. The chiefs should think of how to use their traditional and cultural powers in contributing to nation building. Chieftaincy needs to be integrated in a way that enables chiefs to play cultural and traditional roles without interfering into the political roles of the politicians. Politicians need not disrespect chiefs so as to keep up the integrity of the institution.

In the final analysis, community chiefs are unlikely to disappear as an important social and political force in South Africa. Despite the history of the institution and the circumstances of poverty and underdevelopment under which it is existing, chieftaincy is still respected as a legitimate institution by the majority of the population in rural South Africa. In as much as tradition continues to affect the political culture and attitude of the people and ready to follow the trends of time and events, traditional authority will continue to adjust to changing socio political, and economic circumstances in the future.

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Appendix A:

Patterns of social relations questionnaire

This questionnaire is addressed to community members residing in this community. The main aim is to identify how they perceive the institution of traditional authority in the area. The questionnaire covers: 1 background of participants. 2 Assessments of the degree and patterns of cross-cultural associations. 3 Perceptions of the institutions and structures of governance at the local level.

Section 1: Background of participant

1 Gender? 1 Female 2 Male

2 Were you born in this community? 1 Yes 2 No

3 How much of your time do you spend in this community?

1 Most 2 Partially 3 least

4 In which of the following Age groups do you belong?

1 20—29

2 30—39

3 40—49

4 50—59

5 60+

5 Highest educations achieved:

1. Matriculated

2. Pre- metric

- 3. Post- metric
- 4. None
- 5. Other-----

6 occupations.

- 1. Employed
- 2. Self-employed
- 3. Unemployed
- 4. Pensioner

Section 2. Degree and patterns of association.

6.1 following are categories of social associations that people often become part of, please rank the most important associations, according to your choice, as 1, 2, 3. for example , if church gatherings, community projects and *mogodisano* were the three most important associations in that order, then put **1** against church gatherings, **2** against community projects and **3** against *mogadisano*. Rank only options leaving the other blank.

1. Church gatherings
2. Burial society gatherings
3. Sports activities (soccer, netball, athletics, etc)
4. <i>Stokvels</i>
5. <i>Mogodisano</i>
6. <i>Diphiri</i> -grave digging members
7. community projects
8. Where people drink (beer)
9. School governing body
10. Political party activities/meetings

6.2 How many of the association's meetings have you attended in 2001?

Please circle the appropriate code.

None of them 1	
Less than a quarter of them	2
Between a quarter and half of them	3
More than half of them	4
All of them 5	

Section 3; perceptions of institutions/structures of governance at the local level

7. Please indicate how true are the following statements. Rate the statements on the Following scale from 1 to 5.

1=Strongly Agree

2=Agree

3=Not Sure

4=Disagree

5=Strongly disagree

1. Traditional government structure is a true representation of the people

2. Community forums are the true representation of the people

3. Local Government structure is a true representation of the people

8. Please assess following statements on the scale from 1 to 5

1=Not at all

- 2=Little
- 3=Not sure
- 4=Mostly
- 5=Always

1.Traditional council has satisfied my expectation
2.Local Government council has satisfied my expectation
3.Community forums has satisfied my expectation

9. Please state how much you **Personally trust** people who serve in the following structures. Rate them on the following scale 1 to 5.

- 1=Not at all
- 2=Little
- 3=Not sure
- 4=Mostly
- 5=Always

1.Traditional leadership council
2.Local Government Council
3.Community Forums

10. Following reasons are believed to cause failures in performance of institutions in this community. Please rate them on the following scale.

- 1=Agree
- 2=Not sure
- 3=Disagree

1. Exclusion of elders in community projects
2. Domination of a particular (tribe) group in institutions (local government)

3. Lack of cooperation and participation of other (tribe) group in community projects

4. Exclusion of traditional leadership (<i>indunas</i>) in community projects

5. Lack of trust among community members
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6. Lack of respect for traditional leadership

11. Which of the following things do you believe shapes the way people live their lives in this community? Please choose only one.

1. Religion
2. Political party membership
3. ¹Loyalty and trust to traditional leadership.

12. Please give a brief comment on what you think about this community and the way in which people relate and see things.

¹ The word *mogodisano* refers to the arrangements where by people agree to pull money together, and that money is distributed among members equally, it is different from *stokvel* in the sense that sometimes it is goods/grocery that is being distributed, and not the actual money.