

**THE ROLE OF
AFRICAN TRADITIONAL LEADERSHIP IN
MODERN DEMOCRATIC SOUTH AFRICA:
SERVICE PROVISIONING IN RURAL AREAS**

BY

PHUTI SOLOMON MATLOA

DECEMBER 2008

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SERVICE PROVISIONING IN RURAL AREAS**

BY

PHUTI SOLOMON MATLOA: STUDENT NO: 204000139

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Supervisor:

DR. I.S. MEKOA

DECLARATION

The registrar (Academic)
University of KwaZulu-Natal


Dear Sir,

I, MATLOA PHUTY SOLOMON

Student No.: 204000139

Degree: Doctor of Philosophy

Hereby declare that the dissertation entitled: The role of African traditional leadership in modern democratic South Africa: service provisioning in rural areas (Capricorn district of Limpopo Province): is the result of my own investigation and research and that it has not been submitted in part or in full for any other degree or to any other University.



.....
Phuti Solomon Matloa

DECEMBER 2008

DEDICATION

The dissertation is dedicated to my devoted wife Phuti Alfrida Matloa and my four children Kgabo Bernice, Phuti Theophillus, Tlou Evah, Sekgwari Raymond and our grandson Tshephego for their support, prayers and patience with me during this period of hard work, of many sleepless nights and many days of absence from home and heavy financial burdens that the family quite often had to bear. I am also dedicating this dissertation to the family aunt Mrs. Jolene Marosa who had to do typing and photocopying of relevant materials needed.

Phuti Solomon Matloa

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CHAPTER ONE

Introduction: mapping the landscape

1. Mapping the landscape

1. 1. Background information to the study

The study would examine how African social institutions under African traditional leaderships were organized in pre-colonial era for equitable and quality provisioning of services. It will also investigate as to whether service provisioning by African traditional leaders to their traditional communities during the pre-colonial era had ever been unsuccessful and thus making western democratic institutions justifiably tenable options for service provisioning at the expense of traditional systems. The study would also like to establish why in pre-colonial era, there was a need for strong leaderships and how social cohesion was maintained. It would also look at the reasons that could lead to destoolment as well as factors that had led to the development of states or kingdoms. The study would also provide answers to questions such as whether the colonialists had come to these shores to African communities that were about to be wiped off from the face of the African continent by various forces, that they through their traditional governance structures and traditional service provisioning mechanisms could not cope up with, due to their backwardness or lack of development in some spheres of life.

One would also look at who the colonialists were, and what their aims were with their occupation of the African continent. Were the colonialists aware that the communities they came into contact with in Africa had their own cultures and worldviews that had guided their existence from time immemorial? Were the colonialists ready for any cultural exchanges or integration, or had they outrightly aimed at the annihilation of other cultures and their social organizations, and thus tempering with service provisioning structures and mechanisms that had kept these societies through hard times. The study would also look at the colonial and apartheid governments in South Africa and how they had affected the African traditional governance systems and consequently tempering with their service provisioning mechanisms that had from the unfathomable past given the Africans their unique African identity.

The other area that the study would look at is whether the new western democratic government that is led by Africans that had come in place in 1994 is out to redeem the dented and distorted image of the institution of African traditional leadership. One would look at mechanisms the new government seeks to employ to provide services to African traditional communities where this institution of African traditional leadership is still entrenched. The study would also examine what the situation as at present looks like with regard to the position of the institution of African traditional leadership on service delivery.

Black South Africans had in pre-colonial era been organized in social institutions such as the family, as the smallest social unit headed by a father, a group of families linked patrilineally through a common male ancestor forming a kraal (ward) headed by kraal-head or a headman, a number of kraals together formed a tribe headed by a chief, and a number of tribes having come together formed a nation headed by a king (Maylam 1970:23). The pre-colonial African traditional leadership positions according to custom had three levels and those were:- headmanship, chieftainship and kingship (Maylam 1970: 23). Traditional leadership positions were assumed by succession, regency or conquests. It was then the responsibility of every traditional African leader to ensure the welfare and security of his subjects. Each level of the leadership structure had certain associated functions or services that it had to perform for its subjects. More complex or demanding services were to be the responsibilities of the higher service provisioning or leadership structures. It was the responsibility of every traditional leader to ensure that, his subjects had land to plough and graze their stocks, youth were organized for communal labour and subjects had security. Traditional leaders had to coordinate activities like ploughing, harvesting, hunting, ancestral worships, performance of rituals etc. They had to call community members to the “kgoro” to discuss community matters (Maylam 1970:24).

The advent of colonialism in South Africa brought with it gross distortions on African traditional leadership and its customary practices. The institution of African traditional leadership had to be modified to suit the colonialists’ western culture. New and foreign levels to the African traditional leadership institution were added such as: - supreme

chief, paramount chief, sub-chief and independent headman. Colonialists had absolute disregard of African traditional leadership and its institutions. They imposed their government systems on Africans. The political systems of Africans which also served as service provisioning structures were distorted in form and functions. Traditional systems had to be subservient to colonial systems. This was not a case of cultural integration but Africans had to wholesomely adopt western and colonial cultures. Africans had to depend on colonialists for their livelihood in a country where they had lived well and in abundance for time immemorial. Succession as a way of assuming African traditional leadership positions was tempered with as colonialists normally put on the throne whoever had collaborated with them. During this era the institution of African traditional leadership was formalised. For example, on the 10-02-1840, Mpande was formally sworn in by Andries Pretorius as the king of the Zulus and helped him to defeat Dingane (Denoon & Nyeko 1984). The colonialists also eroded the economic order of indigenous Africans. In pre-colonial times traditional African institutions practiced subsistence agriculture and ownership of cattle was seen as a symbol of wealth and power. But during the colonial era African youth had to go and seek for work in white areas and this led to the emergence of the rural nationalist's elites that rivalled the traditional authorities. Africans were taught the value of money. Youth working in white areas despised traditional practices such as performance of annual rituals, organizations into 'amabutho' for ivory huntings etc. The authority of African traditional leaders over traditional communities was then waning (Denoon & Nyeko 1984).

Apartheid was a period of disgraceful exploitations of Africans in all aspects of existence by the white minority regime and the institution of African traditional leadership was no exception. Apartheid was a white minority government that came into being in 1948 when the National Party under Malan came to power. Proponents of the apartheid believed in keeping the purity of the white nation from possible contaminations by Blacks. They believed in separate development of nations. But the white minorities wanted to rule the majority Blacks indirectly as they put whites at the top of African political institutions and used the blacks to administer their affairs at the bottom of those structures. During apartheid era, the whites turned the institution of African traditional

leadership into a tool that would serve their interests. The apartheid government changed the institution of traditional leadership to such an extent that it often worked against the wishes of its people. Apartheid government established the homelands with limited powers. Homelands then became organs or institutions of colonists. Some homelands had to be self-governing and chiefs in those homelands had to pay allegiance to colonial institutions of governance (Sparks 1990:4).

With the advent of democracy in S.A. in 1994, the new government aimed at the restoration of the image of African traditional leadership that was seriously dealt a blow by the successive colonial and apartheid regimes. According to these new western democrats, the institution of African traditional leadership was to be salvaged from the distortions brought about by the colonists (White Paper 2003: 13). They then held debates as to how this institution could be adapted to the democratic imperatives as it was seen as not an unchanging facet of society (White Paper 2003:15). A bill on African traditional leadership was produced outlining how this institution could be adapted to the democratic order, and what roles this institution could play to make it legitimate particularly in rural areas where this institution and its practices are well entrenched (White Paper 2003:25). Molotlegi and Osei Tutu II at a conference held at Addis Ababa in October 2004 on African traditional leadership argued that as aspects of western democratic government are foreign to Africans and their governance system, they are the ones that should be adapted for use by Africans not the other way round. The African traditional governance system is seen by the two as never been in any way inferior to the western democratic governance (Molotlegi 2004:1) The new government in South that is led by the Black majority just got it wrong from the onset in its efforts of redeeming the image of the institution of African traditional leadership by according second status to the institution of African traditional leadership in relation to western democratic institutions. The fate of African traditional leaders was to be decided without their participations, and whenever they were allowed to participate they were not allowed to participate as equal partners with members of the new government. Just like in the previous governments, African traditional leaders are alienated in the land of their birth by their fellow Africans who seem to have been inebriated with colonial influences.

Currently confusion is reigning in rural areas where municipalities and their councillors are to coexist with members of traditional leadership. Patekile Holomisa saw this confusion as an irony. He was surprised at seeing the ease with which the new rulers in the present political dispensation could find comfort within the governance systems of their former oppressors while they all invariably seem not to know what to do with the indigenous systems that have managed to survive colonial onslaught (*Mail and Guardian* 11 - 17/02/2000:29) These two inherently divergent institutions are to cooperate in service provisioning in rural areas but current occurrences indicate that traditional leaders are definitely not sure of their roles in this new political dispensation. They complain about not having well defined roles and suspect this government of intentionally wishing to usurp their powers. They always demand from the government a clarification on their roles (White Paper 2003:23). For example allocation of residential sites to village people in traditional areas is known to have been the responsibility of headmen using their councillors, but after the coming into being of this western democratic government in South Africa, definite contestations of powers in traditional communities had arose. Community people that had so willingly soured their relations with traditional authorities by refusing to pay traditional levies, just turn to the municipalities where they are then allocated sites for residences in traditional communities without the consent of traditional authorities. Traditional meetings “kgoro” are no longer honoured as before because community members know that there are no longer any effective punitive measures that could be imposed on them as they could just turn to municipalities and get services.

The present government had promised to resource this institution of African traditional leadership and to capacitate its members in its attempts to resuscitate it, but up to now nothing tangible is done. Members of traditional communities quite often find themselves logged in a dilemma of as to whom they should pay allegiance (White Paper 2003:27). Some honour municipalities’ calls, whereas some promise unequivocal allegiance to their traditional leaders and always turn a deaf ear to municipalities’ calls for payment of services. They promise to heed calls by the municipality only if they could get a word from their traditional leaders. According to a Bill on African traditional leadership, traditional leaders are now to participate in the municipal ward communities. Legislative

and other measures are to be used to strengthen partnerships between these institutions (White Paper 2003:26). One could just assume that this would never give rise to a valid partnership as the two institutions would be getting into this relationship as unequal partners. Another evidence of confusions on the roles of African Traditional leadership was stated in the “Daily Sun” news paper of the 20-05-2004 wherein the Kwazulu-Natal provincial government promised to officially recognize the status of King Goodwill Zwelithini by the end of November 2004 as the king had requested for that recognition. A radio talk show by Thobela FM and its listeners on the efficiency of municipalities on service provisioning on the 23-08-2004 between 12h00 and 14h30 highlighted some areas where municipalities seriously encounter problems on service delivery in rural areas.

The traditional leadership and Governance Bill of 2003 as so published by the national Minister for provincial and local government aims at:-

- Providing for the recognition of traditional communities.
- Providing for the establishment and recognition of traditional councils.
- Providing for a statutory framework for the leadership positions within the institution of traditional leadership.
- The recognition of traditional leaders, and the removal from office of traditional leaders.
- Providing for houses of traditional leaders
- Providing for dispute resolution and the establishment of the Commission on Traditional Leadership Disputes and Claims, and to provide for matters connected therewith (White Paper2003:27).

1. 2. The research problem/ problem formulation

The absence of well differentiated roles between members of the institution of African traditional leadership and those of the present democratic government (municipalities) in rural areas or traditional communities affects service provisioning in those areas adversely. According to the Bill on African traditional leadership of 2003, service provisioning in rural areas should be the competencies of the local government and the

institution of African traditional leadership should be adapted to this democratic order, and should thus cooperate with municipalities in service provisioning. The African traditional leadership views this adaptation as intention by the government to usurp its powers and its members are thus suspicious of the government's aims regarding this. Hence their repeated calls to the government to make their status clear.

1. 3. Aims and research objectives of the study

The following aims and objectives are identified for study:-

Objective: to explore the roles of African traditional leadership in service provisioning during the pre-colonial, colonial and modern democratic eras in South Africa.

Aims:

- to investigate the roles of African traditional leadership in service provisioning during the pre-colonial era in South Africa.
- to investigate the roles of African traditional leadership in service provisioning during the colonial era in South Africa, with a specific focus on the effects of colonialism on traditional leadership.
- to investigate the modern era and traditional leadership with a focus on possibilities for clear role differentiations between members of the institution of African traditional leadership and municipalities at the local government level.
- to explore possibilities for partnerships between the institution of African traditional leadership and municipalities.
- to investigate skepticisms that are allegedly badly influencing cooperation between these two institutions on service delivery.

1. 4. Assumptions

The study assumes that unless the roles of African traditional leadership and those of municipalities are well defined to acceptable levels of both parties at local government levels (rural areas), provisioning of services to members of traditional communities

would never be without problems. On the other hand unless the institution of traditional leadership is adapted to the modern democratic principles its legitimacy to most politically conscious youth of these traditional communities would always remain doubtful. It is for the traditional leadership to accept adaptation, so that it could be transformed in line with western democratic imperatives for it to can be well resourced and its members be capacitated to carry out their constitutional obligations well. Where there is contention between these two parties, the decision of the government would always prevail over that of the traditional leadership. Should the institution of African traditional leadership not be ready to adapt as so planed by the present government, possibilities are that it may even face disestablishment as the decision of the government would always prevail over that of the institution of traditional leadership. This institution may be completely disestablished as in Spain and Norway or just exist in symbolic form as in UK.

1. 5. Research methodology (Qualitative method)

1. 5. 1. The research design

The research design suitable to address the assumptions for this study is the qualitative design. It is going to engage the quality of life of people individually but also collectively. One here would be researching a social phenomenon which is detrimental to the quality of life of the people viz: - service provisioning to rural people. The complexity, causes and needs of the people forming part of this particular social challenge are to be researched. The complexities of provisioning services to rural areas where two inherently different systems of government coexist will be researched. Areas of conflict would be established and strategies for resolving these conflicts for improved provisioning of services that would improve the quality of the life of rural people would also be sought. This is in essence a phenomenological study.

1. 5. 2. Research method and data collection

Close-ended and open-ended questions would be used. One would make notes as interviewees would be responding to questions. Questionnaires with close-ended questions would be used for gathering information on basic biographical data, such as educational qualifications, institutional affiliations etc. The interview process would be dominated by open-ended questions, statements and further probing questions to allow for discussions beyond mere question and answer activities e.g. why do you agree with the statement? Questionnaires as measuring instruments containing open and closed – ended questions would be used. Information or data would be obtained by in-depths interviews. Only accessible and ready to participate individuals, being those that had or are experiencing the phenomenon being explored would be interviewed. Interviews would be conducted on a one-to-one basis. The methodology in this research is inductive, implying that categories (themes) would emerge from the information that one would receive from the respondents in the study. The context bound information would definitely lead to the emergence of categories and themes which could ultimately lead to patterns that could help one to explain a phenomenon.

1. 5. 3. Determining the population and the research group

Population: Population means “a group similar with respect to one or more characteristics as defined by the researcher (Mulder 1989:53). In this research the characteristic in respect of which the group is similar is that, all members exist in rural areas. Neale and Liebert (1980) see a population as a segment of the world that a researcher tries to understand on the basis of observing a smaller segment of that population (Neale & Liebert 1980:62). By the concept ‘population’ one thus refers to a total collection of people, things or events under consideration. This refers to whatever group the investigator wishes to make inferences about (Neale & Liebert 1980:62). With regard to our study here our population (total collection of people under consideration) is members of the institution of African traditional leadership and municipal officials in rural areas of South Africa.

Sampling: It is always an impossible task to include everyone concerned in one's investigation. To include all members of the institution of African traditional leadership and municipal officials in South Africa as they occur in rural areas in our research would be an impossible task. In such cases a researcher would take a smaller group from the population and execute one's research with them (Mulder 1989:57). This smaller segment that one conducts a research with is called a sample (Neale & Liebert 1980:62). Mulder (1989) sees a sample as a group which is selected from the population and is thus less than the population while remaining as representative as possible (Mulder 1989:55). Samples can be any size and can be selected in a number of different ways (Neale & Liebert 1980:63). Sampling is done to give the researcher a more manageable group for purposes of research (Mulder 1989: 55). In our case the sample is comprised of 70 members of the institution of African traditional leadership and 70 municipal officials from rural municipalities of the Capricorn district in Limpopo province.

Sample representativity: If observations made on a sample are to be used to characterise or draw inferences about a population, then the critical requirement for a sample is that, it should represent the characteristics of the population fairly and accurately (Neale & Liebert 1980:63). If the sample is representative of the population, conclusions from investigations or experiments with the sample can also pertain to the population (Mulder 1989:55). For results that would arise from one's investigation to can be regarded as generally valid and thus applicable to the population, one should from the results of the sample investigations be able to make inferences with respect to the population (Mulder 1989: 57).

Random sampling: The sampling method used in our research is the "random" sampling method. This implies that each member of the population viz. all members of the institution of African traditional leadership and municipal officials in rural areas of South Africa had an equal chance of being selected for the sample (Mulder 1989:57). All members of the population intended for the study should all have a common underlying qualification viz. they should all be in rural areas of South Africa where traditional authority is well entrenched. Neale and Liebert (1980) see random sampling as a

procedure that is most likely to yield a sample that is representative of the population (Neale & Liebert 1980:64). Random sampling ensures that the selection of any member of the population does not influence the chances of any other member being selected (Neale & Liebert 1980:64).

The data collection instrument would thus not be applied to the entire population viz: - the total number of municipal officials and members of the institution of African traditional leadership as they occur in the rural municipalities in S.A. but only to a sample in the Capricorn district of Limpopo province. The study aims at interviewing 70 municipal officials and 70 members of the institution of African traditional leadership. This would be done by visiting their places of work, homes, kraals etc. They would be interviewed on their views with regard to service provisioning in rural areas in this western democratic South Africa.

1. 5. 4. Data recording procedures and storage

The researcher would take notes during the interview about the responses of the interviewees. These notes would be kept in files.

1. 5. 5. Data analysis

Analysis of data would be done by hand. One would have to separate significant or valid information from irrelevant information. This would entail a definite move in the data from the specific to the general. One would have to identify regularities and recurring patterns, describe common experiences, recurring themes and common views while not ignoring individual views which may significantly differ from views and experiences shared by the group. Careful scrutinies of data from respondents would reveal some relationships or patterns. Sets of particular patterns would be combined to form a large whole. One would then make a list of topics that could emerge from collected data and then cluster them together under similar topics. Topics would then be abbreviated as codes, and one would then write those codes to appropriate segments of the texts. One

would then find the most descriptive wording for one's topics and then turn them into categories. The subsequent step would be reducing one's list of categories by further grouping topics that relate to each other. Then one would make a final decision on the abbreviation for each category and alphabetise these codes. One would then assemble data material belonging to each category in one place and then perform preliminary analyses.

1. 5. 6. Data verification

In quantitative design accuracy is achieved by following steps for verifying the information with the respondents or through triangulation among different sources of information. Qualitative researchers do not use traditional topics like validity and reliability in verifications of their data. They instead use quality criteria such as "trustworthiness" and "authenticity" as valuable standards for verifying data. What is needed in qualitative research is therefore accuracy of the account and replicability of the study

1. 6. Key questions to be answered in the study

- are there really well differentiated roles in place for members of the institution of African traditional leadership and municipal officials in rural areas?
- are there scepticisms on the part of members of the institution of African traditional leadership with regard to the aims of the western democratic government in South Africa regarding this institution?
- will the alleged conflicts between members of these two inherently divergent institutions be established and resolved for cooperative partnerships in service delivery to be possible?
- are members of the institution of African traditional leadership ready for adaptation to western democratic principles of the new South Africa as so contained in the Bill on traditional leadership of 2003?

- what conclusions could one arrive at from the research conducted regarding the future of the institution of African traditional leadership in a western democratic South Africa particularly with regard to service provisioning in rural areas?

1. 7. The relevance and rationale of the study

The reason of this research is to establish the position and roles of African traditional leadership systems in a western democratic South Africa and how a traditional system which is in essence monarchic could coexist with a western democratic system. On the international arena, literature had shown that the essential nature of traditional systems was abolished in the UK, Spain, Holland, Sweden and Norway and this was replaced by the western democratic government systems. In the UK, the role of the queen is currently just symbolic and ceremonial no longer political or administrative (Cloete 1993:13) The house of Lords in the UK which is second and upper House of parliament of Britain, though founded on the principles of traditional rule, has overtime transformed and it is now part of the democratic parliament of the UK. In Uganda traditional leaders were denied political power or a political role (Cloete 1993:13).

This research could thus at the international level provide evidence as to whether what happened in the UK could also be the case with traditional leadership in S.A. in future, should this institution refuse adaptation to the western democratic imperatives of the western democratic government. At national level this research would give an account as to whether these brewing misunderstandings between municipalities and traditional authorities in the S.A. context, could now be events leading to the disestablishment of traditional Leadership institutions at local level where service provisioning would not be a joint responsibility of the two institutions, but the sole responsibility of municipalities.

Evidence that would be gathered from empirical research conducted would clarify possibilities for mutual co-operative existence of these two institutions at local level that is so indispensable for efficient provisioning of services in rural areas. Where there is contention between these two institutions, according to the new government in S.A. the decision of the government would always prevail over that of traditional leadership.

Should the institution of African traditional leadership object to the adaptation plan of the government it would then be up to the government to see what would then be the best for this institution, or it may be let to play only a symbolic role without any political or administrative powers.

1. 8. Time-frame schedule

Chapter 1: Research proposal: August 2004

Chapter 2: The historical background of African traditional leadership before colonialism: January 2005.

Chapter 3: The effects of colonialism on African traditional leadership: July 2005

Chapter 4: The challenges faced by the institution of African traditional leadership since 1994: February 2005.

Chapter 5: African traditional leadership and service provisioning: August 2006.

Revisions and improvements: 2007 – 2008.

Chapter 6: Conclusion: December 2008

1. 9. Definition of key concepts

Afrocentricity

The Afrocentric perspective is a revolutionary shift in thinking proposed as a structural adjustment to African disorientation, decenteredness, and lack of agency. The Afrocentrist asks the question “what would African people do if there were no white people. It studies ideas, concepts, events, personalities and political and economic processes from a standpoint of black African people as subjects and not as objects on the fringe of Europe (Asante 2006:38).

Apartheid

This is largely a system of indirect rule, directed by whites at the top but administered by blacks at the bottom. The blacks who perform these functions are viewed by other blacks as traitors who evoke feelings of contempt and anger (Sparks 1990:227).

Batlhanka

This refers to common headmen under whose charge the chief among the Ngwato's normally had to put some of his cattle and this made them the hereditary property of the chieftainship and those cattle then made the "batlhanka" always attached to the ruling chief himself (Fortes et. al. 1973:65). Each "motlhanka" was required to provide the chief's household with milk and meat from the cattle under his care, and to come with his followers to perform such other work as might be demanded of him (Fortes et. al 1973:67).

Chief

This refers to a traditional leader of a specific traditional community and commonly referred to as morena, kgosi, inkosi, hosi, khosi or inkosi in terms of customary law "chieftainness" has a corresponding meaning. The term is used indiscriminately to represent a king or a chief or headman (Ayittey 1993:39). But in the traditional African hierarchical system of authority, the chief is the person immediately subordinate to the king (Ayittey 1993:39).

Chieftainship

This refers to a grouping of people in one area who recognized the authority of one single person as a leader. It usually consisted of small number of related groups that were bound together by the authority of the leader. It refers to tribes with chiefs and their administrative and judicial institutions (Ayittey 1993:39).

Colonialism

This is a comprehensive concept that describes the process of colonization, in other words the occupation and control of colonies (Van Aswagen. n.d.: 74). This include the political, economic, social and cultural policy that is followed with regard to colonies, its application to colonies and the effect of this policy, as well as the control and contact by the colonial power on the inhabitants of the colonies. It is often characterized by the use of force by the colonial power to establish its authority and apply its policy, and by the resistance of the colonial subjects against the authorities (Van Aswagen. n.d.:74).

Colonialism was essentially a system of political, economic and cultural domination forcibly imposed by a technologically advanced foreign minority on an indigenous majority. As a system colonialism justified itself through ideologies which asserted the superiority of the colonizer and the inferiority of the colonized (Martin and O'Meara 1995:140).

Democracy

This word comes from the Greek words *demos* (people) and *kratia* (rule or authority). For the purpose of this study one would like to differentiate between western democracy and African democracy (African consensus). Democracy is not a western intellectual product. Western democracy is used to refer to the various systems of government which are said to be based on the majority rule, rule by the many in contrast to rule by one or a minority clique or class. It is a system of government in which the ruling power of state is legally vested not in any particular population group or class, but in the people. It is the government of the people, by the people, for the people. Office bearers are elected by the majority of the citizens through a system of universal suffrage and periodical general elections. Africans have always had their democracy to which one will refer to as African consensus. Western democracy is based on the principle of majority's will whereas in African traditional thought the will of the people is reached by African consensus. African consensus made it possible to include even dissidents or those opposed to the issue under discussion. It did never allow participants to be divided by vote because that did not guarantee long term satisfaction. African democracy although not based on the principle of free elections and on individual or communal voting but on the fact that chief himself was always surrounded by various bodies and institutions that prevented him from being an abusive ruler (Ayittey 1993:40).

Eurocentricity

This is a philosophy that puts Europe at the centre of the world of thought. It is a tendency to adopt European, white or western perspective (Asante 2006:38). Eurocentricity grossly undermines the competency of Africans (Asante 2006:38).

Festivals

These are normally joyful occasions when people sing, dance, eat and celebrate a particular occasion or event like when marking the harvest time, the start of a rainy season, the birth of a child, victory over enemies etc. (Mbiti 1991:11).

Headman

Is a traditional leader that pays allegiance to a chief or chieftainess in accordance with customary law and who is commonly referred to as morena, ramotse, kgosana, gota, induna, ndhuna, isibonda, sikhulu, ikosana, indvuna, ntona, rammoto and nduna in terms of customary law, and “headwoman” has a corresponding meaning. He is an officer employed by the chief, appointed on a personal basis and normally chosen from commoner families. He is the head of a number of families that formed a village (Omer-Cooper 1994:11).

King

Is traditional leader to whom other chiefs or chieftainesses pay allegiance in accordance with customary law and who is commonly referred to as ingonyama, ingwenyama, inkumkani, morena e moholo or kgosikgolo in terms of customary law and “queen” has a corresponding meaning. The king was the soul of the nation (Ayittey 1993:50).

Kgoro

This is an “imbizo” in Zulu or “pitso” in Tswana and it normally refers to a traditional meeting place for members of a traditional community where issues pertaining to community are discussed openly. These meetings are presided over by the induna or the chief or their deputies.

Mafisa

This was a system practiced by Basotho’s under king Moshoeshoe of loaning out cattle to a poorer man who could be allowed to use their milk and sometimes a proportion of the offspring (Omer-Cooper 1994:10).

Municipal authority

This is a form of local authority that is subordinate to the central and regional authority. It serves in implementing enactments relating to the ownership and operation of motor vehicles, slum clearance, fire protection, water supply, electricity supply etc.

Racism

This is the belief in the superiority of one race above all others. It is brought about by the prejudice, discrimination and stereotyping of people.

Regent

A regent is any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position in a temporary capacity until a successor who is a minor is recognized.

Ritual

A rite or a ritual is a set form of carrying out a religious action or ceremony. It is a means of communicating something of religious significance through word, symbol or action. Therefore a ritual embodies a belief or beliefs.

Royal family

This is the core customary institution or structure consisting of close relatives of the ruling family within a traditional community who have been identified in terms of custom.

Service delivery

“Service” is defined as work done by somebody for somebody else as a job or duty (Rooney 1999:1714). “Delivery” is defined as taking something to somebody or the carrying of something to a particular person (Rooney 1999: 502). Service delivery to rural areas therefore implies how work is done or services being given by the government (municipality) to people living in areas outside towns or cities and leading country lives

under African traditional leaderships. Services that the government could provide *inter alia* include electricity, sanitation, housing, education, roads, health services, security etc.

State

The term 'state' has been used to refer to a bewildering range of things: a collection of institutions, a territorial unit, a philosophical idea, an instrument of coercion or oppression, and so on.

Traditional leader

A traditional leader is any person who, in terms of the customary law of the traditional community concerned, holds a traditional leadership position in that community.

Traditional leadership

This refers to customary institutions or structures, or customary systems or procedures of governance, recognized, utilized or practiced by traditional communities.

Tribe

This refers to political and non-political groupings. Are a people under its own government with homogeneous culture speaking a common language, occupying its own territory, having a common history, too small to be a nation.

1. 10. Proposed dissertation outline

Chapter one: Introduction: Mapping the landscape

This chapter deals with the background and information to the study, the research problem or problem formulation, aims and research objectives of the study, assumptions, research methodology, critical research questions, the relevance or rationale of the study, definition of key concepts, proposed dissertation outline and literature review.

Chapter two: The historical background of African Traditional Leadership before colonialism

This chapter examines the pre-colonial institution of African Traditional Leadership. It would give an exposition on how the indigenous African societies were organized in pre-colonial times with the family as the smallest social unit headed by a father, group of families forming a kraal headed by headman, kraals or wards together forming a tribe headed by a chief, a number of tribes having come together forming a kingdom headed by a king. The issue of how one becomes a traditional leader would also be addressed. In this chapter a comprehensive exposition of the pre-colonial roles of traditional leaders would be given. One would also look at how African traditional leaders provided for their subjects in all aspects of their existence without foreign interferences and influences in pre-colonial era.

Chapter three: The effects of colonialism on African Traditional Leadership

The chapter would investigate how colonialism and Apartheid had influenced the institution of African traditional leadership and the deleterious effects they had on this institution. How the arrival of the Dutch, British and the missionaries had affected traditional leadership and its authority in South Africa. How the economic, political, religious etc. policies of the colonialists impacted on traditional leadership and its authority. This chapter would also look at how the Apartheid policies had changed traditional leadership structures, diminished the powers of the traditional leaders and turned the institution of traditional leadership into its own organ.

Chapter four: The challenges faced by African Traditional Leadership since 1994

This chapter would investigate the influence of the advent of western democracy in South Africa on the institution of African traditional leadership. It would investigate how the Bill on African traditional leadership outlines the plan for the adaptation of this institution to western democratic imperatives. It would also look at the problems that are faced by the institution of African traditional leadership and municipalities (as western democratic institutions), as these are inherently divergent institutions that are being

geared up by the present western democratic political dispensation to coexist and cooperate in rural areas in view of efficient service provisioning.

Chapter five: African traditional leadership and service provisioning

In this chapter one would look at how African traditional leadership serviced its communities and its subjects in pre-colonial times and the role it played in service provisioning in rural areas during the colonial and apartheid eras. One would also look at possibilities for this institution to have a role in a western democratic dispensation where they are to coexist with municipalities in areas that are historically strongholds of traditional leaders. In this chapter an empirical research would have to be conducted as well as interviews to get people's opinions with regard to the institution of African traditional leadership and its roles in service provisioning in rural areas in this democratic government of S.A.

Chapter six: Conclusion and way forward

On the basis of the information gathered from the empirical research and interviews conducted, one would then be able to establish whether possibilities are there for the two institutions to coexist and cooperate for the betterment of the lives of the rural community people. From evidence that would be gathered from the research conducted one would be able to make deductions on the readiness of the institution of African traditional leadership to can be adapted to the western democratic imperatives of this present western democratic order as so already outlined in the Bill on Traditional Leadership, or be disestablished or only be let to exist in symbolic form without any political powers.

1. 11. Literature review

1. 11. 1. Historical background of African traditional leadership

1. 11. 1. 1. How African traditional leadership emerged and developed over the years

A kingdom is comprised of the family household as the smallest social unit consisting of a man, his wife or wives, dependent children and other dependents. Several households

linked patrilineally through a common male ancestor and situated close together in the same village made up a family group. An elder, who is the senior male descendant of the common ancestor, exercised some authority over this group (Maylam 1986:22). A number of family groups together made up a ward (kraal) which came under the control of a hereditary headman. He pays allegiance to the chief in accordance with customary law. He is commonly referred to as morena, ramotse, kgosana, gota, induna, ndhuna, sikhulu, inkosana, induna, ntona, rammoto and nduna (Omer-Cooper 1994:11) A number of wards (kraals) together made a tribe under a chief, and a number of tribes together made a nation under a king (Maylam 1986:23). A chief is subordinate to the king and is sometimes referred to as morena, kgosi, inkosi, hosi, khosi or inkosi (Ayittey 1993:39) Every African social grouping be it a family (smallest social unit), more families together forming a ward or village, more villages together forming a tribe, and more tribes together forming a nation, had to have a leader (traditional). The purpose of that being that they should take care of their members' material and spiritual well being. Their members were to have residential sites, fields for crop farming, lands for animal pastures, protection against invasions etc. Chiefdoms and kingdoms emerged and were consolidated as a result of military conquests when chiefdoms or kingdoms competed for grazing lands, ploughing fields, ivory trade, watersheds, need for protection against possible invasions particularly during the Mfecane etc (Maylam 1986:23).

According to Maylam (1986) before African states were engulfed by European colonialism, they were rooted in tradition. A traditional leader who cared for the needs of his subjects attracted following. This was the case with king Shaka of the Zulu nation. His military indunas received many cattle from him and were able to build up large personal following. All members of the kingdom also shared in the pride evoked by the magnificence of the royal herds as well as the consciousness of unrivalled military power (Omer-Cooper 1994:57). Smaller chiefs gained greater security from incorporation in the Zulu kingdom. As long as they had the king's favour no local rival could challenge those smaller chiefs and their subjects (Omer-Cooper 1994:57) It was the responsibility of traditional leaders to see to it that their subjects are well cared for without any influences. The king's medicines and his favours with the unseen powers have to be used for the

benefit of the people (Maylam 1986:23). The king was responsible for the prosperity of the realm. The king had to protect the realm against invasion and ensure that his subjects have sufficient land for crops and pastures. The king was to prevent drought, plague, insect infestations and similar disasters. The king had to perform rituals to ensure the well-being of the subjects (Maylam 1986:24). He had to have specialist rainmakers, medicine men for the health and wellbeing of his people and had to perform rituals for various activities and that ensured the prosperity of the kingdom. This argues well against unfounded beliefs of the colonialists that the African masses that were roaming this African continent in the pre-colonial era were on the verge of extinction had it not been due to timely interventions by colonialists. Historical literary evidence had shown that the pre-colonial Africans were never backward as colonialists had assumed. Through their indigenous knowledge systems that catered well for all aspects of their existence prosperity was guaranteed.

The fundamental unit of the Nguni society was the lineage, which had its territorial base in the homestead. Lineages comprised of all descendants of a common male ancestor (Maylam 1986:25). A number of lineages claiming descent from a common ancestor, mythical or real, made up a clan. The chiefdom represented the main political unit. "The chief was a pivotal figure whose prerogative was wide, ranging through executive, military, judicial and religious powers. But even this great authority was subject to checks, and a chief's practical exercise of power depended very much on his ability to maintain his following and to control key material resources"(Maylam 1986:25). The chief was assisted by the inner or privy council in governance (Ayittey 1993: 39) He has the privy or inner council that keeps check on his behaviour. He is the administrative and judicial head of a given territorial division, vested often with final economic and legal control over all the land within his boundaries (Ayittey 1993:41). The formation and consolidation of chiefdoms and kingdoms was thus attributable to the services and benefits that his subjects got from his leadership. He was seen as the soul of the nation and kept land in trust for his subjects and was a link between the living and the dead. The ability of the chief to maintain his following and to control key material resources played an important part in the consolidation of the Zulu chiefdom into larger power blocs. From

the late eighteenth century a process of political consolidation among the northern Nguni was well underway. During the 18th century the Ndwandwe chief Yaka, and his son and successor Zwide, conquered local chiefdoms. The possible source of Ndwandwe dominance was their control of the east-west trade between the coast and the uplands (Maylam 1986:25). Conquering other tribes implied appropriation of more land for the king's subjects, accumulation of more resources: - human and material for the kingdom which would end up benefiting all of the king's subjects and this would lead to stability and cohesion that would guarantee prosperity.

Military conquest was also a factor in the emergence and development of traditional leadership and chiefdoms. Shaka backed by Dingiswayo wrested the chieftainship from his half-brother Sigujana. He also conquered other chiefdoms and incorporated them into his chiefdom, e.g. the Ndwandwe, Mbo and Ngcolisi. Unlike Shaka, Moshoeshoe was able to build a strong Sotho kingdom during the Mfecane from the remnants of many shattered chiefdoms (Omer-Cooper 1994: 238) The fortified hilltop of Butha-Buthe and later Thaba Bosiu provided Moshoeshoe with almost impregnable mountain strongholds to can withstand any invasions (Omer-Cooper 1994:238). Moshoeshoe's kingdom then bulged as a result of the inflow of members of war ravaged kingdoms that sought refuge in his kingdom. Shaka expanded his kingdom through military conquests and by the use of existing ruling lineages. He exploited rivalries within lineages and between lineages and their subordinates (Maylam 1986:25). Subjugated lineages came under Zulu hegemony in varying degrees and forms. Shaka fostered a loose sense of Zulu nationhood by emphasizing national ceremonies, and by the use of national symbols, notably the 'inkatha' which is woven grass coil. "Statehood was further reinforced by the strong centralized authority vested in the Zulu king. Shaka made the key decisions of the state, wielded enormous executive, judicial and military power" (Maylam 1986:28). Shaka's position had been seen by Slater as something of divine kingship. During his reign religious systems were reorganized to focus on the king at the apex. By so doing Shaka being at the apex of the religious systems was able to give his followers a sense of security in life. His followers knew who they were and how they had to act in different situations and how to solve their problems. His followers therefore had answers to their

problems (Mbiti 1991:15) The king had to lead during the performance of sacrifices and rituals during the start of the rainy season, victories over enemies etc. (Mbiti 1991:11). The king had to be influential and very strong and also be able to lead his followers in times of confrontations when rivalries over land and water resources arose (Sparks 1990:14). Shaka on his ascension to power destroyed an independent group of rain makers. Central intervention in the economy enabled Shaka to accumulate abundant material resources (Maylam 1986:28). By so doing the bulk of income derived from the exchange of ivory fell to the Zulu state. Trade in pre-colonial period motivated and facilitated consolidation of kingdoms. By distributing goods obtained from the long distance trade, a chief could command loyalty from within and without the national lineage structure (Maylam 1986:28).

1. 11. 1. 2. Governance in African traditional societies before the advent of colonialism with its structures of government

African traditional leadership positions according to customs had three levels and those are:-kingship, chieftainship and headmanship. In the pre-colonial era, the king exercised authority over all the homesteads. In pre-colonial African societies, traditional leadership was either patrilineal or matrilineal. In a patrilineal system the line of descent is along the male line. Matrilineal system is not common but only existed among the Bolobedus in the Limpopo province. This is a leadership system in which the line of descent is through the female line (Bertrand 1967:308). The smallest social unit in traditional societies was the family headed by the father. A number of families together formed a kraal headed by an elder. A number of kraals together formed a village headed by a headman (Omer-Cooper 1994:11). A number of villages together formed a nation headed by a chief. A kingdom existed where several chiefs existed and were thus subordinate to a leader called a king. This is how a government structure was organized in pre-colonial African societies. Among the Zulus all men and women on reaching the age of puberty, were gathered into the age-sets. Females in these age-sets could not marry unless with king's permission (Maylam 1986:28). In doing so, the king controlled the rate and direction of production

and reproduction. The king had land rights, he had to allocate land to the households for cultivation. He had to regulate trade and agricultural activities and also to coordinate activities like:-ploughing, harvesting, hunting, ancestral worships, caring of widows, performance of rituals etc (Maylam 1986:28). Although the Zulu kingdom under Shaka was more centralized in administration, the size of the state necessitated the delegation of authority.

According to Maylam (1986):

Heads of preexisting chiefdoms although ultimately subject to Shaka retained a degree of autonomy. Some of these were allocated land and cattle by Shaka to ensure their loyalty. Shaka entrusted key advisory and executive roles to senior members of the ruling lineage, both men and women. He appointed a large number of izinduna and state officials who performed various administrative functions (Maylam 1986:28).

Ayittey (1993) saw the king as the soul of the nation. One of his major responsibilities was to maintain proper harmony among the three components of the universe (Ayittey 1993:30). Those three components of the universe that the king had to keep in harmonious relationship with one another for the well being of his kingdom were the sky, the earth and the world. Failure of the king to maintain harmony among those three components would give rise to wars, floods, and diseases (Ayittey 1993:13) During the time of Shaka there was enforced service of young males in age-regiments (amabutho). Amabutho under the command of izinduna formed hunting parties or labour groups for public works. Shaka's political opponents were ruthlessly killed and more of his subjects were executed for various offences (Maylam 1986:31). Shaka introduced fulltime military service, imposed a ban on marriage during the time of military service, and conscripted females into separate age-regiments. "Hedges also stresses that control of ivory trade was important to a ruling lineage. Management of the exchange system enabled the ruling lineage to reproduce their domination by controlling the reproduction of subordinate lineages" (Maylam 1986:31).

Amabutho were not just for military purposes, but they also had to mobilize manpower required for hunting parties. They made sure that the control of hunting for increasing the supply of ivory was more centralized in the chief's hands (Maylam 1986:31). As ivory trade declined, centralization had to be maintained mainly by the export of cattle. The 'amabutho' had to acquire cattle from outside the chieftdom to replace exported cattle. The connection between trade and state formation seems to be a prominent and widespread feature of pre-colonial African history. Environment also had an influence in the formation of states among the northern Nguni. The desire to access key natural resources e.g. :-watersheds, fertile soil, etc and proximity to both sweetveld and suurveld which facilitated all year grazing encouraged competition for these resources and then set off the process of state formation. Population pressure was also a factor in the process of socio-political consolidation among the northern Nguni. Devastating drought and famine at the end of the 18th century led to conflicts among kingdoms in search of more land (Maylam 1986:31). A king's spokesperson, a linguist through whom he communicated, his advisers and subordinate chiefs would determine policies and present those to him for royal sanction (Ayttey 1993: 52).

1. 11. 1. 3. How African traditional leadership changed during the colonial and apartheid eras

Colonialists were overwhelmed by racism. They had just believed in their own superiority over indigenous Africans. They had come to S.A. with wild and disastrous pre-perceptions of Africans as uncivilized and barbaric people with no conceivable destiny. They then developed prejudices and stereotypes against the Africans, which then closed their eyes against the positive aspects of African culture and development. Their beliefs in their superiority over Africans encouraged them to treat Africans unfairly (Fortes. et. al. 1973:128). Their faith in their military strength encouraged them to exploit indigenous African people, taking by force their land and removing them forcefully from their fertile lands and relocating them to barren lands. Sir George Grey's aims when arriving on the African continent showed very well that he had not come to spare the indigenous population of this continent, but just to conquer everybody and bring every

part of the continent under British dependency. He and other colonialists were blinded by misconceptions they had about Africans. They disregarded any knowledge about how Africans had lived and survived in the unfathomable pre-colonial past through their indigenous knowledge systems and how they handled and combated threats of the not yet tamed continent. We thus see colonialists like George Grey aiming at bringing civilization to this continent that he had deemed uncivilized, and also subjugate and capture its natural resources (Peires 1989:53). He wished to see African societies modeled on Victorian Britain, meaning that the African societies should be English by culture, Christian by religion and capitalist by economic structure (Peires 1989:53). Colonialists like Grey did not see any possibility for cultural integration, a highly fallacious thinking that when two or more cultures come into contact some cultures would have nothing to offer to other cultures for cultural integration. They deem it obligatory for other cultures like the African culture in this context to shed off all aspects of their cultural heritage irrespective of how indispensable they were to the particular cultural group. They expected other cultures to be unquestioningly and wholesomely assimilated into colonial cultures. These prejudices and stereotypes that the colonialists had harboured against Africans unashamedly precipitated their actions of tempering with the institution of African traditional leadership in its entirety, composition and service provisioning structures and organs.

During the colonial era, foreign levels to the traditional leadership positions of kingship, chieftainship, and headmanship such as sub-chief, super-chief and independent headman were added. During the colonial era there was an emergence of the rival nationalist elites that rivalled the traditional authorities whose claims to power were based on the traditional ownership of cattle, allocation of lands, collection of tribute payments and other more narrow and static forms of wealth (Omer-Cooper 1994:109). The office of the chief was more formalised. Many annual rituals could no longer be performed as people flocked to urban areas in search of employment. Colonialists created district councils and thus limited the powers of traditional leaders (Omer-Cooper 1994:109). The advent of Christian missionaries saw kings like Kgama in Bechuanaland being Christian converts. He then started fighting against most of the BaNgwato's cultural practices as he regarded

them as heathen practices (Sparks 1990:150). A Christian Kgama then deprived chieftainship in Bechuanaland of almost all of its tribal significance.

The advent of colonialism brought a lot of changes on traditional authority. After governor Durban had annexed part of the Xhosa territory in 1835, he appointed white commissioners as representatives of the government and decrees were passed on the chiefs (Omer-Cooper 1994:110). Whites were to teach Africans the value of labour, trade and money. Governor Smith hoped to turn Africans into civilized, educated, Christianized, well-dressed British subjects who were acquainted with the capitalist system and the value of labour. Colonialists exposed Africa to two major world religions and those were Christianity and Islam (Omer-Cooper 1994:110). Colonialists wanted to reduce the cattle of blacks which were their symbol of wealth (Omer-Cooper 1994:110). This weakened traditional authorities and fragmented chiefdoms and these chiefdoms were later reunited by foreign rulers. The creation of district councils by the colonial government limited the powers of chiefs and headmen (Omer-Cooper 1994:110). Africans returning home from white employments felt independent from their chiefs and some sided with the whites, and thus questioned the authority and actions of the chiefs thus preferring the white's way of life to the traditional one. Sir George Grey had to conquer the Xhosas by military means and then brought them under British administration as they had lost their cattle and lands which were the pivots of their economy, life and existence. The economy of the Xhosas then had to depend on colonial markets (Peires 1989: 53). It was not by volitional choice that Africans had to become British colonial subjects. but it was by military coercion. Sir Harry Smith similarly to his colonial predecessors continued the brutal subjugation of Africans with the intention of solidifying their masters' ambition of creating a total dependency of Africans on their colonial British master. He wanted to turn Xhosas hereditary chiefs into salarized magistrates, and to civilize Xhosas by means of schools, missions and trade money (Peires 1989). Chiefs and their councillors who had suffered revenue loss from impoverishment of their followers were sometimes given inducement payment. Smith further ridiculed the institution of African traditional leadership by calling himself the Inkosi Inkulu and referred to the Xhosa chiefs as his children and all Xhosas as dogs. He

said the Xhosas and their chiefs should kiss his boots and shout “Inkosi Inkhulu” (Peires 1989: 56) These were some of the horrifying barbaric humiliations inflicted on the institution of African traditional leadership by the uncaring and unsympathetic colonialists. The strategy by the whites of annexing one chief’s territories and giving those to another chief sow a great disunity among the Africans in the face of the advancing imperialists. Some Xhosa chiefs ended up forming alliances with the colonial forces against other Xhosa chiefs (Omer-Cooper1994:111). Africans that were collaborating with the British were rewarded for their loyalty. Africans that had become rich by the British’s economic system as traders and owned guns also weakened and undermined the authority of traditional chiefs and therefore became less dependent on the chiefs.

Missionaries expected the Africans to forswear witch-craft, polygamy, and the system of lobola and dancing. Chiefs then saw the messages of the missionaries as those encouraging the undermining of their traditional subsistence economic system that was predominantly agricultural and Africans were gradually absorbed in the colonial economic system especially as labourers. Not all traditional leaders were against messages of missionaries as the likes of Kgama in Bechuanaland were receptive to those messages. Kgama was ultimately swallowed up by the missionaries’ Christian religious beliefs and he then started labelling indigenous religious systems as heathen (Sparks 1990: 150). Missionaries also interfered with traditional leadership and its authority. They were opposed to hereditary chieftainship and were in favour of an elected chief. Xhosa women became Christians as they abhorred men’s oppressions. On the 10-02-1840 Mpande was formally sworn in by Andries Pretorius as the king of the Zulus and Pretorius also helped him in defeating Dingane. Zulus then became subordinates of the voortrekkers (Omer-Cooper1994:111).

The traditional leadership of Moshoeshoe was weakened by the British as in 1842 Moshoeshoe requested the British authorities to put him and his authorities under their protection, the British paid him £75 annually. He thus had to pay allegiance to the British authorities and had to be their subject (Omer-Cooper. 1994:111). Nqgika and Ndlambe

Natal House of Assembly passed an Act levying a pound Tax on all Native male members over the age of 18 years. This levy was commonly known as "Poll Tax". The first trouble started with the magistrate of Kranskop, Mr. A.W. Leslie. According to Mishak Mthilane who gave the report as he too had participated in the rebellion, Mr. Leslie had gone for tax collection at Silverstream which was set as a Tax collection point for the Hlongwas and the Cele tribes under chiefs Mtamu and Sobantu respectively. When the Hlongwas under chief Mtamu were called to pay the tax they utterly refused and some men even went to an extent of striking the table before the magistrate with their sticks. Indunas whose members had shown impudence were to bring those members to the magistrate at Kranskop where they were given a term imprisonment and 25 lashes with the Cat of nine tails. Then came Bhambatha and his followers who also adopted a threatening attitude against a small party led by a magistrate that was to demonstrate against Bhambatha. What followed then was a series of confrontations between Bhambatha's sympathizers and the colonialists. Bhambatha drew sympathizers from a wide spectrum of chiefs who had come to support him against the colonialists who also called for beef ups from around the country. Many lives were lost on both sides with Bhambatha ultimately killed and allegedly beheaded.

Under English colonial rule the institutions of traditional leadership were retained but denied any possibilities of them assuming political power (Omer-Cooper 1994:112). Certain customary principles were distorted to fit the needs of colonialism. Colonial powers used traditional leaders to their advantage. Some traditional leaders were assigned by colonial powers responsibilities to ensure that law and order within their areas was maintained by empowering them to disallow assemblies and to effect arrests as peace officers (Omer-Cooper 1994:112). Some colonial powers had it as their responsibilities to civilize, educate and Christianize native Africans in accordance with their ways of life. The colonizers turned the institution of African traditional leadership into a tool that would serve their interests. This was continued by the apartheid government and extended into the era of homeland governments. The apartheid government distorted custom and changed the institution of traditional leadership to such an extent that it often worked against the wishes of the people, and gave this institution powers and

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responsibilities that fell outside its original functions. The homeland system limited the powers of traditional leaders. Homelands then became organs or institutions of colonists. Some homelands became self-governing and chiefs in those homelands had to pay allegiance to colonial institutions of governance (Omer-Cooper 1994:112).

During the Apartheid era, traditional leader roles became increasingly divorced from their roots in the domestic realm and were attached to Bantustan state structures. Many chiefs and their allies pursued accumulation through positions in bureaucracies and companies (Hyslop 1999:424).

According to Hyslop (1999):

Apartheid efforts to build the Bantustans as alternative states and civil societies created new forms of land use, tenure, property-holding and rent-seeking. Sections of the population began to derive their incomes from civil service and teaching jobs (Hyslop 1999:425).

During the apartheid era the chiefs were called upon by the government to act as agents of the South African state. For their services they were rewarded with trappings of power and the material comforts of high office (Hyslop 1999:424). The homelands served as labour reservoirs from which the mining industry in particular could draw into requisite supply of migrant labour. The institution of African traditional leadership during the apartheid era did not have any role to play at both national and provincial levels, but it was rather used as a platform to divide and rule the people and its structures did not have as their primary objective the delivery of services to the people but rather the delivery of the people themselves to become subservient to the successive colonial and apartheid administrations (Hyslop 1999:424). Chiefs and headmen became state functionaries while the state sought to co-opt the inherited legitimacy of their positions. The state wanted to domesticate the legitimacy of chiefs and many pre-colonial functions of chieftainship were usurped by the state (Hyslop 1999:424).

1. 11. 2. African traditional leadership in the western democratic period

1. 11. 2. 1. Can the institution of African traditional leadership be adapted to the current democratic structures of governance?

Though the new government in S.A. had aimed at redeeming the dented image of the institution of African traditional leadership in all aspects including its service provisioning function, one would argue that these efforts are destined to fail unless the government shows serious commitment to this. By just wishing to adapt the institution of African traditional leadership wholesomely to the western democratic principles, disregarding the invaluable services it provided to its pre-colonial subjects, is evident enough that this system of governance (the traditional) is accorded low or inferior status in relation to the western democratic systems by the very same people that masquerade as its saviours. The end result of this would be a new product or institution different from the ones of the successive colonial and apartheid regimes but still dominated by western democratic features and alienated from indigenous pre-colonial Africans.

The institution of African Traditional Leadership is seen as not an unchanging facet of society and it can be adapted (White Paper 2003:15). Countries in the world had their various forms of hereditary and absolute monarchies (White Paper 2003:15). These countries had their own ways of accommodating the institutions of traditional leadership within their newly established democracies (White Paper 2003:15). All over the world the demands for representative forms of government based on universal franchise, struggles for gender equality, better wages and working conditions for workers resulted in the birth of democratic movements (White Paper 2003:18). Revolutions in various Eastern European states led to the complete elimination of systems of traditional rule and the introduction of different forms of government (White Paper 2003:15). In some western European countries like UK, Spain, Holland, Sweden and Norway the essential nature of traditional rule was abolished and replaced with democratic systems, though rudimentary elements of the institutions still remained in some countries (White Paper 2003:18). This 2003 White Paper accords the institution of African traditional leadership

inferior status in relation with the current western democratic political system. This White Paper without question adopts a Eurocentric approach in its handling of the issues of African traditional leadership vis a vis those of the western democracy that has now come to plague the African continent. Eurocentric approach puts Europe at the centre of the world of thought and grossly undermines the competency of Africans (Asante 2006:38)

The advent of western democracy in most African countries gave rise to the need to change the distortions introduced by the colonizers (White Paper 2003:17). Some customary societies in Africa had shown resistance to change. This led to the portrayal of traditional leaders as opposed to change and western democracy, and in some instances led to their marginalization (White Paper 2003:17). In Ghana traditional leaders have roles to play in issues of development although they are forbidden participation in party politics (White Paper 2003:17). In Namibia traditional leaders must pay allegiance to and accept the authority of modern state. In Zimbabwe in 1993 provision was made for a national council and provincial houses of chiefs (White Paper 2003:18)). Traditional leaders in Zimbabwe are also represented in rural district councils (White Paper 2003:18). The Botswana constitution also provides for a house of chiefs which is an advisory body to the national assembly and the executive. In Uganda president Museveni restored the abolished title of traditional leaders but denied them political power or political role (White Paper 2003:18).

In a new western democratic government in South Africa, the government wishes to transform the institution of traditional leadership so that it could be in line with dictates of the constitution of this new government (Cloete 1993:25). A White Paper was then produced for the enactment of both national frameworks and provincial legislation on the institution of traditional leadership. The western democratic South African government aims at preserving culture, traditions, customs and values of the African people while also representing the early forms of societal organization and government (Cloete 1993:25). Conditions of western democratic governance and stability in rural areas should be created so that accelerated service delivery and sustainable development can be

achieved (Cloete 1993:26). Measures are to be taken to ensure that people in rural areas shape the character and form of the institution of traditional leadership at a local level, inform how it functions and hold it accountable. According to this western democratic South Africa, in rural areas, the institution of traditional leadership can play a role in supporting government to improve the quality of life of the people by:-

- ❖ Promoting socio-economic development
- ❖ Promoting service delivery
- ❖ Promoting peace and stability amongst the community members
- ❖ Contribute to nation building
- ❖ Promoting social comprehensiveness of communities
- ❖ Promoting the preservations of the moral fiber and regeneration of society
- ❖ Promoting and preserving the culture and tradition of communities
- ❖ Promoting the social well-being and welfare

According to Abbott (1996) community (traditional community) participation is relevant in every sector of development. He further states that when community participation is practiced successfully it transforms programmes and provides the critical component which can promote sustainable development (Abbott 1996:4). Meaningful community participation is seen by Abbot (1996) as a fundamental basis of security. Meaningful traditional communities participation should be a component of the development process.

The present government of South Africa though promising to restore the dignity and the image of the institution of African traditional leadership that was without doubt dealt a severe blow by the successive colonial and apartheid regimes, seems not destined to succeed in resolving issues pertaining to this institution by adopting a Eurocentric approach in dealing with matters related to this institution (Asante 2006:38). The processes that this government intends to follow in addressing the issues of service delivery in traditional rural communities where traditional leadership is entrenched, intend not to recognize the capabilities of Africans with their indigenous systems in solving their own African problems. The government makes it the competency of the

municipalities to deliver services in rural areas and traditional leaders are to co-operate. This is a definite imposition of foreign and western democratic principles on indigenous democratic African systems that are in no way inferior to western principles. This government appears to be paying a lip service to its promise of redeeming the image of the institution of African traditional leadership and would definitely come out with its new product befitting the name “western traditional leadership”.

One would instead advocate for the adoption of an Afrocentric perspective in dealing with the issue of service delivery in traditional rural communities in South Africa. Afrocentric in contrast with Eurocentric approach puts Africa at the centre of the world. It acknowledges the competencies of Africans in solving their own problems (Asante 2006: 38). This is an approach that would put African traditional leadership in the forefront in service delivery in their traditional communities. This institution was never on the brink of succumbing to the savages of the African continent in the pre-colonial era. This institution with its indigenous systems was able to provide for services to its people. It was never a static institution but always dynamic, always changed and adapted to new conditions in order to move with modern trends as modernization was never a western phenomenon. If the present western democratic South Africa was truly genuine to its commitment of redeeming the image of the institution of African traditional leadership, it would definitely let this institution to spearhead development in its traditional communities. This institution would thus on its own adapt western principles to African traditional ones. Asante (2006) argues that Africans should see the world through their own eyes and that they must understand that they are central to their own history, not someone else (Asante 2006:38).

According to the new government in S.A., the institution of African traditional leadership can participate in the municipal communities and in municipal councils (Cloete 1993:26). Traditional councils may also enter into partnership and service delivery agreements with government at all levels to promote development. The new government aims at using legislative and other measures to strengthen partnerships between municipalities and traditional councils. Traditional councils would serve as

information centres for government programmes and service pay points. With the advent of democracy in S.A., development and the provision of services became local government competencies (Cloete 1993:26). The present constitution wishes to redefine the role of traditional leadership structures so as to align them with the new constitutional arrangements. The present government aims at embarking on an intense capacity building programs for traditional leaders and have their institutions adequately resourced (Cloete1993:26).

In South Africa the western democratic government is said not to be for the abolition of the systems of traditional rule, but to adapt these systems to the new political systems. In contrast with the view that African traditional systems should be adapted to western and colonial systems, king Leruo Molotlegi argued instead for the fusion of the two divergent systems of governance for sound governance and economic development in African traditional communities to take place (Molotlegi 2004:3). This institution as so planned and aimed by the new S.A. government, was to be given certain functions to perform and to participate in the municipal ward committees (Cloete 1993:26). The government sees this institution as having the potential towards the restoration of the moral fibre of our society. Traditional leaders in this modern democratic governance should act as custodians of tradition and culture and play a complementary, supportive and advisory role to government (Cloete1993: 26). These good intentions of the new government in S.A. are long overdue as we are anxiously awaiting their coming into practicables.

The present government aims at finding new names for structures within the institution of African Traditional Leadership. The colonizers, apartheid government and the homeland era government distorted custom, and changed the institution of African traditional leadership such that it often worked against the wishes of the people and gave this institution powers and responsibilities that fell outside its original functions. Colonialists added foreign levels to the structure of African traditional leadership such as sub-chief, independent headman etc. that were non-existent in pre-colonial times (Omer-cooper 1994:109). The problem that is faced by the new South Africa is that of integrating African traditional leadership within the western democratic form of governance (White

Paper 2003:25). As an initial attempt to deal with the issue of traditional leadership, the 1998 White Paper on Local Government provided in broad terms, for a cooperative model within which traditional leadership could coexist with municipalities (White Paper 2003:25). By functioning in a manner that embraces western democracy, this institution as so outlined in the 1998 White Paper would enhance its own status and legitimacy amongst the people. The government and traditional leaders should ensure that custom, as it relates to the institution is transformed in accordance with the constitution and the Bill of Rights. Molotlegi and Osei Tutu II argued that traditional governance systems were never in any way inferior to western democratic governance systems (Molotlegi 2004:1). Osei Tutu II although acknowledging that weaknesses are still existing in traditional African systems, chieftaincy should nevertheless be seen and recognized as a partner in national development and governance (Molotlegi 2004:2). The successive colonial and apartheid regimes did not directly provide development services and infrastructure in African rural areas (White Paper 2003:25). This resulted in African traditional leaders assuming a role of facilitating in their respective areas. They worked with the government to build schools, clinics, roads, and other facilities. According to the White Paper (2003), African traditional leadership is a creature of custom and generally carries out customary functions and it may, however complement the role of the government in rural areas. Therefore there cannot be contestation of authority between this institution and the state (White Paper 2003:28). Traditional leaders are entitled to ex officio representation on local government in their areas. There is a call for greater clarity regarding the role of African traditional leadership in rural areas in relation to government at all levels, particularly given the fact that today, the western democratic state, through the three spheres of government, has assumed authority and responsibility for the provision of infrastructure and basic services (White Paper 2003:28). Although the present government in S.A. is so vocal about its aims of salvaging the fate of the institution of African traditional leadership and redeeming its image that was so severely dealt blows by the previous oppressive minority regimes, its redemption plans are still infested with features of the previous white minority regimes. The present Black majority government in S.A. still engages the institution of African traditional leadership on a master-servant relationship. The aims of this new government as so encapsulated in the White Paper

(2003) clearly demonstrate that the institution of African traditional leadership is given subsidiary roles to play in relation to those of the new political order. What is more startling is that here we are now facing a situation where the Blacks who are currently holding the political reins of the country relegate their own indigenous system of governance to secondary status in relation to western systems of government. They want to see this institution adapting to western principles of elected governments, equality etc. This shows clearly that though African politicians claim to have fought against colonization of the African continent they are still far from attaining mental decolonization. They still adopt Eurocentric approach in addressing African situations instead of seeking African solutions for African problems (Asante 2006:38). Western democratic principles are alien to indigenous African societies and they are therefore the ones that should be adapted for use in African societies.

Up to now African Traditional Leaders are uncertain of their roles in this western democratic order with regard to their traditional subjects and communities. This lack of clearly delineated roles that are understandable and acceptable to traditional leaders make them suspicious that the government is employing mechanisms to consciously marginalize them in this western democratic order (White Paper 2003:28). They suspect the present government of willingly trying to sever their links with their traditional communities with the eventual intention of disestablishing them (White Paper 2003:28). This element of suspicion became visible when municipalities started making calls for the payment of levies by members of the traditional communities to their officials. We know historically that levies from traditional communities were paid to traditional leaders at their offices and this was the most reliable source of revenue for traditional leaders. Attempts by the new government to take this function from African traditional leaders gave grounds for suspecting the aims of the new government with regard to the institution of traditional leadership. Traditional leaders are not yet resourced and capacitated as the government had proposed. Some traditional leaders perceive the new local government as unacceptable and that it would lead to the usurpation of their powers and this has now caused a lot of tensions in rural areas. Hyslop (1999) sees democratization as generally imperiled by on going poverty and social instability in Africa and thus remaining a

gamble (Hyslop 1999:43). Here Hyslop (1999) apparently lacked knowledge that pre-colonial Africa was not poor and unstable as colonialists alleged. Instability and poverty that are now so often being spoken about as having characterized the African continent, are known to be the results of colonization of Africa by European powers. "What the new democratic governments on the African continent can deliver to most of their people is quite limited and may even accelerate hardships"(Hyslop 1999: 43). "Some of the apparently most important democratization exercises on the African continent have not been very successful"(Hyslop 1999: 43). South African political change is seen by Hyslop (1999) as been powerfully affected by the growing pressure from the west for a political accommodation (Hyslop 1999:43). This view by Hyslop (1999) is also substantiated by Patekile Holomisa who expressed his surprise at seeing the ease with which new rulers in South Africa could find comfort within the governance systems of their former oppressors, while they all invariably seem not to know what to do with the indigenous systems that have managed to survive colonial onslaught (*Mail and Guardian* 11 - 17/02/2000:29).

According to Sithole's research findings in Kwazulu Natal, not all of the amakhosi adopted a negative attitude towards the current initiative of government, as one of the inkosi's that she interviewed in August 2000 said that, "there was no problem then for being part of western democratic structures because they were the ones that voted for this government, and they should thus offer support to the new government structures so that they could be clear as to how things are done and where they were going" (Sithole 2003:111). This inkosi saw the present government as good unlike the colonial one that had never consulted on any matters, the present one consulted them. Some amakhosi saw feasibility for a mixture with Western democracy (Sithole 2003:111). Some traditional leaders as so discovered by Sithole (2003) felt a need to be members of the global community and they also acknowledged the dynamic nature of the institution of traditional leadership. They saw change as inevitable, arguing that when they were born, life was not at then, and when they die, they would also be leaving a different world behind (Sithole 2003: 112).

But despite all these pro-adaptation statements by some of the amakhosi interviewed, amakhosi's had in general a concern that they should be attended to by the democratic South African government as a matter of urgency in order to make adaptation a facile and smooth sailing process. Among others, the following concerns were raised by the amakhosi's:- dissatisfactions regarding their representations on municipalities, clarification of their duties, clarifications on their voting rights in municipal councils, clarification on payment of rates or payment for services in rural areas and clear-cut policy on remunerations of traditional leaders (Sithole 2003:112). Sithole's findings also revealed that amakhosi were not co-operating with municipalities on service delivery to their communities because of numerous reasons which inter alia include:- not been consulted when demarcation of boundaries for service delivery purposes over their own lands was made, some parts of their areas were led to fall into different service provisioning areas (municipalities) and they saw this as recipe for competition and conflicts to arise between their communities, and that amakhosi suspected that elected ward councillors may bring more development to the side of the chiefdom of their residence than to other chiefdoms (sides or areas) included in their ward (Sithole 2003:114).

Sithole also discovered that amakhosi also complained that some councillors ignored the (traditional) protocol and cause confusion, they do not consult with the inkosi or traditional authority structures (Sithole 2003:114). This is in sharp contrast with Cloete (1993)'s proposal that there should be sound and proper partnership and service delivery agreements between the two systems of governance for development to can take place efficiently at all levels (Cloete 1993:26). They also complained that some councillors compete with izinduna's and start giving sites or open inkosi's court and start adjudicating over disputes instead of concentrating on issues of development (Sithole 2003:114). Amakhosi's complain that instead of working with development committees and amakhosi, some councillors dreamed of projects and just worked on them without consulting the chief (Sithole 2003:114). Some of the problems experienced by the amakhosi interviewed by Sithole relate to lack of clarity about protocol and policy regarding the relationship between councillors and traditional authorities (Sithole 2003:

115). The government is shown to have failed on its envisaged aim of providing greater clarity with regard to the roles of African traditional leadership in rural areas in relation to those of government officials (White Paper 2003:28). Sithole (2003) had seen these as some of the things the government of South Africa is taking its time to sort out in clear terms on paper, that is in terms of policy and legislation (Sithole 2003:115). According to Sithole there should be a clear line of division between the functions of the following as office bearers or stake holders in a local government level:- appointed officials, elected councillors and hereditary traditional leaders (or amakhosi) and lines of co-operation among these stakeholders should be drawn. Each of these stakeholders' lines of accountability should be drawn (Sithole 2003:115).

1. 11. 2. 2. Can the African traditional system and the western democratic system ever work together in service provisioning in the rural areas?

Questions on the lips of many people are as to whether these two inherently divergent systems of governance would ever work together as they coexist in rural areas in service provisioning. The new S.A. government has made proposals already on how the institution of traditional governance and the western democratic government should work together in service provisioning. These proposals are the sole products of the state as there were no extensive and exhaustive consultations with members of the institution of African traditional leadership. Different individuals also hold different views on how the two systems should co-operate in service provisioning. One would argue that colonialism was fought on all fronts by traditional governments under their traditional leaders. Although the colonialists registered resounding military victories over African traditional leaders and their nations due to their advanced armaments and military tactics, their western system of government was not acceptable to Africans. The western system of government was imposed upon Africans. Freedom fighters that succeeded in bringing the colonial regime to its knees are the offsprings and subjects of great kings and chiefs that had fought against these colonialists but without success. Freedom fighters for the liberation of Black majority in S.A. did not start their struggles from a political vacuum

but the baton was passed over to them by their indigenous African leaders. One therefore holds a view that after the collapse of the oppressive white minority government all African leaders from all organizations should have come together and chart out an all inclusive African government together. The present western democratic government in South Africa that is being led by the Black majority is faced with a dilemma of convincingly addressing the plight of traditional leaders which if not adequately addressed would result with the present government always infested with grudges and ill feelings from traditional authorities. Sithole (2005) argues that history and the surviving social functions of the system of traditional leadership would undoubtedly let this institution to pose a serious challenge to the conscience of democratic government for many years to come.

Hoppers (n.d.) believes that there should be a renaissance of Africa. This should thus aim at building a deeper understanding of Africa, its languages and its methods of development. The belief is that for this to be practicable African traditional politicians should be accorded their rightful places in present day western influenced politics of S.A. Hoppers (n.d.) sees indigenous knowledge systems as posing tremendous challenges for the reconstruction and development of strategies in S.A. One really stands to share Hoppers (n.d.)'s view that African politicians should not be let to play second fiddle to western flavoured politicians. Molotlegi and Osei Tutu II argued that western democratic governance and its politicians are to be adapted to African traditional systems as traditional systems are in no way inferior to western democratic systems (Molotlegi 2004:1). According to Hoppers (n.d.) several global imperatives such as the search of new human-centred visions of development in health, in preserving and conserving biodiversity, in human rights and in the alleviation of poverty also underpin the need for renewed attention to indigenous knowledge systems. For the present government in S.A. to can succeed in service delivery in rural areas, the government should seek to promote paradigms of sustainable human development that should build on knowledge resources that exist in communities.

African communities existed and thrived without western influences in pre-colonial times and were never on the verge of perishing. Hoppers (n.d.) thus sees the loss of cultural reference points as having culminated in the fundamental breakdown of African societies with dire consequences for the social and human development project as a whole (Hoppers n.d.: 22). Colonialists had made great mistakes of regarding the non-western societies and the knowledges that sustained them as obsolete. Colonialists in their quest for modernity did not want to give the Black Africans on whom they had imposed the signifier of obsolescence a voice. Now since the government in S.A. is in the hands of the previously oppressed majority, they should now open up new moral and cognitive spaces within which constructive dialogue between people and between knowledge systems occur.

The colonizers have subjugated indigenous knowledge systems and the present Black majority government in S.A. should excavate this and make it available in real time for present and succeeding generations. The present democratic government should then engage members of the institution of African traditional leadership as equal partners when dealing with issues affecting traditional communities. This would forge mutual trust needed for sustainable development. Those in government should look for the best in western system and the indigenous knowledge system and integrate those so that they could serve as national resources (Hoppers. n.d.:16) “The local contextual expertise and technologies that indigenous knowledge frames offer, can complement some of the mechanical and technical precision capabilities of the western knowledge systems to generate forms of creativity that benefit and empower every one (Hoppers n.d.: 16). Osei Tutu II always advocated for a convergence between the two divergent systems of government (Molotlegi 2004:1) He argued that if such a convergence could take place, African traditional leaders could be viable partners in social and economic development of African communities (Molotlegi 2004:1) One would also in line with Osei Tutu II’s advocacy of convergence of the two systems of governance, stand to support this view because one stands to belief that the Africans with their indigenous knowledge systems had thrived the hostile conditions and circumstances that they had to endure in pre-colonial times, and were never on the verge of perishing. According to Hoppers (n.d.)

Africans had their traditional obstetricians helping in child birth, traditional agricultural practices, traditional doctors and rainmakers. All these Hoppers (n.d.) advanced as motivation to show that Africans in pre-colonial times had their own technologies and capabilities to handle whatever situation they would encounter in their lives. He therefore proposes that the present government should allow the indigenous knowledge systems to coexist with modern western science in a relation of mutual enrichment. Presently in South African political system the problem is about the present status of traditional leadership with their indigenous knowledge systems in relation to western influenced democrats with their imported knowledge. One could still further argue that this is inherently a problem of choice, because in S.A. it is no longer a case of minority whites imposing their will upon the majority Africans, but it is a problem of majority Black Africans against their fellow African traditional leaders. They like to engage African traditional leaders from an advantaged position of power and seniority and also in a master-servant relationship. Beck and Linscott (1991) had envisioned the new South Africa as the one that should protect the tribal ways and rituals, honor the traditional festivals and ceremonies, preserve the sacred places, protect the blood line and propitiate the spirits of the ancestors by preserving the ways of the folk (Beck & Linscott. 1991:14) They envisioned the new South Africa as should permit, protect and preserve the ways, traditions, standards, religions, and cultures of people who do what is right and want to see their beliefs passed on to their children and grandchildren (Beck & Linscott 1991:14).

According to Khan (2004), for the two systems to co-operate in rural areas for efficient service provisioning ways should be developed to harmonise relations between the western democratic government and traditional leadership as both are significant and defining elements of our country (Khan 2004:1). Other people feel that the two forms of governance should be merged and they must be, as the constitution of the country recognizes traditional leadership. Current debates on this are contained in the Discussion Document entitled "Towards A White Paper on Traditional Leadership and Institutions". The White Paper programme by the national government was definitely an effort towards the harmonization of the two forms of governance (Khan:2004:1). The merging or the fusion of the two systems of governance is what our debate is here for, and this was also

advocated for by Molotlegi as African traditional systems are seen as never been in any way inferior to western democratic ones (Molotlegi 2004:3)

Khan (2004) also argues that, another effort towards the harmonization of relations between these two forms of governance would be by defining the historical background to traditional leadership in S.A. According to Khan (2004) one of the justifications used in support of traditional leadership is that it derives its mandate from history and culture (Khan 2001:2). But Insight@ Ipt (2000) further argues that historical and cultural justifications for the legitimacy of traditional leadership could not succeed as there is no doubt that colonialism and apartheid policies distorted traditional leadership for practical and economical reasons (Insight @ Ipt 2000. vol. 2. NO. 5:2). According to (Insight @ Ipt 2000) this fact alone shatters any easy use of history, to justify traditional leadership (Insight @ Ipt 2000 vol. 2. NO. 5:3). Colonial and Apartheid governance distorted traditional governance and created new kinds of institutions that we call "traditional"(Insight @ Ipt 2000. vol. 2. NO. 5:3). For example, the colonial system changed the hereditary system of succession to traditional leadership since the colonial authorities had a final say in making these decisions as to who could be a chief (Khan: 2001). Khan (2001) further states that, traditional leaders who rejected or resisted minority or colonial rule were murdered brutally, banished to places of insufferable torture, some disposed, or incorporated into the new traditional system based on chieftaincy, an instrument of the Native Administration. Some compliant individuals were made chiefs instead of the deposed ones. These chiefs were expected to serve colonial government before serving their communities and were rewarded for performing colonial roles (Insight @ Ipt 2000. vol. 2. NO. 5:3). Colonialists changed the structure of the institution of African traditional leadership by adding foreign levels to this structure, e.g. terms like sub-chief, super-chief and independent headman which were not known to Africans were introduced (Omer-Cooper 1994:109). Traditional leaders during the colonial era were involved in party politics and this made it difficult for them to act as unifying symbols (Insight @ Ipt 2000. vol. 2. NO. 5:3). Some traditional leaders even abdicated their responsibility as unifying symbols to act as political party agencies with immense powers to punish community members who did not adhere to the party platform

(Insight @ Ipt 2000. vol. 2. NO. 5:4). All these evidence indicate that upholding traditional leaders as legitimate requires many practical considerations if one really takes into considerations their role during the colonial era. One could also argue strongly against Khan (2004)'s contention that when arguing about the legitimacy of African traditional leadership we should not draw in historical justifications as colonial and apartheid governments distorted traditional leadership and its institutions. One would argue that in arguing about the legitimacy of traditional leadership, our focus point should be the history of this institution as it was in pre-colonial era before it could be badly influenced and distorted in composition and function by the colonial and apartheid regimes Any attempts of undelving the essence, roles and functions of the institution of African traditional leadership and its institutions by solely limiting oneself to how this had portrayed itself during the colonial and apartheid eras, one would undoubtedly end up with an unrealistic shadow image of the true institution of African traditional leadership that existed in pre-colonial times. We also ought to understand that the much criticized roles and functions of some members of the institution of African traditional leadership during the colonial and apartheid regimes were not of their volitional choices but they were compelled by the circumstances precipitated by overwhelming military conquest by colonial forces.

Insight @ Ipt (2000) also sees apartheid land dispossession policies as having further fragmented indigenous societies and reconstructed them in new forms that served the colonial state (Insight @ 2000. vol. 2. NO. 5:4). The Bantu Authorities Act of 1951 was aimed at fostering separate development through homelands with traditional leaders at the helm (Insight @ 2000. vol. NO. 5:4). This was an illusion that traditional communities were independent under their own traditional leadership while in fact traditional leaders were given powers to enforce the Apartheid policies such as revenue collection and recruitment of cheap labour (Insight @ Ipt. Vol. 2. NO. 5: 4). This strategy also alienated traditional leaders further from their communities. Some traditional leaders like Kaizer Matanzima applauded the homeland system and its policies. He saw the apartheid policy architect Dr. Verwoerd as a friend of the Africans and Luthuli who was fighting the oppressive white regime as bringing misery to the people (Mulaudzi

2003:77). During struggles for liberation by freedom fighters, traditional leaders were often caught in cross fire because their powers were derived from the state which was under threat, hence they were compelled to take sides (Insight @ Ipt. vol. 2. N0. 5: 4).

The freedom fighters as also so been seen by Insight @ Ipt (2000) had been fighting for the freedom of traditional leaders and their traditional communities, as traditional leaders and traditional communities that existed during the colonial era were Western products and were shadows of the real institutions that existed in pre-colonial era (Insight @ Ipt. Vol. 2. N0. 5:3). They had no role to play in colonial times as they were distorted in form and function by the colonialists. According to the new western democratic government in South Africa, it is only this new political dispensation that stands for the resuscitation of this institution hence the White Paper on Traditional Leadership. Traditional leaders should thus be adapted to the new order to make participation at the local government level practical, appropriate and effective, as according to Khan (2004) traditional leaders argue that their institutions have never been stagnant but that they had been changing over years, and therefore it could still be changed now to be adaptable to the present political order and circumstances (Khan 2004: 4).

According to Khan (2004)'s findings, traditional leaders wish to be given powers to appoint councillors who were to serve their areas on grounds that this would make councillors more accommodationable and would also be known to the people they serve (Khan2004:5). Khan (2004) further discovered that the amakhosi in the North and South coast of Kwazulu-Natal agree that their institutions have been distorted by colonial and apartheid regimes, and they hope that a democratic order should restore their historical roles (Khan 2004:5). Khan (2004) sees this as a conundrum because in order to perform their roles adequately traditional leaders need to be empowered by legislation and this has not been forthcoming because the very practical matters have not been considered. "It is ultimately best to abandon the ideologically loaded versions of history and seek practical ways to build cooperation" (Khan: 2004: 5).

According to Khan (2004):

Democratic governance at the local level is guided by the idea of developmental local government central to which is the acknowledgement that this is the government sphere closest to the people and most capable of negotiating development via representatives who are elected and accountable to the people. Naturally this usurps the role in which many traditional leaders would see themselves (Khan 2004:5).

Khan (2004) goes on arguing for the need to adapt the institution of traditional leadership to the democratic government by stating that, "the present inhabitants of the present traditional communities forget that their so called traditional communities had come into being because of the apartheid government which the present political order in S.A. wishes to correct"(Khan: 2004:5). One stands not to subscribe to the arguments by Khan (2004) that the institution of African traditional leadership needs to be adapted to the western democratic principles because Molotlegi had shown that the pre-colonial institution of African traditional leadership with its indigenous knowledge systems, was never in any way inferior to the western democratic order (Molotlegi 2004:1). Pre-colonial Africans had technologies and skills to cater for their needs. They had specialists such as miners who toiled for iron-ore and smiths who smelted the ore and worked it to produce the blade of a hoe or the razor sharp point of a spear (Liebenberg 1993:63). Other African specialists tanned skins for clothing and night covering, achieving a softness and durability that eluded the woven fibres of Europe (Liebenberg 1993:63). Members of the present government need to handle this matter with great sensitivity and much communication and consultation. Khan (2004) thus sees a need for traditional leaders and their communities to be given a historical background of how their current so called traditional communities had come about and where the present democratic government wishes to take them in a way of correcting the historical mistakes that led to their present positions or existence (Khan:2004:5). Instead of starting by doing this, the Demarcation Board in line with the Local Government Municipal Demarcation Act (Act No:27 of 1998), were only concerned with the definition of the relations between government and the Amakhosi, something that was peripheral (Khan 2004:6). According to Khan (2004), the present government belabour under false impressions that these problems would go away simply by ignoring them (Khan 2004:6).

In highlighting problems that would delay development in rural areas, Khan (2004) states the problem of split allegiances between traditional and local authorities. According to Khan (2004) some members of the rural areas would favour traditional authorities while others would favour local authorities (Khan 2004:6). The new development structures that are brought in the place of the old ones cause genuine confusion owing to duplication. But these problems could still be overcome as the present government could adopt a practical approach towards the solution of these problems.

According to the Independent Project Trust (2000):

Certainly indigenous rural people are long accustomed to a system of wards, councillors, and development committees. Each traditional area has several wards with a headman or induna and a development committee. In recent years many of the izinduna have been elected along with councillors that serve on the tribal council. The new municipal boundaries create a new tier of government under the jurisdiction of local councils that meet elsewhere, have representation and with some councillors from outside the traditional area. Undoubtedly there will be allegiance to the traditional system by some and to the new system by others (Insight @ Ipt October 2000 vol. NO 5:11).

According to the Independent Project Trust:

Even should the two systems work compatibly, representatives in the municipalities, who are not from traditional areas will be on long learning curves that will delay traditional peoples, not the same as those of towns and farming areas. Priorities, protocols, and forms of communication are different and can lead to misunderstandings and conflicts. The reverse is also true, rural people, especially traditionalists, do not always share the same values, priorities, beliefs and ways as nontraditionalists (Insight@ Ipt October 2000 vol. 2. NO. 5:11).

Khan (2004) on this subject further says that:

But as long as the role of traditional leadership is debated and subject to various whims and perceptions, development in rural areas will be delayed, impacting on the poorest and most disadvantaged of S.A., the rural indigenous people. If the government is serious about participation of traditional leaders in this democratic order, the local government is the area where they could have been integrated with ease, within these legislative frameworks. Lacking any policy framework, governing traditional institutions; in developmental local governance, incremental measures have been taken to deal with those that change from time to time (Khan: 2004:11).

According to Khan (2004) there is currently no clear policy frame work governing traditional institutions in developmental local government. Khan (2004) argues that amakhosi are or should be seen as a unifying symbol of a historic nation, defenders of peace and stability, champions of development etc (Khan 2004:12). But on the other hand the present democratic South Africa is born of struggles and ideals that both oppose traditional, and yet contribute to our descriptions and understanding of the history of traditional governance (Khan 2004:12). But the two systems of governance are both victims of colonial and apartheid policies. They were both excluded from governmental structures in decision making processes, and both had subjects of oppressive legislations, though amakhosi had to a certain extend served the oppressive legislation (Khan 2004 12). As of now, ways should be developed on how partnerships between these two structures could be fostered in order to consolidate integrated rural development. One would in a reciprocity that leads to mutual transformation, learn from the other (Khan 2001:13). According to Molotlegi (2004) if we want to be true to Africa we should be eclectic, embracing the tenets of democracy and weaving them together with the indigenous institutions that Africans respect and believe in (Molotlegi 2004:8).

From studies among traditional leaders in the northern and south coast of KZN, Sultan Khan, discovered that amakhosi have indicated that they need training on issues like policy formulation, the bill of rights, the constitution, and the national framework on traditional leadership so that they can see how they could fit themselves into that (Khan 2004:13). They feel it to be the responsibility of the government to conduct training workshops as a short term solution, but as a long term goal they need educational empowerment. But lack of basic education does not justify their present exclusion from government. For future amakhosi to can be able to express themselves at all levels of the government, every authority should begin to educate royal successors (Khan: 2004:13).

According to Sithole (2005):

Traditional leadership in S.A. exists in a spurious political ontology in which the constitution merely recognizes its existence, while policy and administrative

practice reveals its indispensability in administration and political responsibility in many ways (Sithole 2005:103).

Sithole (2005) further sees traditional leadership as a form of governance that is currently undergoing a precarious stage, as according to him, because together with the state, both systems are seeking to prevail (Sithole 2005:103). She (Sithole) sees the basic principles upon which traditional leadership and the state are founded as contradicting one another so much so that there is risk of an insinuation that if the former prevails, the principles of the latter are in jeopardy (Sithole 2005 :103). Sithole (2005) sees history as supporting both institutions, whilst present circumstances are more in favour of the principles of a democratic state (Sithole 2005:103). Venter (1998) says that after 1994, 10 000 traditional chieftains in S.A. who exercised a substantial influence and material patronage over community tribal land had their interests been partially accommodated in the form of advisory houses of traditional leaders at provincial and national levels (Venter 1998:9). According to Venter (1998) indications are that, a number of African traditional leaders are pressing for a greater role in government and in the control of funds at local government level. If these are not accorded, Venter (1998) foresees a possibility of a clash on this issue between African traditional leaders with the modernized elements of the ANC (Venter 1998: 9).

According to Sithole:

Because of the intrinsic relationship between current diplomatic and economic system, on the one hand, and state based democracy, on the other hand, the present form of elected government at various levels will prevail as a main political system. However because of history and the surviving social functions of the system of traditional leadership, this institution is likely to pose a serious challenge to the conscience of democratic government for many years to come (Sithole 2005 :103).

Sithole sees it as a challenge for the state to deal convincingly with propounding its legitimacy as a power and authority over land (and people) that, was historically taken from traditional leaders, the liminal transition from pre-colonial indigenous system, to post-colonial democratic polities will remain infested with grudges on colonialism (Sithole 2005 :103).

She (Sithole) argues that:

Currently the alternative is happening: the institution of traditional leadership is in many ways asked to adapt and prove its worth in the current situation. If incumbents of this institution were to embark on a co-ordinated effort in fulfilling this challenge especially in formulating ideological basis for, continued existence of traditional leadership, such initiative would perhaps ensure longevity for traditional leadership. However the modern day predominance of governance protocols suggest that the continued existence of traditional leadership also depends on it being able to communicate in terms that suit the government protocols and procedures (Sithole 2005:104).

Patekile Holomisa observed that:

One of the ironies of post colonial Africa is the ease with which its new rulers find comfort within the governance systems of their former oppressors, while they all invariably seem not to know what to do with the indigenous systems that have somehow managed to survive the colonial onslaught. There is usually no debate about whether or not the inherited White man's courts, his Parliament, his executive arm of government or his economic systems should be retained or discarded. The debate is about which Africans must occupy the newly vacated seats of power, political, economic, social and even cultural (*Mail and Guardian* 11-17|02|2000: 29).

Patekile Holomisa sees the ball as in the court of the present Black majority rule government in South Africa to see what is best for African traditional leaders. The survival or the destruction of the institution of African traditional leadership is solely in the hands of the present Black majority government whose leaders appear inebriated with western systems and thoughts.

1. 11. 2. 3. Prevalent tensions between the traditional and western democratic systems of governance

Ever since the first local government elections that brought about municipalities in rural areas that were predominantly strongholds of traditional leaders, tensions arose between members of these two inherently divergent government systems that were then supposed to co-exist. According to Khan (2004), tensions between these two divergent forms of government are created by firstly, uncertainty about the role of traditional leaders in the presence of democratically elected councillors of municipalities. Khan sees these conflicts to be arising because many think that the two forms of governance, one

traditional and one constitutionally entrenched are not compatible (Khan: 2004:13). With the advent of a new political order in South Africa, the new government had entrusted upon itself the use of legislative and other measures to strengthen partnerships between municipalities and traditional councils and to embark on intense capacity building programmes for African traditional leaders (Cloete 1993:26). The new government had aimed at providing greater clarity on the roles of African traditional leaders vis-a-vis those of government officials (White Paper 2003:28). This clarity of roles is not yet done hence the prevalent tensions and conflicts.

Another area that according to Khan (2004) gave rise to tensions between these two systems of governance relates to demarcations and municipal boundaries. Demarcations were not a smooth sailing process as traditionalists laid claims to land and culture (Khan 2004:12). According to Khan (2004) in KZN traditional leaders mainly IFP members had seen this as a process that took no minds of existing leaders and excluded rural customs and traditions. At a joint meeting of the national and provincial houses, on June 2000, a leader of the Provincial House of Traditional Leaders, Dr Mangosuthu Buthelezi hinted that the new municipal demarcations put their way of life and that of their communities and that of their respective national identities under threat (Insight @ Ipt vol. 2. NO. 5:8). This thus implied that traditional leaders in KZN would thus advance the demarcation of their areas as a reason for not cooperating with municipalities in developing the rural areas. The finalization of boundaries for municipalities created problems between the Demarcation Board and traditional leaders (Insight @ Ipt 2000 vol. 2. NO. 5:8). On the issue of demarcation and municipal boundaries, the Independent Project Trust (2000) found that:

Some traditional areas were divided between two municipalities, some were split between a region and a metropolitan area, but whether split or not, rural areas long under the sway of traditional authorities, soon fall under the jurisdiction of newly demarcated local councils. This has left traditional leaders uncertain and fearful regarding their future in local governance (Insight @ Ipt October 2000 Vol. 2. NO. 5:8).

Discoveries made by the Insight @ Ipt (2000) in rural communities in North and South coast of KZN revealed that the whole process of demarcation was resisted and most amakhosi argued that the demarcation process should not include rural areas since the roles of traditional leaders in future local municipalities had never been legally defined.. “Many rural people associate municipalities with the repressive tax policies of the apartheid regime and that they will now have to pay taxes on grazing land, title deeds and other privileges associated with communal life” (Insight @ Ipt October 2000 Vol 2 NO. 5:8). Many traditional people had seen this as a way of turning their traditional communities into crime ridden and unsanitary township life and thus destroying one’s cultural roots. “After some tribal areas were split into two different municipalities, traditional leaders argued that this would generate tensions within a single community as different parts would experience different kinds of development”(Insight @ Ipt. vol. 2. NO. 5:9). The tendency on the part of this new government in S.A. to unilaterally decide on municipal boundaries gives substance to traditional leaders ‘ suspicions that this government is consciously employing mechanisms to marginalize them (White Paper 2003:28).

According to Khan (2004), another tension is also created by councillors who have difficulty in finding legitimacy among traditional people as they are elected from party lists and not from wards (Khan 2004:14). Another tension between the two systems of governance as seen by Khan (2004), is created by the fact that, according to the present legislations, traditional leaders are entitled to representation that may not exceed 10% of the number of seats in district council e.g., if the district council has 10 seats then the traditional leaders would have one seat. This created uncertainty for traditional leaders as it allows for the possibility that not all traditional leaders would be part of a district council (Khan 2004:14). A clarion call by Molotlegi (2004) that the present government should develop a mindset in which traditional leadership and its structures be viewed as valuable partners is not heeded by the new government in S.A. (Molotlegi 2004:7).

Khan (2004) states that the transformation process led to the introduction of elected representatives whose task is also to promote development and service delivery in their

respective areas (Khan 2004:14). In rural areas this task was a domain of traditional leaders who are still more prevalent. This has resulted in a great overlap between roles that were normally performed by amakhosi and those which have been assigned to councillors such as: - social upliftment programmes, education, peace and stability (Khan: 2004:14). Traditional leaders had to deal with elected councillors in their areas of jurisdictions. These overlapping competencies have created some points of friction and there is a need to define the distribution of power between these structures (Insight @ Ipt. Vol. 2. NO. 5 :6). Previously rural local governance was centred on tribal authorities and this balance of power is shifting to elected representative (Insight @ Ipt. vol. 2. NO. 5:6). Presently amakhosi are not certain of their roles and competencies in new government structures. They feel that the transformation process and the subsequent introduction of councillors diminished their roles (Insight @ Ipt. vol. 2. NO. 5:7). Up to now there is no clear definition of the place and the roles of traditional leaders in the new democracy. There was no concerted effort on the part of the transitional government or the new one to explain the precise role of traditional leaders in local government (Insight @ Ipt. vol. 2. NO. 5:7). Khan (2004) argues that, what is needed now is the definition of the role of councillors in relation to traditional leaders and vice versa (Khan 2004:14)

According to Khan (2004) the institution of traditional leadership during the apartheid era was strongly aligned to different political forces and was manipulated to serve the divide and rule strategy of the Afrikaner Nationalist government (Khan 2004:1).

Khan (2004) argues further that:

Upon the coming of democracy in 1994 this institution began to start to assert its authority in matters of governance and service delivery. Although the demarcation process subtly served as catalysts to raise the ire of traditional leaders, more importantly their need to be significant actors in matters of service delivery at a local level attracted much attention from the national government (Khan: 2004:1).

But despite all this eagerness on the side of the national government in a way of trying to accommodate the institution of traditional leadership, Khan (2004) argues that the role of traditional leaders in service delivery is far from being resolved.

Khan (2004) argues that:

In the absence of any policy on their role in service delivery, traditional leaders adopt new interlocutory strategies with elected councillors, in order to exercise their hegemony and avoid the risk of being totally marginalized (Khan: 2004:1)

The post apartheid constitution of South Africa created a three sphere system of government in which local government is in an equally ranked sphere with the national and provincial governments (Khan 2004:1). It was at the local government level that public authorities, communities, economic actors and citizens in general were expected to work together in the most harmonious and efficient manner so that the needs of the population, services and infrastructures could be identified and implemented (Khan 2004:2). It is against this context that the transformation of local government in S.A. was pursued (Khan: 2004:2). The overlap of modern systems and traditional forms of governance was a source of conflict in which traditional leaders questioned the exact roles and responsibilities of the state including those relative to service delivery (Khan:2004:2). Osei Tutu II of Ghana argued that for sound and hassle free development in rural areas to take place, chieftaincy should be seen and recognized as a partner in national development and governance (Molotlegi 2004:2). According to Khan (2004), although much ambiguity exists about the exact roles and responsibilities of traditional leadership at a local level, provision is made for them to approach and lobby other agencies and spheres of government at both provincial and national levels through the houses of traditional leadership (Khan 2004:4). The 1996 constitution makes provision for the establishment of National and Provincial houses of traditional leadership. The functions of these houses are to advise government on matters affecting traditional leadership, traditional communities and customary law (Khan: 2004:4). Khan further says that, it should be noted that it is not mandatory for government to seek the house's advice before or during the submission of legislation and policy documents to parliament (Khan 2004:4).

In line with the government's constitutional provision, six provincial houses were established (Khan 2004:5). According to the National council of Traditional leaders Act of 1998, the National house of Traditional leaders was then formed with 18 members, 3 nominees from each of the 6 provincial houses (Khan 2004:5). The Dept. of provincial and local government is responsible for the administration of traditional affairs at the national level (Khan 2001:6). The provincial leaders interrelate with the provincial administrations responsible for the administration of traditional affairs. However relationships of provincial houses differ from province to province (Khan: 2004:6).

Khan (2004) further sees the problems between traditional leaders and elected councillors as further been compounded by competing mandates and interpretations as to who actually represents the people (Khan 2004:15). According to Khan, amakhosi complain that councillors are distant from local areas and their interventions are inappropriate to local needs. They see councillors as approaching development in a top down manner by simply contracting private sector firms to implement projects (Khan 2004: 15). Councillors are often accused of going about their duties in rural communities without communicating with traditional leaders (Khan 2004:15). According to Sithole (2002) the traditional leaders had been let to feel suspicious of any ordering process that is led by the government, because of the history of mutual tensions between the state and traditional leadership, the manner in which service delivery has been conducted not necessarily to include traditional leadership, and the manner in which the traditional leaders have relinquished control of the economic affairs in the communities (Sithole 2003:110).

1. 11. 2. 4. The successes of the Bafokeng tribe as a model of a successful African traditional kingdom

This is a good illustration of how good aspects from the western culture could be assimilated and adopted for good purposes in an African traditional institution. It also argues well against the perception that the institution is stagnant. Moletlegi (2004) had argued that traditional systems of governance have changed dramatically over centuries, adapting and responding to new formations, macro-economic shifts, colonial invasions

and oppressive regimes. This is in line with the statement in the White Paper (2003) that the institution of African traditional leadership is seen as not an unchanging facet of society (White Paper 2003:15). This traditional African kingdom offers par excellence an illustrative example on how an African traditional authority can do when not been interfered with by western political powers. This kingdom under kgosi Molotlegi demonstrates very well that traditional authority is and was never static, but had always been dynamic in order to cope up with trends of development in all its spheres. Service provisioning strategies and mechanisms have changed in line with modern technological advancements much to the contrary of colonial stereotyped perceptions of African traditional government systems, that they so uncaringly haboured and advanced as justifications for their dismantling of this institution and its organs of government. This Bafokeng tribe under its leadership has visions that direct and guides their activities, be it economic, agricultural etc.

The Bafokeng nation is an African Traditional leadership kingdom that has been very successful in the upliftment of the lives of its people in this new political era in South Africa. It offers a very good example that an African Traditional leadership kingdom could develop and adapt very well to modern trends of development without shedding off or abandoning its cultural heritage and be swallowed up by the western culture and western systems of governance. After the local government elections of December 2000, the Bafokeng deeply resented its incorporation in the Rustenburg municipality.

The present king of the Bafokeng is kgosi Leruo Molotlegi who was enthroned in August 2002 as a paramount ruler. Molotlegi is the 30th ruler in a dynasty that began with Phofu. They have migrated from central Africa and further to the South more than a millennium ago (Molotlegi 2004:2). They later settled in an area that had hills and experienced a lot of overnight dew. After settling there they took the name baFokeng, literally meaning 'people of the dew' and this was added to Kwena, as they were originally the Bakwena people and they revered the cold dew (Fokeng) as a source of life in Africa (Molotlegi: 2004:1).

Their area is located on the mineral rich Merensky Reef. It has got an abundance of chrome reserves and the world's largest platinum deposits. The kingdom has a population of about 300 000 and 29 tribal villages. They had turbulent history of wars in the early 1700 under king Sekete 111 and were oppressed by the Hurutse and then by the Zulus and Mzilikazi (Molotlegi 2004:1). This is a tribal authority that was established by law in 1966 and is S. A's democratic nation (Molotlegi 2004:1). They are peaceful people and their nature is accurately reflected in their emblem: a crocodile leaning towards the water with its mouth closed: posing no threat (Molotlegi 2004:1)The tribe land had been part of the puppet state of the Republic of Bophuthatswana. The tribe had no desire to be incorporated into the homeland and attempted to secede in 1983 (Molotlegi 2004: 2). The Bafokeng chief was forced into exile and the activities of the tribe were banned. The leader of the Republic, Lucas Mangope suppressed any actions of the tribe and appointed individuals sympathetic to his regime to positions of authority within tribal structures. During 1988, all meetings of the Bafokeng tribal authority, tribal council and the Bafokeng women club were banned (Molotlegi 2004:2).

Under the Boers, the Bafokeng could not have land. Land meant to be bought by money. The Boers had let them to work on their farms, but only in return for food, clothes, and accommodation, no money (Molotlegi 2004:2). After the discovery of diamond in Kimberly, chief Mokgatle of the Bafokeng sent his young men to Kimberly on foot to work in diamond mines on contracts of a year (Molotlegi 2004:2). They came back home with money that they needed to buy back their land. With the help of missionaries, with whom they had good relations, the Bafokeng bought back their land from the Boers. In the S.A. local elections of December 2000, the Bafokeng deeply resented its incorporation into the Rustenburg municipality (Molotlegi 2004:2).

1. 11. 2. 4. 1. The economic development of the Bafokeng kingdom

The Merensky area in which the Bafokeng had settled was rich in asbestos, platinum and other minerals (Molotlegi 2004:1). The area had the world's largest platinum deposits. The mining companies that ended up agreeing with the tribe to mine minerals there had

to pay royalties to the tribe, and this made this tribe the richest in Africa (Molotlegi 2004 :1). In 1999 the late kgosi Lebone Mollwane Molotlegi 11 won a legal case for the royalty payments from Impala Platinum Holdings. Impala had by the end of 2002 to pay an estimated R827 million for doing business on the Bafokeng soil since 1960's (Molotlegi 2004: 1). This kingdom could use its rich mineral resources to the benefit of its subjects. This is in contrast to misperceptions harboured by people like Geoff Cronje that Africans should be saved from themselves with the believe that if they could be left on their own they would perish and be extinct.

The Royal Bafokeng Nation (RBN) tribal authority is S.A.'s most powerful Black empowerment company. Impala already has an experienced Black Economic Empowerment partner in the Royal Bafokeng Nation (Molotlegi 2004: 2). It has built the 40 000 capacity Royal Bafokeng Sports Palace for itself, a proposed venue for the 2010 FIFA world cup in S. A, and this was opened in Ditswenene tribal camp between Rustenburg and Brits (Molotlegi 2004: 2). Companies such as Impala Platinum pay a 22 percent royalty on profits to the Bafokeng people for mines on their tribal lands (Molotlegi 2004: 2). Impala Platinum engages on a continuous basis with the RBN regarding the implementation of the provisions of the mineral lease agreement between the two organization S.A. Royal Bafokeng Economic Board (RBEB) on which Impala Platinum serves, was registered as a section 21 company in 2002 (Molotlegi 2004:2). The Board's overall vision is to become economically self-sustaining by 2020 by attracting local, national and international investments that would create employment opportunities and empowerment (Molotlegi 2004:2).

Key strategic objectives include diversifying the Bafokeng's income streams, developing products and services that create a self-sustaining community, developing RBEB into an effective and efficient business, managing a communication and education process with all stake holders, and facilitating economic development (Molotlegi 2004:3). Portfolios of the RBEB comprise: - mining and construction, manufacturing and services, agriculture, training, tourism, sport, investment, communications, and finance and administration (Molotlegi 2004:3).

RBN is a significant share holder in Implats. This is over and above the royalty agreement with the RBN that exists over the Impala lease area that has seen the payment to the RBN of some R2,5billion over the last five years (Molotlegi 2004:3). Approximately 1,2% of the workforce employed at the Rustenburg operations belong to the Royal Bafokeng Nation. Impala Community Development Trust gives financial support to the Royal Bafokeng Administration (RBA) (Molotlegi 2004:3). Thuto Thebe Education Trust, provides financial assistance to secondary and tertiary level learners from indigent families and to educators wishing to upgrade. The Trust also assisted illiterate parents by offering ABET courses so that they could be able to help their children with their homeworks (Molotlegi: 2004:3). This kingdom was able to set up economic, cultural and educational organizations comparable to that of any viable state around the globe to cater for the needs of its subjects.

Bafokeng Platinum corridor concessionaire has donated 8 spare toll booths to entrepreneurs from the Rustenburg municipality and in so doing assisted budding business people to gain a footing in the retail market (Molotlegi 2004:3). In 2003 Bakwena undertook expansion works at the Pumulani and Carousel Plazas which resulted in eight booths being replaced by larger booths. The entrepreneurs who have benefited from Bakwena's toll booths have all successfully completed the Addicted 2 Business Entrepreneurial course (Molotlegi 2004:3). Anglo American Platinum has reached an agreement with the Bafokeng on the leasing of the tribal land for a planned R1.2 billion. Impala had signed with the Royal Bafokeng Nation in February 1999 a landmark agreement which secures Impala's access to mineral rights for the next 40years (Molotlegi 2004:3). In terms of this agreement the Royal Bafokeng Nation not only enjoys royalties from metals obtained from areas over which they hold the mineral rights, but also became a major share holder in the company with board representation (Molotlegi:2004:3). The Bafokeng tribe presently has shares on Implats worthing about R250 million. The tribe has up to now used income from mining to build clinics, sports complexes, stadium with athletics tracks, an Olympic size swimming pool, basketball courts, a gymnasium etc. All these were planned, designed and funded by the Royal Bafokeng (Molotlegi 2004:3).

Tlholego ecotourism centre, that attracts many visitors, is a sustainable development project by the Royal Bafokeng Nation. It offers visitors an authentic experience of real conditions in rural South Africa. It lies in an area where poverty is widespread. It has vegetation, wildlife, lush gardens, overnight accommodation and remains of Iron Age kraal (Molotlegi 2004:4).

According to king Molotlegi:

Within the Tlholego village settlement you can observe and experience Tlholego's innovative model of sustainable living that includes permaculture, food gardens, water harvesting, sanitation systems, and energy efficient buildings. Community members would show you around and explain how things work so that you can gain knowledge of sustainable living options (Molotlegi 2004:1&2).

Kgosi Leruo Molotlegi further says that:

All these ecotourism opportunities grow within the region. Tlholego aims to build upon this initial foundations and establish itself as a unique venue, providing a real and authentic African experience, connecting the sustainable knowledge of the past and future as a gift in the present (Molotlegi 2004:4).

After kgosi Leruo Molotlegi was enthroned as a paramount ruler of the Bafokeng in August 2002 he then devised 'vision 2020' as a programme to ensure sustainable development for the tribe (Molotlegi 2004:4). He said he would strive as part of his vision to move the Bafokeng mindset away from work seeking employees to job creating citizens and transform their economy from a resource based into a knowledge based. King Molotlegi also makes a call for the promotion of local solutions to local problems. In the case of the Bafokeng, their tribal court adjudicates cases under the supervision of an admitted attorney with national qualifications (Molotlegi:2004:4).

1. 11. 2. 5. Presentations by Asantehene Otumfou Osei Tutu II of Ghana and Kgosi Leruo Tshekedi Molotlegi of the Royal Bafokeng nation in S.A. in defence of traditional governance in Addis Ababa on the 12 October 2004

These two African Traditional leaders made presentations at a two days African Development Forum on governance for a progressing Africa in Addis Ababa, Ethiopia on

the 12 October 2004. The two had shown explicitly how traditional governance at their respective kingdoms had thrived in the face of threatening western democratic governance that had engulfed their nations. They reasoned that western democratic governance could be well adapted for use in traditional governance as traditional governance is in no way inferior to the Western democratic governance (Molotlegi 2004:1).

The Asantehene Otumfuo Osei Tutu II of Ghana, impressed delegates to the level of a standing ovation when he made clarion call for convergence between traditional systems of governance and modern state, in his presentation at the African Development Forum 1V (Molotlegi 2004:1). The king was greatly influenced by the success he had during the first five years of his rule to positively transform the Ashanti kingdom. He was therefore set to push for a broad based recognition of traditional leaders as viable partners in social and economic development of African communities (Molotlegi 2004:1). He requested the African Union to consider giving traditional leaders a seat in their regular meetings to discuss development issues on the continent. While traditional systems were not the panacea for Africa's challenges, he argued that they should be part of the solution. He therefore called on the African Union to invite traditional leaders to participate in its summits (Molotlegi 2004:1).

Quoting the 1954 Cousey commission Report to the British Government, the king said "the whole institution of chieftaincy was so closely bound up with communities that its disappearance would spell disaster (Molotlegi 2004:2). "I have often said that while politicians think of the next elections, we traditional leaders think of the next generation" (Molotlegi 2004:2). The Asantehene was quick to acknowledge that, though weaknesses still existed in the traditional system, chieftaincy should be seen and recognized as a partner in national development and governance (Molotlegi 2004:2). According to the king the continuing conflicts or socio-political upheavals in Liberia, Sierra Leone, and Cote d'Ivoire could partially be ascribable to the absence of strong traditional authority (Molotlegi 2004:2).

Asantehene said that the established chieftaincy institution in Ghana has to a large extent contributed to installing relative peace in that country today.

According to the king:

One area where the traditional system of governance has shown tremendous success is in conflict resolution. We have noted that our system of arbitration and resolving conflicts is now doing rounds in academic and developmental circles as alternatives to dispute resolution (Molotlegi 2004:2).

He said the ability to use democratic traditional systems to resolve conflict had made it possible to maintain social stability and cohesion.

Asantehene states that:

The state of Ghana has been better off with these mechanisms of arbitration. In the past 5 years over 400 cases that would otherwise still be pending in modern law courts have been settled amicably before traditional courts in Ghana. In land cases the Government has benefited from the painstaking traditional system that enables rulers to be aware of land and property boundaries, getting a head start over cheats and frauds: the secret here is that, because chiefs are closer to the communities they know better the claimants to properties (Molotlegi 2004:2&3).

Osei Tutu further argues that:

The often ignored dualism in African governance systems has greatly benefited the large Asante community inside and outside Ghana. The king showed that when he assumed the throne (stool) in 1999 he found failing education standards, with alarming rates of school dropouts chasing after jobs for a living, while some were attending under-the-tree classes (Molotlegi: 2004: 2&3).

In the health sector, HIV/Aids was threatening Ghana and its entire social and economic fibre. In arguing for a pivotal role by traditional systems of governance in delivering development particularly in rural areas, the Asantehene also described his numerous charitable activities including HIV/Aids awareness and the Otumfuo Education Fund, which has provided scholarships to more than 2000 people, including doctoral students (Molotlegi 2004:2). Through contributions that the king received from the public, and private sectors, individuals, international bodies and from Ghanaians, over 3000 children

and students have benefited from scholarships offered by the fund. The king also established a health committee to advise on steps to stem the tide of HIV/Aids prevalence in the region (Molotlegi 2004:2).

Speaking later kgosi Leruo Tshekedi Molotlegi of the Royal Bafokeng Nation in S.A. echoed his counterpart's sentiments about the pivotal role that traditional systems could play in governance and economic development if fused with modern western systems of governance. He called for the promotion of local problem solving mechanisms rather than adhering to prescriptive guidelines from Western countries.

According to Molotlegi (2004):

African leaders have been following rules made by others for far too long. We have the ability and the resources to establish and pursue our own versions of participatory governance, responsible and accountable leadership and prosperous communities that can grow and develop according to standards set by Africans, not by the Western World (Molotlegi 2004:3)

Molotlegi argues that in traditional communities, justice and due processes are available to those living under customary laws. He further argues that chiefs and kings though selected through the rules of succession, also carry the mandates of their people like politicians that are elected by voters. He also asks as to whether elections do really reflect the will of the people or whether they bring the best people to power. These Molotlegi advanced in support of his point that the institution of traditional leadership is never in any way inferior to the western democratic order (Molotlegi 2004:1). Although he has acknowledged certain weak points of the traditional system, like an apparent lack of gender sensitivity, he argues that "if our main concern is the effectiveness and accountability of our leaders, then the way they come to power is only part of the picture. In my view, one does not automatically possess all the necessary leadership skills one needs the moment one comes to power" (Molotlegi 2004:1).

According to Molotlegi:

Leadership can be cultivated and nurtured from a young age, as it is in my family, good leaders continue to learn and hone their skills while they are in office. Like

other leaders, chiefs and kings do a lot of learning on the job, and the best, most accountable leaders, are always learning from their peers, as well as their mistakes (Molotlegi 2004:1).

Molotlegi (2004) argues that even the most free and fair elections could not guarantee that the person in office will have integrity, compassion, and the best interests of his constituents at heart. He further argues that traditional governance can also not be discredited on grounds of lack of accountability.

According to him:

In traditional communities, accountability is achieved in different ways. In the Bafokeng community, my decisions and policies are subject to review in our general meeting, in meetings at the village level, by the community representatives that comprise our Supreme council, and by the overall Bafokeng administration through formal and informal advisory committees, our internal auditing department and consultants such as lawyers and accountants (Molotlegi 2004:2).

Molotlegi sees himself as a traditional leader that is directly accountable to his constituents. He argues further that traditional governance is not as so many persist in claiming – a fixed set of practices that cannot keep pace with changing times. Traditional systems of governance according to Molotlegi, have changed dramatically over the centuries, adapting and responding to new formations, macro-economic shifts, colonial invasions, and oppressive regimes.

According to Molotlegi:

One thing that has kept these forms of governance in place over such a vast swath of the continent is that people understand the mechanisms by which their traditional leaders are chosen, they know how to exert influence over that process, and they know what options exist to sanction or remove leaders who do not act in their best interests (Molotlegi 2004:3).

Molotlegi further asks, “does this same degree of accountability and transparency exist in the selection and removal of elected politicians in Africa?” (Molotlegi 2004:3). Molotlegi says their courts adjudicate cases under the supervision of an admitted attorney with national qualifications. Cases in Bafokeng courts are decided with reference to customary laws, but never in contravention of the S.A. constitution or the Bill of Rights and Molotlegi cites that as a reason why people in his kingdom take their disputes to

traditional leaders for resolution and only occasionally to the civil courts (Molotlegi 2004). People do this because they would bring their cases to the judicial arena they trust the most, feel they can rely on, and whose judgments they deem fair. Molotlegi asks as to whether many millions of people who believe in the importance of traditional institutions could be wrong (Molotlegi 2004:3). He says he is not opposed to modernizing and democratizing and equalizing our societies, but he says that if we ignore our traditional institutions in the process, we do so at our own peril (Molotlegi 2004:4). King Molotlegi is worried by the extent to which we seem to assume that models borrowed from Western industrialized countries are the best, or even the only route to the progress we seek. He sees traditional governance as more consultative in decision making than the way the adherents of Western democracy think or assume, decision making is not a bottom down process as Western democrats think (Molotlegi 2004:4). According to Molotlegi, in traditional governance systems, youth and women have a voice when decisions are taken. In order to fight poverty, encourage greater participation in policy-making, give a better life to our people, and promote sustainable relief from poverty, famine and conflict we should not:

Consume the “Washington consensus” of economic reforms that exacerbate the disparity between rich and poor as they open up new markets for foreign consumer goods, or the “democratic reconstruction model” that has failed so spectacularly to bring enduring democracy to post-conflict situations around the globe; or the orthodoxy of universal human rights that often seems to sacrifice the interests of the community for the benefit of the individual (Molotlegi 2004:5).

Molotlegi says that he objects the unspoken assumption that chiefs are little more than a throwback to the past that must be managed, and ideally neutralized. He says that, maybe the term “traditional leader” is misleading.

According to Molotlegi:

We are rooted in-but-not bound by tradition. I am the kgosi of the Bafokeng nation, but I am also a South African citizen, voter and taxpayer. I have opinions on national politics, currency fluctuations, world cup soccer, and the war on terrorism. I am an architect interested in contemporary design, and I am a businessman overseeing a large minerals-based corporation that competes on a

global stage. My identity, concerns, and viewpoints are drawn from the entire range of my experiences, interests, and roles. I am not unique in this respect, and this is where the assumption that traditional leaders are political and economic fossils is unfounded. In a similar way, the people living in traditionally governed communities are not only locally, but also nationally and globally-minded people, who offer unique and important viewpoints on many matters of the day. Anything that an elected official can do, so can a traditional leader, sometimes better! Being true to Africa, then, is taking Africans as they are, together with our long standing values and indigenous institutions (Molotlegi 2004:6)

Molotlegi sees NEPAD as having the same objectives as the Bafokeng's Vision 2020, one of those being anchoring the development of Africa on its resources and resourcefulness of its people.

He (Molotlegi 2004) argues that:

The issue of traditional authorities vis-a-vis the state is not a trivial one. As traditional leaders and members of traditionally governed communities, we are not opponents of the national government, but rather its constituents, ready to participate in wider national debate. What is needed is a mindset in which traditional structures are viewed as valuable partners, rather than as competitors or opponents, in the formation of African democracies. But the sad reality is that many African governments have refused to support and partner with traditional structures, and have instead, through policy and rhetoric, sought to degrade these institutions. An important exception in our context is the memorandum of understanding that the Bafokeng community signed with local government authorities last year. The objective of this agreement was to forge cooperation between traditional government and local government in all matters of mutual interest, and most particularly on development projects. [Even so] this agreement garnered national attention and stands as a model for the rest of South Africa (Molotlegi 2004:7).

According to Molotlegi, ownership of land, communal land rights, mineral rights, and land allocation are just some of the sensitive issues that often pit the state against traditional authorities.

Molotlegi (2004) maintains that:

We have the ability and the resources to establish and pursue our own versions of participatory governance, responsible and accountable leadership, and prosperous communities that can grow and develop according to standards set by Africans,

not by the Western world. If we want to be true to Africa, we should be eclectic, embracing the tenets of democracy and weaving them together with the indigenous institutions that Africans respect and believe in (Molotlegi 2004:8).

1. 12. The significance of religion to the institution of African traditional leadership

1. 12. 1. The evolution of the African religious system

According to Mbiti (1991), African Religion has no founder, but it has evolved through many centuries as Africans responded to the situations of their life and reflected upon their experiences (Mbiti 1991:15). The king was the religious head of his nation (Ayittey 1993: 39). He was seen as a link between the living and the dead and his office is revered. It is why even now the state could not dispense with this institution of African traditional leadership (Ayittey 1993:39). The king is seen as his people's priest and magician (Fortes et. al:1973:10). In the Ngwato's of Bechuanaland he was seen as the direct living representative of the ancestral spirits that guarded the tribe (Ayittey 1993:47) Mountains, rivers, deserts, forests, earthquakes, thunderstorms, volcanoes, epidemics, diseases, birth and death, locust invasions, famines etc had effect on the evolution of African Religion (Mbiti 1991:16). According to Mbiti (1991), religious ideas and practices arose and took shape in the process of man's search for answers to fundamental questions about human existence and life, and as ways of making human life safe and better (Mbiti 1991:16). Africans had their own religion which has dominated their thinking to such an extent that it has shaped their cultures (Mbiti 1991: 10). This implies that Africans had their own way of thinking about the universe and this thinking shaped their activities towards life (Mbiti 1991: 11). African Religion thus gave its followers a sense of security in life, they knew who they were and how they had to act in different situations and how to solve their problems. Through their religion they had answers to their problems (Mbiti 1991:15). This is in line with king Molotlegi's view that we need African solutions to African systems and thus promote local problem solving mechanisms rather than adhering to prescriptive guidelines from western countries (Molotlegi 2004:3).

It was then the responsibility of a traditional leader to ensure that his people's views of the world are safeguarded as they influenced the people's lives. The people's views were expressed in myths, symbols, beliefs and wise sayings (Mbiti 1991:34). Mbiti (1991) calls medicine men, diviners, rainmakers, ritual elders, priests, kings as well as rulers, as religious leaders or officials (Mbiti 1991:12). These people were usually trained men and women who knew more about religious affairs than other people and were respected by their communities. They may or may not be paid for their duties but in most cases people gave them presents and gifts to show their gratitude (Mbiti 1991:12). "They are an essential part of African Religion since without them it would grind to a halt and people would not benefit from it in practical terms (Mbiti 1991:12). Mbiti (1991) calls these people the embodiment of what is best in a given religion. "They embody the presence of God among people and the faith or beliefs of the people as well as their moral values" (Mbiti 1991:153). Chieftaincy is thus seen as the repository of ancestral spirits and it was therefore sacred (Ayittey 1993:43). For the ancestral spirits to cooperate with him he had to tread his people well (Ayittey 1993:43).

Mbiti (1991) sees African Religions as having answers to the questions that no other discipline could answer for them. Their religion therefore gave Africans the purpose of human life (Mbiti 1991:198). Religion then gave birth to moral values which regulated and harmonized human life. Society people then knew what is good or bad for the welfare of the individual and society at large (Mbiti 1991:198). According to Mbiti (1991), religion gave Africans spiritual comfort needed for normal life because a spiritually discomfort individual would be a thorn to himself and society at large (Mbiti 1991:198). The king was seen to be embodying the spiritual and therefore the material well being of his people. If his vital force could decline women would be barren, droughts occur, and epidemics strike (Ayittey 1993:52).

1. 12. 2. Festivals, sacrifices and rituals, and their significance to African people :

According to Mbiti (1991), traditional leaders then had to see to it that practices, ceremonies and festivals are performed in a way of expressing their beliefs in practical

terms (Mbiti 1991:11). Festivals are “normally joyful occasions when people sing, dance, eat and celebrate a particular occasion or event, like when marking the harvest time, the start of the rainy season, the birth of a child, victory over enemies etc”(Mbiti 1991:11). Mbiti (1991) sees festivals as bringing the people together, renewing community life, strengthening the people’s unity and cohesion, entertaining people and relieving themselves of tension (Mbiti 1991:143). As the principal priest and a magician for his nation the king was to lead in the performance of rituals (Ayittey 199:39). He performs rituals and observances to protect his subjects against enemies (Fortes et al. 1973:10). Traditional leaders had officials for the performance of these festivals and other ceremonies. These were called religious leaders. Omer-Cooper (1994) called these people ritual specialists (Omer-Cooper 1994:12). These were witchcraft diviners, specialist rainmakers etc. that the king had at his disposal and to use in healing the ills of his nation (Omer-Cooper 1994:12). Cattle were used in the performance of rituals (Omer-Cooper 1994:12). Some less significant rituals could be performed by the family head, kraalhead, etc, but rituals that were of great significance to the whole community such as the annual first-fruits ceremony had to be performed by the chief in person (Omer-Cooper 1994:12). It was the responsibility of a traditional leader to see to it that these religious activities are revived in order to meet the needs of the time (Mbiti 1991:17). Mbiti (1991) sees African Religion as very pragmatic and realistic as it is applied to a situation as the need arises (Mbiti 1991:17). It has helped the Africans for generations and discarded what they had seen not to be useful for their needs and situations of life (Mbiti 1991:17).

Though there were no sacred books for this religion, the observation or performance of rituals, ceremonies and festivals, enabled this religion to be passed on to the next generations and thus perpetuated (Mbiti 1991:20). Sacrifices and rituals were conducted to appease the spirits living in the invisible world and to keep alive the contact between the invisible and the visible worlds, between men and God (Mbiti 1991:60). It was thus the king’s responsibility to pray for his people or to use his priests, rainmakers, medicine men etc. to approach God on behalf of the nation (Mbiti 1991:62). African prayers had tangible or concrete intentions e.g., they could request for good health, healing, protection from danger, security, prosperity, rain, successes in war or raids, fertility for

people, animals and crops etc. (Mbiti 1991:62). The people could also express through prayers, their gratitude to God for help given to them (Mbiti 1991: 62). Sacrifices which normally involved the shedding of the blood of human beings, animals or birds are made for a very serious purpose, like when the lives of many people are in danger as in cases of drought, epidemics, war, raids, floods, insect pests etc. (Mbiti 1991:63). When sacrifices or offerings are made for the nation the people may address the departed kings (Mbiti 1991:68).

Mbiti (1991) defines a rite or a ritual as a set form of carrying out a religious action or ceremony. It is a means of communicating something of religious significance through word, symbol or action. Therefore a ritual embodies a belief or beliefs (Mbiti 1991:131). Rituals that are normally performed by Africans are personal, homestead and professional rituals, with festivals being used to add to the grandeur of rituals (Mbiti 1991: 132).

Personal rituals begin during pregnancy then continue at birth, naming, teething, puberty, circumcision or clitedectomy, engagement, marriage, childbearing, eldership, old-age, death and when one becomes a living dead (Mbiti 1991:132). Pregnancy rituals are for blessing and protecting the mother and the foetus, birth rituals to announce or recognize the arrival of the child and its separation from the mother, whilst death rituals send off the departed and normalize life for the survivors (Mbiti 1991: 132).

Homestead rituals are intended to remove the impurities of sickness, strengthening social ties, defining the duties and rights of different members of the family, bring blessings upon homestead and to make the life of the homestead run smoothly (Mbiti 1991: 140). Professional rituals deal with many activities for which a certain measure of skill and training is necessary (Mbiti 1991:140). These rituals are used for hunting and fishing, making and using of spears, bows and arrows, canoes, the trapping and tracking of animals etc. They are conducted by specialists such as medicine men, diviners, oracles, priests, rainmakers, blacksmiths, magicians etc. (Mbiti 1991:140). Professional rituals are also performed for rulers. These are rituals of accession, rituals of movements from one place to another, of meeting other rulers, of royal weddings, of what the rulers may touch

etc. (Mbiti 1991:141). Rituals, sacrifices, offerings and prayers are made on the mountains, or facing the mountains, or at the feet of the mountain and hills (Mbiti 1991:152). Mountains and hills are deemed to be of religious significance, as they are said to lift people's eyes towards the sky, and hence towards God and the heavenly world (Mbiti 1991:152).

1. 12. 3. African traditional leadership and health services

African Traditional leaders had in their societies, medicine men, whom African traditional leaders had used to take care of the health needs of their members. They were either men or women who had to heal the sick and people injured in accidents, and putting things right when they go wrong (Mbiti 1991:153). They had to rescue the individuals in serious health conditions, out of misfortunes, and had to attend to the general welfare of members of the society (Mbiti 1991:153). These are the people that have acquired their knowledge and had to pass it over to the younger ones. Some are called into this profession in a dream or through constant visits from a spirit of a living dead (Mbiti 1991:155). By being able to maintain harmony among the three components of universe which are: the earth, the sky, and the world, the king would be able to ward off diseases from his people (Ayittey 1993:51). The kings are believed to be provided with the secrets of the most potent medicines on the installations (Omer-Cooper 1994:15). They would thus be able to help their subjects during times of medical needs.

After one had been called to this profession, one should then associate oneself with a skilled medicine man in order to start training (Mbiti 1991:155). Training can last up to 10 years or even longer where one would be learning the names and nature of herbs, trees, roots, seeds, bones, bird and animal droppings etc. (Mbiti 1991:155). Mbiti (1991) says that during that training one would also have to learn how to diagnose diseases, people's troubles of all sorts, how to handle patients and how to prescribe medicines (Mbiti 1991:155).

According to Mbiti (1991), major illnesses and troubles are usually regarded, treated and explained as religious experiences in African societies (Mbiti 1991:155). For persistent and serious complaints, the medicine men should have the knowledge and skill, as he has to find out the religious cause of such illness or complaints and this according to Mbiti (1991) is where religion comes into the picture in the work of the medicine men (Mbiti 1991:155). A medicine man could prescribe to the sick person herbs, religious rituals and the sickness might be due to magic, sorcery, witchcraft or having broken taboos (Mbiti 1991:155). According to Mbiti (1991), minor complaints like stomach upsets, headaches, cuts and skin ulcers are normally treated with herbs and other medicines generally known to each community (Mbiti 1991:155). Medicine men are called religious leaders as they are able to make religious diagnoses and prognosis for ailments (Mbiti 1991:155).

1. 13. Can the institution of African traditional leadership be modernized?

Martin and O'Meara (1995) argue that "modernization" does not necessarily mean "westernization" (Martin & O'Meara 1995:176). This confusion of terms is seen as largely a product of the fact that the period of global industrialization began at precisely that point in history when the continent of Africa became an object of European colonial domination (Martin & O'Meara 1995:176). The fact of colonialism makes it impossible to know how Africa with its indigenous systems would have developed if its social and political institutions had been left intact and if Africa had been able to interact and exchange with the rest of the world on equal terms during the crucial period of global industrialization. It is thus a fallacy to associate the processes of modernization with western dominance (Martin and O'Meara 1995:188). Molotlegi (2004) argued that any attempt at modernizing our societies ignoring our traditional institutions in the process would be done at our own peril (Molotlegi 2004:4) He is against the assumption that models borrowed from western industrialized countries are the best or the only route to the progress we seek (Molotlegi 2004:4). African social organization is dynamic, adaptive and historically situated. African people and communities appraise, incorporate, modify, or reject non-African practices on their own terms. In so doing, they redefine these practices in terms of an African idiom of meaning (Martin & O'Meara 1995:188).

All these serve to justify the claim that the institution of African traditional leadership due to its dynamic and adaptive nature would still be able to deliver services to its traditional communities during these periods of technological advancements. It would adapt all new and foreign elements to the indigenous African systems for use in health, social and welfare services, education, police and security services amongst others.

CHAPTER 2

Historical background of African traditional leadership before colonialism

2. 1. Introduction

This chapter looks at who the pre-colonial inhabitants of Africa were, archaeological evidence to this, and how these people lived and succeeded in self-sustenance. What gave rise to the need to organize themselves in social institutions such as the family, kraal/ward, tribes, nations/states, and how these organizations had come about. The chapter would also look at the significance of land and water resources to these pre-colonial communities and how their entire existence pivoted around these resources. How the unavailability or scarcity of these resources gave birth to contestations and serious clashes over them, and how these clashes or fights led to people being organized in large communities with concomitant emergence of great leaders and states, and the various levels of African Traditional leadership. The chapter would also give an elaborative exposition on how kingdoms or states such as the Zulu, Sotho etc. had come about and developed. How in pre-colonial Africa one would assume the role of an African traditional leadership. The following factors with regard to the assumption of African traditional leadership would be looked at: - succession, imposition and destoolment.

The chapter would also look at the roles of pre-colonial traditional leaders with regard to their subjects. This would be done with reference to how African traditional leaders had to cater or provide for the welfare of their subjects (food and security) the roles of African traditional leaders in agriculture and economic activities, judiciary (legal systems), marriage system and the performance of rituals, and their significance to pre-colonial African societies.

2. 2. The emergence of African traditional leadership in pre-colonial Africa

African traditional leadership came into being as people needed to be organized under an individual with outstanding qualities and abilities to organize and lead people in quest for

security, appropriation of land for residential and farming purposes, acquisition of water resources and organizing people for ceremonies (performance of rituals and other festivals) that were needed for the well-being of the nation. In pre-colonial African communities leadership was usually and exclusively along the patrilineal lines. Such a person that had emerged as a leader was to dispense all needed services to his subjects. When a leader's following bulged, he would appoint his trustees to help him in administering the affairs of the nation. This gave birth to the appointment of headmen and chiefs in various numbers depending on the size of the nation. A nation with a centralized administration and having an observable number of chiefs developed into a kingdom with the king at the helm. The king together with his aides at various echelons of his administration and the councillors, would provide services to their subjects, dispense justice to his subjects and safeguard their welfare.

According to Denoon (1984), every human being throughout human history, has been anxious to have a little bit more to eat, to enjoy rather more leisure time, to live in more comfort, than he or she is used to. In pre-colonial Africa, everybody lived on the land, and man had to use ingenious tools that he produced to work on land so that he could produce more to eat and to enjoy. "If a mistake was made in production that less was produced, it was not possible to import bulk food from some other country, so people were rather cautious about innovation" (Denoon 1984: 01). Human beings were able to change the landscape e.g. they would bring water to dry areas by irrigation, draining water out of swamps, introducing new crops and trees and animals from the other end of the world (Denoon 1984:01).

Fossilized skull discoveries that were made in the Transvaal in 1924 indicated that about 1.5 million years ago a class of ape man once lived there and produced tools and other sophisticated stone hands axes (Omer-Cooper1994:07). Geologists and archaeologists believe that Africa was a single great mega continent which later split up (Sparks 1990:05). Men in ancient times split and shaped pebbles and used those to scratch the earth and crack nuts. He later cast aside his pebbles and made a larger, all purpose tool, the hand axe for digging grounds, skinning animals and chopping meat (Sparks 1990:06).

“He invented fire, and with that moved indoors into caves and simple huts where he could warm himself and cook his food” (Sparks 1990:6). After tools and fire, agriculture then became the third in human history of great revolution. “Men learned to grow things and domesticated animals. From being a hunter and gatherer, he became a farmer, with that he settled down and built communities” (Sparks 1990:7).

According to Denoon et al (1984), habitation in pre-colonial era was influenced by distribution of rainfall. The eastern coastal belt had enjoyed more. This is the area east of the Drakensberg. Rain is more in the South than the North (Sparks 1990:10). Along the eastern coastal belt we found the sweetveld which was good for winter pastures and along the west of the mountains we found the sourveld (Sparks 1990:10). The Africans organized their ordinary life around cattle and shepherds and had to find pastures for them and fend off their predators. The mode of production for the earlier people were nomadic hunting and gathering, relying upon the capture of wild animals and collection of wild foodstuffs e.g. along the coastal line collection of shell fish or the catching of fish involved taking of food directly from nature without any intervening process of cultivation or herding (Sparks 1990:12).

The San, who were a hunting and gathering people practiced a late Stone Age culture. The San practiced no agriculture and kept no domestic animals except dogs. As the San had lived on hunting, their population had to be severely controlled because over population would destroy the natural resources they relied upon, and a thin population of San would find it impossible to prevent the occupation of their lands by other communities.

Archaeological findings show that by the 4th and 5th centuries AD, people from the Khoisan began to settle in the north and north-east of S.A. These people grew crops, smelted iron and made pottery (Sparks 1990:13). Though material remains of the Early Iron Age culture could not be able to identify these people with ease, probabilities are that they could have spoken Bantu languages. “Whatever their origin, by the earliest times to which oral tradition or written evidence refers, all the Southern Bantu- speaking

peoples were organized in political communities, chiefdoms” (Omer-Cooper1994:11). Bantu speakers had a patrilineal family system. Cattle had the highest social value. To support his position, the chief was entitled to regular tribute from his subjects and a variety of other payments (Sparks 1990:13).

The Nguni in earlier times lived in small family hamlets near springs and rivers. “A typical Nguni tribe would consists of perhaps twenty thousand people divided into sub chiefdoms, each of which would consist of four or five extended family households” (Sparks 1990: 13). Trade in ivory from elephant tusks was important and this trade led to the emergence of powerful chieftaincies. In the late 18th century among the Northern Nguni emerged centralized, expansionist and militaristic kingdoms. Before the late 18th century crisis, the speakers of the Nguni languages lived quite well, cultivating crops and keeping stock, with the family household as the most important production team (Sparks 1990:13). Related families formed a clan. Several clans consisting of related families were often grouped together under the authority of the patriarch of a senior clan, to whom tribute was paid. A patriarch who can demand a lot from his people would run a risk of whole clans simply transferring their allegiance to a more generous leader (Sparks 1990:13). A leader should therefore attend to the wishes of the heads of clans. Some form of authority was therefore required among the pastoralists to counter raids of cattle herds by young men who were eager to establish themselves as independent heads of households. “A family head seeking to join, the following of a chief had to offer a gift of cattle. On the death of a man, his family had to console the chief for the loss of a subject with a similar gift” (Omer-Cooper1994:12).

The Tswana’s lived in areas that were not so rich with springs or rivers, and that is why they had to live in fairly large towns where permanent water was available. The Tswana speaking people along the eastern fringe of the Kalahari desert were the first to converge into large settlements sometimes exceeding 10 000 inhabitants deserving the description of a town (Sparks 1990:13). Africans had “a social security system of reciprocal obligation that supported the individual and at the same time demanded certain responsibilities from him in return, and which was all intimately connected with religious

observance” (Sparks 1990: 13). The chief or king should also allocate land to his subjects and provide them with security against possible invasions and he should also as tributes from his subjects receive cattle looted in war, corn, ostrich feathers and wild animals’ skins (Ayittey 1993:41). In the Ngwato’s, the “batlhanka” to whom the king would have put some of his cattle in charge, would on some occasions come and perform other tasks as shall be demanded of them by the king (Fortes et al. 1973:67). Shaka allocated land and cattle to heads of some of his subjugated tribes to ensure their loyalty (Maylam 1986:28). Traditional African societies placed a high value on human worth, emphasis was not on an individual but on the group. This is a participatory humanism called ‘Ubuntu’ hence the Xhosa proverb ‘umuntu ungamuntu ngabanye abantu’. Ubuntu is a communal way of life which says that society must be run for the sake of all, and this requiring cooperation, sharing and clarity (Sparks 1990:13). In African societies there should thus be no widows or orphans left alone, if a man does not have a cow, he should then be given a cow to milk. When anyone kills an ox he must invite all his neighbours to take part. All aged people were to be treated with love and kindness (Sparks 1990:14). By the “mafisa system” king Moshoeshoe loaned out cattle to his followers for them to can get milk (Omer-Cooper 1994:239). This system established a bond of obligation between Moshoeshoe and his subjects (Omer-Cooper 1994:239).

The prehistoric South Africa did not have fixed boundaries and did not form a separate part of Africa. Population movements took place uninterruptedly across our present borders. African communities in S.A. were not organized in chiefdoms or larger political units such as states (Sparks 1990:14). The first African communities who established themselves in S.A. were relatively small and politically and socially unorganized. When these communities grew, a developmental process took place by which a single person emerged as a leader or a chief and by using his influence and authority over others, chiefdom came into being as a political unit (Sparks 1990:14).

As the traditional communities’ lives pivoted around cattle, cattle being the symbol of wealth and enhanced one’s social status, land for grazing and settlement then became a bone of contention as communities expanded in population (Sparks 1990:14). Clashes

over land for settlement, for pastures and for other agricultural practices, over water resources, and over areas that experienced more rainfall, as well as over hunting areas then ensued. People then wanted to see themselves organized under a very strong and influential individual who emerged as their leader to lead them in times of confrontations against others when rivalries over land and water resources arose (Sparks 1990:14). These strong leaders went on subjugating weaker neighbouring communities and incorporated those into theirs and members of some communities just flocked to these leaders seeking refuge. They enjoyed security provisions under these leaders and knew that they would be able to be allocated land for residence and agricultural practices by these leaders (Sparks 1990:14). An example of this is what happened during the Mfecane when remnants of shattered nations had to flock to Moshoeshoe for refuge. We had the Kjoa-Khoa under Matela and Moletsane in Taung coming to seek refuge under Moshoeshoe (Omer-Cooper 1994:239).

2. 3. Types of pre-colonial African traditional leadership structures and their functions

The African traditional leadership structure was precisely for helping the chief or the king at the top of the whole leadership structure in delivering services to his subjects. It shows how states and stateless societies were organized for provisioning of services needed for the sustenance of the nation. Services were provided for in all aspects of human life. This shows that the pre-colonial African societies were never under any threats of extinction. Africa had never lagged behind other world nations as colonialists do allege. Pre-colonial African societies under the traditional leadership structure were finely tuned to the exigencies of climate and environment in a harsh continent. The tendency of the present western democrats in S,A, and their earlier colonial masters of looking at traditional African societies and their leaders as being on the verge of perishing and therefore needing to be salvaged by a wholesome adaptation to western democratic principles is therefore without substance. All activities of the kingdom be it cultivation of crops, rainmaking, trading, adjudication of cases, performance of rituals etc. had to be performed under the auspices of the king as the provider and the soul of the nation

(Maylam 1986:24). The king was seen as a link between the living and the dead and his office was revered. This is the reason why even in the present western democratic South Africa the state could never dispense with this institution. The role of this institution in service delivery should just be clearly and unequivocally spelt out and its equal partnership with the present government in service provisioning be guaranteed. Otherwise the adherents of traditional systems would look at the state with contempt and this would lead to an inherent instability in the present western democratic regime.

What follows now here below is an exposition on how different pre-colonial African communities were provided with services under their different leadership structures.

In pre-colonial African communities leadership structure was comprised of a father, an elder, headman, chief and a king.

2. 3. 1. Father

The line of descent in traditional African societies was either through the male line alone which is called a patrilineal or counted only through the female or mother's line as among the Bolobedu's in S.A., which is called matrilineal or through the common link that establishes the kinship of children to a limited number of persons on both the mother's and father's kinship ties and this is called the bilateral system (Bertrand 1967:308). In a patriarchal family all or most family authority is vested in the husband or father. This has traditionally been the most widespread in time and space. "The power of the patriarch has varied according to the cultural setting, but has on occasion been extended to include the right to sell a daughter or son into servitude and the right to condemn members of his family to death" (Bertrand 1967: 308).

2. 3. 2. Elder

A number of families grouped together formed a kraal and this was headed by an elder. He helped in managing the affairs of the family group and settled by arbitration disputes involving any of its people. He had to refer more difficult cases to the headman.

2. 3. 3. Headman

A headman is an officer employed by the chief, appointed on a personal basis and normally chosen from commoner families. He is the head of a number of families that formed a village (Omer-Cooper 1994:11). He could serve as a messenger or envoy to chiefdom or as a commander during military expeditions or as a deputy who would act in the name of the chief in hearing legal cases (Omer-Cooper 1994:11). He stood behind the chief and had to serve as his viceregal and judicial authority. His work is to allocate to his subjects land for residence, cultivation and grazing and he could freely command their services for all public purposes (Omer-Cooper 1994:12). Molotlegi (2004) had shown that the land which in pre-colonial times was acquired by the king for allocation to his subjects is now one of the issues that often pit the state against the traditional authorities (Molotlegi 2004:7). The headman is the official representative and spokesman for his subjects and supports and protects them in their dealings with outsiders. He must see to it that his subjects carry out the commands of his political superiors and collects tributes his subjects should pay to the chief (Omer-Cooper 1994:12). He judges cases which other elders of the ward or village have not been able to settle or which were beyond their competence to try, and unlike the elders, he can impose fines and thrashings as punishments (Omer-Cooper 1994:12). He conducts various religious and magical ceremonies on behalf of the ward as a whole. The headman is normally assisted and advised in his duties by his close paternal relatives, elders of remaining family groups and any other men of repute and ability (Omer-Cooper 1994:13). In his absence or after his death, the man next to him in line of succession, normally his eldest son by his first wife would automatically take his place. Matters of importance are discussed at a general meeting of the men in the ward, by expressing their opinions they help the headman to reach a decision (Omer-Cooper 1994:13).

2. 3. 4. Chief

“The term ‘chief’ is often used indiscriminately to represent a king, a chief or even a headman” (Ayittey 1993:39). But in the traditional African hierarchical system of authority, the chief is the person immediately subordinate to the king. When there are

several chiefs subordinate to the king, the principal chief is the paramount or head chief. The others are just chiefs, and those under them are subchiefs” (Ayittey 1993:39). The chief was quite often a male, and he was the political, social, judicial and religious head of the tribe. He was assisted by the inner or privy council in governance. This privy council was usually made of the chief’s inner circle of relatives and personal friends or even other influential members of the community (Ayittey 1993:39). The chief would privately or informally discuss with the privy council all matters relating to the administration of the tribe. His advisers would give him opinions before he could meet his people. Besides keeping the chief in touch with happenings in the tribe, the inner privy council keeps a check on the chief’s behaviour (Ayittey 1993:40). If the chief rules incompetently, the tribe would reproach the inner council for failing to act responsibly. On matters such as additional tributes, market tolls, proposed new laws, the declaration of war, and serious quarrels, the chief had to summon all members of the council of elders, when councillors debate an issue, the chief should remain silent, and weigh all viewpoints and assess the majority opinion or consensus (Ayittey 1993:40). This is contrary to generally held beliefs by the colonialists about the alleged autocracy associated with traditional leadership. The chief is always consultative in running the affairs of his nation. He had to consult with his personal advisors and council elders on various important topics.

In pre-colonial African communities, chieftainship was hereditary in the male line, from father to son, the heir is the oldest son of the great wife, if this fails, then comes the eldest son of the wife next in rank. As tributes from his subjects, the chief received cattle looted in war, corn, wild animal skins, ivory, ostrich feathers and kept all unclaimed stray cattle, and part of the fines imposed (Ayittey 1993:41). In primitive states, “a chief is the administrative and judicial head of a given territorial division, vested often with final economic and legal control over all the land within his boundaries. Everybody living within these boundaries is his subject, and the right to live in this area can be acquired only by accepting the obligations of a subject. The head of the state is a territorial ruler” (Fortes et al. 1970: 10). The government of the tribe as a whole is concentrated in the hands of the chief and his personal advisers. The tribal life revolves around the chief and

the activities of the tribe are ordered and controlled through him (Fortes et al. 1973:10). He is the ruler and the judge, the maker and guardian of the tribal law, directs the economic life of his tribe or nation, and his people's principal priest and magician. Just as any traditional leader has the right to exact tax, tribute, and labour service from his subjects, he has the corresponding obligation to dispense justice to them, to ensure their protection from their enemies and to safeguard their general welfare by ritual acts and observances. The unity of the tribe is expressed primarily through allegiance to him (Fortes et al. 1973:10).

Among the Ngwato of Bechuanaland, the chief calls and signs himself 'kgosi ya ba Ngwato' (Ayittey 1993:41). Chief of the Ngwato people is ceremonially addressed by the personification of the tribal name as MoNgwato, the tribe itself is named after his ancestor, the legendary founder of the royal line, and he is its representative and spokesman in all its external relation (Ayittey 1993:41). In pre-colonial period, the chief among the Ngwato's received various forms of tribute from his people, imposed levies upon his people, claimed free labour from his people, had the first choice of land for his home, field and cattle posts, had the sole right to convene full tribal meetings, created new regiments, arranged tribal ceremonies, imposed the supreme penalties of death and banishment, supervised conduct of his subordinates, he could replace whoever failed to perform his duties, protected his subjects and was the supreme judge (Ayittey 1993:41).

As a political head of the tribe, he was to maintain good order, handle public affairs and acting as the ultimate authority in all matters affecting the welfare of the state. He presided over the chief's court, which was the final court of appeal unless there was a king, in which case his court was final (Ayittey 1993:42). He was the religious head of the tribe and was seen as the direct living representative of the ancestral spirits that guarded the tribe and whose goodwill and cooperation were considered essential to every day existence of the tribe (Ayittey 1993:42). He had to use the services of trained medicine men, diviners, rainmakers, ritual elders etc. in taking care of the welfare of his people (Mbiti 1991:12) Whole community rituals like the ritual for the annual first-fruit were performed by the king self (Omer-Cooper 1994:12). He was to ensure the survival

of the tribe, and was to explore every possible way of preserving the integrity of his tribe. He had to hold the tribal wealth in his trust for the tribe as a whole, and when he dies that was passed onto the next chief (Ayittey 1993:42). For example, among the Bantu, the chief's most important source of wealth was cattle, and he had to possess the largest herds in the tribe, but they were tribal cattle and he could not use them recklessly for his own ends (Ayittey 1993:42).

According to Ayittey (1993), the African chief wielded vast powers that led many observers to characterize him as autocratic. But truly speaking in day to day administration and legislation, the chief rarely made policy, e.g. if a village had a social problem like rebellious youth, the chief would raise the issue with his inner council and then with his council of elders for proposals and debate (Ayittey 1993:43). The chief was never autocratic but a consultative ruler. This is what one could term African democracy that was, unlike the western democracy is not based on the will of the majority but on general consensus. Molotlegi (2004) indicated that Africans had the ability and the resources to establish and pursue their own versions of participatory governance with responsible and accountable leaderships (Molotlegi 2004:3). This dispels all the myths that African traditional leadership is by nature autocratic. African leaders had instead practiced their own democracy that sustained their governments and that was never in any way inferior to any democracies. Molotlegi (2004) further argued that though traditional leaders are selected through the rules of succession, they also carry the mandates of their people like politicians that are elected by voters. He went on to an extent of questioning as to whether elections do really reflect the will of the people or whether they bring the best people to power (Molotlegi 2004:3). Chieftaincy is dynamic, as roles and functions of chiefs have been changing over years. This argues well against the colonialists' believes that chieftaincy was stagnant. As chieftaincy had always been dynamic, even in this new political order chieftaincy would still change to be in line with new trends of development as it had never lagged behind in history. Under the traditional system of government two main factors prevented the chief from being despotic. Firstly, chieftaincy as the repository of ancestral spirits was sacred. The chief could not oppress his subjects and still expects blessings or cooperation of his ancestral spirits (Ayittey

1993:43). He was expected to be a guardian of his people, not their oppressor, to humble himself before his subjects but be belligerent with rival tribes. Secondly, the chief's dictatorial tendencies would bring shame to his lineage (Ayittey 1993:43). Those appointed him could depose him if he did not perform the duties of his office satisfactorily. A despot would be abandoned by his advisors (Ayittey 1993:46). "If the chief overran the council of elders, the people themselves could still rebel against his despotism by calling a village strike or ceasing to pay tributes to the chief. If these measures still did not remedy the situation, the people would leave the village. The chief lacked the means to stop them from abandoning him" (Ayittey 1993: 47).

Among the Temne (Sierra Leone), the chief is referred to as the owner of the societies and in return he acts as their patron- protector in relations with the population in general. The chief is seen as the soul of the nation (Ayittey 1993:5). The chief buys trades like hunting, fishing, trapping etc. (Wallerstein 1966:179). The hunter had to give the chest, one leg, and the liver of each large animal killed to the chief, as well as the skin, teeth and claws of all leopards, and the skins of all deer killed (Wallerstein 1966: 179). These were ways of showing gratitude to the chief for the services he had provided to his subjects.

According to Wallerstein (1966):

The relationships between a chief, his predecessor and his successor are underlined concretely in Temne custom. The skull of his predecessor is kept in the chief's sacred box to which daily sacrifices are made in the hope that the deceased chief (s) may bring all manner of success to the living. Upon his death a chief's head is severed from his body to be kept in the sacred box of his successor, the chief's body is buried, or otherwise disposed of in accordance with tradition in his particular chieftom, along with the head of his predecessor (Wallerstein 1966: 180).

Africans held their chiefs in high esteem and revered them as their lives pivoted around them. They saw their leaders as their providers and the representatives of the ancestral spirits. Therefore certain events or actions on the part of anyone were regarded as violations of the chief's powers and offenders, or their families were fined (Wallerstein 1966:180). To be killed by an alligator or a leopard, bitten by a snake, or falling from a palm tree, all these are regarded as resulting from carelessness and is a violation of the

chief's power or authority (Wallerstein 1966:180). "For a mother to die in child birth deprived the chief and his chiefdom of her productivity and perhaps that of her child, thus rendering her husband and family liable to the fine" (Wallerstein 1966: 181). Among the Temne, the chief was forbidden to see the burial place of the chiefs, and can neither uncover his head nor eat in public. Two chiefs (paramounts) should never shake hands nor should the chief exchange clothing with another man or eat from the same basin with him (Wallerstein 1966:181).

2. 3. 5. King

According to Ayittey (1993) the king was the soul of the nation. On behalf of his nation he was to maintain proper harmony among the three components of the universe at all time (Ayittey 1993:50). These components are the sky- which is the domain of spirits of both the living and the yet to be born as well as of powerful forces such as lightning, thunder, rain and drought, the earth- which is the domain of dead ancestors, other dead tribesmen, and the activities of the living, such as agriculture, fishing and hunting, the world- which is occupied by people and other tribesmen, was therefore the domain of war, peace, trade, and relations with other tribes (Ayittey 1993:51). If no harmony among these three components was maintained, there would be war, floods, famine, and disease (Ayittey 1993:51).

In African societies that had kings, it was the function of the king to perform ritual actions in order to maintain harmony between society and its natural environment (Ayittey 1993:51). The king should thus be uniquely qualified for his duties and possess the greatest vital force in the kingdom. "The king's powers were thought to be enhanced by those of his dead ancestors as well as of his people because he sat on a sacred stool, the repository of the powers of the kingdom" (Ayittey 1993: 53).

Ayittey (1993) further argues that:

The vital force of the king should never decline, nor should he die, since he embodied the spiritual and therefore the material well-being of his people. The

consequences would be devastating:- droughts would occur, women would be barren, and epidemics would strike the people. Great care therefore had to be taken to prevent a break in line of transmitted power. Ideally the king had to be strong, generous of mind, humble, bold in warfare and devout in every day life. Descend from the founding ancestors was desirable. He had to epitomize a people at one with its moral order, at peace with itself, and at every point in harmony with its ancestors (Ayittey 1993: 52).

The king's political role was just to be the head of the kingdom and his spiritual role was to be a link to the universe. Like most chiefs, kings were not rulers but leaders. A king rarely spoke or made a decision. His spokesperson, a linguist, through whom he communicated, and his advisers and chiefs would determine policies and present those to him for royal sanction (Ayittey 1993:52). He had an inner privy council that had to advise him and keep check on his behaviour (Ayittey 1993: 40). He exercised authority over the homesteads (Maylam 1986:28). King Shaka regulated trade and agricultural activities and also coordinated activities like ploughing, harvesting, hunting, caring of widows etc. (Maylam 1986:28). Key advisory and executive roles were entrusted to senior members of the ruling lineage (Maylam 1986:28). Kingship was thus a sacred office protected by many rules and taboos, it needed to be separated from political leadership. "Kingship as an office was regarded as the spiritual repository of the collective soul of the people as well as of the powers of ancestors" (Ayittey 1993: 53). Sometimes the king would not even have to leave the capital, as he needed not public exposure. He was to perform ceremonial functions only, not terrestrial ones. "The king (Oni) of the Ife (Yoruba land, Nigeria) could return home to visit his relatives only in cognito and under cover of darkness. He appeared in public only once a year" (Bascom 1984: 31).

Although according to Sparks (1990) the king is absolute sovereign, there is always a power to balance his powers in the people he governs only as long as they choose to obey (Sparks 1990:17). The chief had inner privy council that had to keep a check on his behaviour (Ayittey 1993:40). If he could rule incompetently the tribe would reproach the inner council for failing to act responsibly (Ayittey 1993:40). Before colonialism, among the Temne of Sierra Leone, there was a balance between the prerogatives of the Temne

kings and the expectations of the subjects. The king should perform his duties in an approved and generally accepted manner. Should the king be oppressive, there were socially acceptable or approved ways to deal with him (Wallerstein 1966:182).

2. 4. The political organization of pre-colonial African traditional communities

The San had families that were further organized into bands. Among the San, in some cases a leader was recognized as a chief. In many cases decisions were simply taken by discussion and agreement amongst the adult men (Omer-Cooper 1994:3). The chief's authority still depended on the agreement of the other adults. Each band occupied an extensive but clearly defined territory (Omer-Cooper 1994:3). Within this territory a band would move from waterhole to a waterhole in pursuit of wild game and wild growing vegetable foods. Movement across territorial boundaries into another band's area should be by consent, and intrusion without permission was met by force (Omer-Cooper 1994:4). The San gave little significance to possessions and riches as individuals or by group. They later entered into trading relationships with other peoples, exchanging animal skins, ostrich egg shells, beads and iron for arrow heads (Omer-Cooper 1994:4).

The Khoi Khoi possessed cattle, and these gave them political status. The Khoi were politically organized in chiefdoms larger than the San. Each chiefdom was normally made of a number of clans which recognized a relationship to a senior clan (Omer-Cooper 1994:6). The head of the senior clan held the office of the chief. Each individual clan was made up of the male descendants of a single common ancestor (Omer-Cooper . 1994:7). Each clan also had a recognized head or leader and the clan heads together with the chief made up the government of each chiefdom. In the Khoi chiefdoms decisions were made by the chief in consultation with other clan heads (Omer-Cooper 1994:7). Among the Khoi the chief had no machinery to enforce his decisions, his powers were limited by the need to obtain the agreement of the other clan heads and for these to hold the loyalty of their clan members. If a family or a clan was dissatisfied with a leader, it would break away from the said leader, and would then be received by another leader.

Quarrels between a chief and some clan heads also led to the breaking of Khoi chiefdoms.

Among the Bantu's the cattle enclosure was a centre for every settlement and often formed the public meeting place for political discussions and ceremonies, and cattle featured in most traditional stories and proverbs (Omer-Cooper 1994: 11). Cattle also allowed or enabled their owners to acquire the loyalty of other males as clients, the owner as it was among the Sotho's could by the 'Mafisa', system loan some of his cattle to a poorer man who could be allowed to use milk and sometimes a proportion of the offspring (Omer-Cooper 1994:11). Shaka gave cattle to heads of pre-existing subjugated tribes to ensure their loyalty (Maylam 1970:28). This 'mafisa' system may have helped in lineage groups to build following to such an extent that the household was expanded into a chiefdom.

Among the Nguni's, chiefdoms were political rather than kinship organizations, and the chief would accept new members that had broken away from other chiefdoms. "Though chiefdoms were essentially political organizations, their administrative structure was based on that of the royal family" (Omer-Cooper 1994: 11).

According to Omer-Cooper (1994):

Chiefs' households differed from those of commoners mainly in the number of followers and servants attached to them and the size of the herds allocated for their support. The households were sometimes placed in different parts of the chiefdom and served as local centres of justice and administration and rallying points in times of war. When a chief dies, the heirs in such subordinate houses would succeed to the headship and property of those houses and to the power of local authority and jurisdiction that went with it. In this way each chiefdom was divided into a series of administrative divisions, some governed directly by the chief and others by other senior members of the royal lineage, who were themselves lesser chiefs. Within each chiefdom the authority of the chief was final. He represented the unity of the community and the living link with its ancestors (Omer-Cooper 1994: 12).

The Bantu chief unlike his Khoi counterpart, had supreme authority in administration and law. He is also the religious head of the community.

The pre-colonial Bantu governments were conducted by discussion and influenced by the importance of reaching general agreement. On the day to day matters, the chief would consult with senior members of the royal family living at the household where he was staying, as well as with his indunas and other personal advisers who might be chosen on a variety of grounds (Omer-Cooper 1994:13). The Africans had their own African democracy that is based on general consensus that differed from western democracy that is based on the will of the majority (Ayittey 1993:42). Anything that an elected official can do, so can a traditional leader, sometimes better (Molotlegi 2004: 6). When councillors debate an issue, the king remains silent and weigh all viewpoints and asses the majority opinion or consensus (Ayittey 1993:39). Government in pre-colonial Africa was conducted by the importance of reaching general agreement (Omer-Cooper 1994:13). Among the Sotho-Tswana, where bigger settlements made this possible, matters of great importance to the community would be discussed in public meetings (pitso) open to all adult males (Omer-Cooper 1994:13). At these meetings anyone could express criticisms of the chief's behaviour and government. A chief who was unsuccessful or unpopular faced the danger of seeing his support simply melting away (Omer-Cooper 1994:13). Families who abandoned one chief would be readily accepted by another. The new chief would thus strengthen his following at the expense of his neighbour. "For these reasons the South- African Bantu-speaking peoples, while maintaining that a chief is a chief by birth, also believed that a chief is a chief by the people" (Omer-Cooper 1994: 13). Tensions within the royal lineage on many occasions gave rise to divisions of chiefdoms. Some chiefs favoured political decentralization of their chiefdoms and thus divided their chiefdoms into small population units with smaller or sizeable armies (Omer-Cooper 1994:13). This was more efficient than the development of large-scale centralized systems in dealing with a small skirmish or cattle raid (Omer-Cooper 1994:13).

According to Ayittey (1993) in pre-colonial period there were two main distinct types of indigenous political organizations and each had further differentiation within (Ayittey 1993:36). The first type of tribal groupings existed and governed themselves independently. Of these tribal groupings some were led by chiefs and others were not. Tribes with chiefs and judicial institutions were referred to as chiefdoms or states (Ayittey 1993:36). Tribes that dispensed with chiefs but governed themselves peacefully were called stateless societies (Ayittey 1993:37).

The second type of indigenous political organizations was made of conquered tribes that had come under the hegemony of others, as in kingdoms and empires. There were also two discernible political subcultures.

According to Ayittey (1993):

In virtually all African tribes, political organization of both types began at the lineage or the village level. The lineage was the most powerful and effective force for unity and stability in early Africa. Each lineage had its head chosen according to its own rules. The Fanti of Ghana seldom used wealth as a criterion. Most other lineages chose their heads on the basis of age, maturity, and relation to ancestors. The old deferentially referred to as elders, were often chosen as lineage heads because there was a tendency to associate old age with wisdom (Ayittey 1993: 38).

The four basic units of government in African societies that governed themselves were:- chief –central authority, the inner or privy council which advised the chief, the council of elders for example, if there were 10 lineages in the village their heads would form a 10 member council of elders, and lastly the village assembly of commoners or the meeting. All these four units existed in states (Ayittey 1993:38).

Stateless societies had only two of the four units of government viz:- the council of elders and the village assembly. Here there is no central authority, no office holders, only representatives of groups (Ayittey 1993:38). Tribes' men could shift allegiance or support from one leader or decision maker to another. For these societies to resolve conflicts, they had to make or reach compromises instead of making judgements or applying sanctions (Ayittey 1993:39). "Kinship governed their system of law and order. These societies included the Igbo of Nigeria, the Kru of Liberia, the Tallensi of Ghana, the Konkomba of

Togoland, the Fulani of Nigeria, the Somali, the Jie of Uganda and the Mbeere of Kenya. Africans who lived in stateless societies, on the other hand tended to view the state as unavoidable tyranny” (Ayittey 1993: 39). Ayittey (1993) sees the Bantu government as a peculiar type of democracy, although not based on the principle of free elections and on individual or communal voting but on the fact that the chief himself was always surrounded by various bodies and institutions that prevented him from becoming an abusive ruler (Ayittey 1993:40). Most tribes were subdivided under subordinate chiefs who acknowledged the superiority of the paramount chief. The paramount chief, would not make a decision binding on subordinate chiefs unless he had discussed the matter with them (Ayittey 1993:40).

In Bechuanaland, the Ndwato proper members of the dominant community were concentrated round the chief. According to Ayittey (1993), in pre-colonial Africa people lived peacefully, under the democratic rule of their kings. The country belonged to the people. All men were free and equal which was the foundation of their government (Ayittey 1993:41). The council (of elders) was so completely democratic that all members of the tribe could participate in its deliberations. Ayittey (1993) says that in pre-colonial Africa most African societies enjoyed a tradition of participatory democracy (Sparks 1990:16). In traditional African societies, “agreements were through compromise and consensus with an aim of avoiding divisions in order to survive the uncertainties of subsistence economy. The concept of a majority vote prevailing over a dissenting minority was totally alien to traditional African societies” (Sparks 1990: 16). Discussions over an issue would continue in these unhurried communities “for as long as it took to iron out the last point of disagreement and bring the last dissenter into a consensus agreement” (Sparks 1990: 16) The key feature of the indigenous African political system that helped in avoiding break-ups of the tribes, was unanimity not majority opinion. At village meetings it was the duty of the chief to explain the purpose of the meeting.

Ayittey (1993) further states that:

In the indigenous African tribal political system consensus was possible because ordinary tribesmen were free to express themselves at both the council of elders

and the village assembly levels of the decision making process. Many African tribes especially the Igbo, the Yoruba, the Ga, the Asante and the Abesheini fiercely defended the right to free speech. Chiefs did not incarcerate those who held different opinions because the collective survival of the tribe not the chief's individual survival was at stake (Ayittey 1993: 42).

In these societies if the chief could refuse to tolerate dissent or pay heed to criticism, he was removed, abandoned or killed (Ayittey 1993:42). "The organizational structure of indigenous political systems was generally based on kinship, and ancestry survival of the tribe was the primary objective. Each ethnic group had its own system of government. There were no written constitutions. Custom and tradition established the procedures for government (Ayittey 1993: 37). According to Sparks (1990) the backwardness of the African continent as most authors had alleged it to be, was only partial not holistical (Sparks 1990:5).

Sparks (1990) further states that:

It (Africa) lagged in technological and economic development as a direct result of its isolation. Technical advancement is a function of man's cross cultural contacts, the knowledge of gunpower introduced to Europe transformed that continent, horses from Spanish conquistadores transformed N. American plains, motor transport restructured the map of India, as medical technology did that of Africa. Socially and politically however, Africa lagged not at all. Traditional African societies were sophisticated organisms, finely tuned to the exigencies of climate and environment in a harsh continent. In their communal relationships and elaborate links of mutual responsibility, with their generic love of children and respect for the aged, they cultivated a respect for human value and human worth far in advance of the materialistic west. Political systems were interwoven with the social order, with chieftaincies based on extensions of family and lineage relationships. The backwardness of this continent that had so often been written about is relatively recent, because through all the long millennium of the old Stone Age, Africa had led the world, and carbon dating tests show that it entered the Iron Age at much the same time as Europe. Only after the fifteenth century, when the exchange of technological know-how became increasingly important, did Africa fall behind other parts of the world that were less sealed from cross-cultural contact (Sparks 1990: 5).

In pre-colonial times, kingdoms in Africa, had a common centralization of power, under a ruler called a king who controlled outlying districts or provinces through a hierarchy of officials called chiefs and headmen responsible to himself (Sparks 1990:6). Subjects

normally held their king responsible for the prosperity of the realm. The king was expected to protect the realm against invasion and to ensure that his subjects through chiefs and headmen had enough land for crops and pastures (Sparks 1990:6).

2. 5. The significance of rituals in African traditional leadership in pre-colonial Africa

Performance of rituals was a service by the chief to his subjects. The subjects stood to benefit from whatever ritual that was performed under the auspices of the chief. Rituals are conducted to appease the spirits living in the invisible world and to keep alive the contact between the invisible and the visible worlds, between men and God (Mbiti 1991:60).

The Bantu speakers used cattle for the performance of rituals. Rituals that were of great significance to the whole community, such as the annual first-fruits ceremony, had to be performed by the chief in person (Omer-Cooper 1994:12). "The South African Bantu speaking people did have ritual specialists, particularly witchcraft diviners whose job was to uncover those guilty of sorcery and accused of many ills and misfortunes. In some cases there were also specialist rainmakers, in others this was a function of the chief" (Omer-Cooper 1994:12). Ritual specialists performed their functions under the authority of the chief. It was thus the king's responsibility to pray for his people or to use his trained specialists such as priests, medicine men, rainmakers etc. to approach God on behalf of the nation (Mbiti 1991:62).

Omer-Cooper (1994) says that:

When they reached the age of manhood the youths underwent circumcision followed by a period of ritual seclusion during which they were instructed in the customs and traditions of the community and the behaviour expected of an adult man. Among the Sotho-Tswana, and possibly some Nguni chiefdoms also, initiation schools were organized by chiefs whenever they had a son of age to be initiated. At the end of their instruction, the initiates formed a permanent group or age-regiment called a *butho*. Members of a *butho* were expected to fight together in times of war under the leadership of their age-mate prince and might also

perform other corporate duties when called upon. In some cases the members of this *butho*, would provide the initial core of followers for a young prince when first establishing a sub-chiefdomship of his own (Omer-Cooper 1994: 15).

Omer-Cooper (1994) sees the initiation system as been helpful in consolidating the authority of mature men over the youth, and it also helped in delaying the age at which young men could marry, thus allowing older men to marry more than one wife (Omer-Cooper 1994:15).

Rituals could be personal such as those that are performed during pregnancy, teething, puberty, marriage etc. (Mbiti 1991:132), homestead rituals such as those that are to bring blessings upon homestead, and professional rituals such as those used for hunting, fishing etc. (Mbiti 1991:140). As most kings were by definition the great magicians in their domains, having been given the secrets of the most potent medicines on their installation, they were thus expected to prevent draught, plague, insect infestations and similar disasters (Omer-Cooper 1994:15). If a catastrophe could strike, the king was held accountable. Ritual experts of his kingdom had to carry out periodic rituals to ensure the well-being of the country (Omer-Cooper 1994:15). The king had to regulate many important recurrent activities such as: - the yearly performance of rituals that initiated planting, harvesting, the movement of herds, game drives, or the opening of the fishing season (Omer-Cooper 1994:16). He had the right to call upon his people to cultivate the royal fields, to build the royal capital and headquarters of territorial officials, for portorage and for war. The king was the ritual rain maker, the organizer of hunt, the judge of the most serious misdemeanours, the law giver and the war leader (Omer-Cooper 1994:16).

2. 6. The role of pre-colonial African traditional leaders in agriculture and economy

African traditional leaders had to provide land to their subjects for agricultural practices be it either crop cultivation or stock farming (Maylam 1986:24). It was the responsibility of a traditional leader to see to it that his subjects had adequate land for the cultivation of crops and for grazing their cattle. A king also had to coordinate activities like ploughing,

harvesting and hunting (Maylam 1986: 24). Cattle and not money was an important means in social exchanges. Payments for penalties, purchases and lobola were always by cattle. Cattle were therefore the hub of economic activities in pre-colonial African communities and they were used in the performance of rituals and were also a symbol of wealth (Sparks 1990:14). This is the reason why the chief should always make sure that his subjects had land and cattle. Any shortage in these commodities would force the chief to direct expeditions to appropriate those from other kingdoms.

Unlike the San, who gave little significance to possessions and riches as individuals or as groups, the Khoikhoi were pastoralists (Omer-Cooper 1994:13). They kept cattle and also bred fat-tailed sheep. The Khoi used cattle for milk, meat, clothing and they trained their cattle for riding and often used them in warfare (Omer-Cooper 1994:13). The Khoi were hunters and gatherers, and did not plant crops. Possession of cattle enabled the Khoi to get into economic relations with other people than the San. They then traded with the Bantu-speakers in pre-colonial era (and then later with whites) (Omer-Cooper 1994:13).

The Bantu-speakers in S.A. under their traditional leaders practiced a mixed economy. They grew sorghum, millet and maize that was introduced to them by the Portuguese via Mozambique (Omer –Cooper 1994:13). They used cereals to make a thick beer which was their main alcoholic beverage. They stored surplus cereals in pits for use during the dry season. Chiefs and their officers were thus able to take a significant part of surplus produced by commoner households over and above their essential consumption needs (Omer –Cooper 1994:13). Rituals that were of great significance to the whole community such as the annual first-fruit ceremony had to be performed by the chief in person (Omer-Cooper 1994:13). In Bechuanaland king Kgama used to put some of his cattle in charge of “batlhanka” so that on some occasions they could come and perform some duties for him (Fortes et al. 1973:67). Among the Temne, when the hunter had killed an animal he was to give the chest, one leg and the liver to the chief, as well as the skin, teeth and claws of all leopards and the skins of all deer killed (Wallerstein 1966:179).

Economic circumstances and opportunities quite often gave rise to the divisions of chiefdoms (Omer-Cooper 1994:14). “As the number of people and cattle grew, the problems of finding adequate grazing and agricultural land would increase until it was advantageous for a section of the population to break away and move with its cattle into new lands” (Omer-Cooper 1994: 14). By concentrating so much youth in his kingdom in the royal military barracks, king Shaka made sure that there was a massive transfer of economic potential from private households to the state (Omer-Cooper 1994:14). These young members of the male *butho* were used more fully and effectively for amassing, guarding and herding cattle (Omer-Cooper 1994:15). The wealth of the community as a whole was thus greatly increased and this balanced the losses of individual households as a result of concentration of the youth as the *butho* in royal barracks. The king, his chiefs and *indunas* had to own more cattle (Omer-Cooper 1994:15).

In subsistence economy the Black practiced, there was no spirit of acquisitiveness (Sparks 1990:19). There was “no deep-seated sense of work being intrinsically good apart from what it can produce, or of the idleness being shameful, nor any great pressure to plan and save for the future when there is no snow-bound winter” (Sparks 1990:20). Subsistence economy produced among the Blacks an intense, life-long passion for land. “For land means security – not only those patches that are actually under cultivation or providing pasturage for livestock but also the surrounding bushveld, which in the worst of times, when all crops have failed and all the cattle have died, will still yield a few edible leaves and roots and shrubs and so sustain the life of the tribe” (Sparks 1990:20). The land was revered in ritual, it held the bodies of the tribal ancestors, and it was the concretion of the tribe itself, the thing that gave it life, substance, security and identity. “It could not be owned individually. It was held by the tribe collectively and vested in the chief who could allocate its use but not its title” (Sparks 1990:20).

2. 7. The role of African traditional leaders in pre-colonial legal system

The chief through his aides had to make sure that his subjects live in peace and harmony.

Criminality was to be uprooted and every subject had to have the right to protection and security.

Indunas could sometimes deputize the chief and act in his name in hearing legal cases. In cases of witchcraft, the chief held the final authority to order the execution of those found guilty (Omer-Cooper 1994:13). Cattle of people that had been condemned for witchcraft were forfeited to the ruler. Native courts assisted the chief in dispensing justice fairly. As a judge, the chief was not infallible, his decisions at court could be reversed or invalidated (Omer-Cooper 1994:14).

The pre-colonial Black Africa had the ruling estate and the subject estate. "The tribal chief was chief executive, law maker or interpreter of laws and customs. He was the chief adjudicator of disputes. Typically, a chieftain could decide who might reside in his territory as well as on the allocation of land. He was chairman of the village court and derived a major part of his income from fines" (Venter 1989:23). Chiefs had to preside over courts, but were not above the law, they could be tried and fined by their own councillors. The tribal system according to Sparks (1990) was very democratic as every one was free to talk and they could even criticize the chief. "The court systems, too were aimed at reconciling disputes than enforcing a penal code, although punishments, including death penalty were exacted" (Sparks 1990 : 16).

The Ngwato's as an example of the pre-colonial African state, had a hierarchical judicial system with cases being heard by the elder of the family group at the lowest level, and if they are difficult being forwarded to the next higher level etc. until it reaches the chief (Fortes et al. 1973:63). "Crimes such as offences against political authorities acting in their official capacity, breaches of the laws decreed by the chief, rape, assault, homicide and sorcery, can never be compounded, but must always come to trial. All trials are heard in public, and any member of the tribe has the right to attend and take part in the proceedings no matter in what court they are held" (Fortes et al. 1973:64). The parties concerned and their witnesses are given chance of being heard in succession, listened to intently and uninterruptedly and closely questioned by the people present. The judge then

throws the matter open for discussions by all present. The chief would then on grounds of opinions expressed, sum the matter and pronounce a verdict. In pre-colonial times, the chief could impose the supreme penalties of death and banishment (Fortes et. al 1973:64). The chief in his role as judge, had to deal with murder, arson, theft, kidnapping, witchcraft, disputes over land tenure etc. "Murder in particular was likely to provoke interfamily or interlineage feuds and in such cases the chief conducted investigations himself, trying to arrange punishment and compensation so as to prevent a vendetta" (Wallerstein 1966: 184).

In these pre-colonial times, the paramount chief was the only one who had the legal right to inflict capital punishment (Wallerstein1966:184). The family of the person executed had to pay a certain amount since the spilling of blood was seen as violations of the ground (Wallerstein 1966:184). The chief in pre-colonial era was vested with final legal control over the land within his boundaries (Fortes et al. 1973: 10) He was the judge, and maker and guardian of the tribal law (Fortes et al. 1973: 10). The chief's court was the court of appeal in cases where there was no king above him (Ayittey 1993: 42)

Wallerstein (1966) further says that:

In cases of accidental murder or manslaughter, the killer would normally go immediately to the compound of the paramount chief for sanctuary and to explain what happened. The chief would fine such a man (person) and arrange with the victim's family to accept compensation from the killer's family. Such compensation varied with respect to the circumstances of the killing, the relative wealth and prestige of the kin-groups involved and the status difference of the murderer and his victim (Wallerstein 1966: 184).

Wallerstein says that compensation to the victim's family in the form of goods, money etc. was commonly given and on occasion a free man or woman was sent to the victim's family to serve as a labour substitute (Wallerstein 1966:184). This person was not formally adopted and could therefore never inherit land. If a case of manslaughter has been committed and the murderer is not known, the inhabitants of the section where the body was found were fined (Wallerstein 1966:184). Wallerstein (1966) further says that investigations for a murder case started with a search for the murderer and for witnesses.

Murderers were said to shun groups of men and thus made themselves suspect (Wallerstein 1966:184).

According to Wallerstein (1966):

Clues such as, blood stained clothing were sought but in the absence of such leads, a list of suspects who might have had a motive was drawn up. The past actions of the victim were reviewed and those with whom he had quarrelled and was not in good terms were held as suspects and stocked in the chief's compound (Wallerstein 1966: 184).

2. 8. The role of African traditional leaders in pre-colonial marriage systems

Traditional leaders in pre-colonial Africa had a role to play in the nations' marriage systems. The king was to ensure that marriages in his kingdom had to occur in line with the customs, traditions and believes of the nation. Any deviant practice was to be punished.

The Nguni's prohibited or forbade marriage to any partner whose descent could be traced from a common ancestor. Unlike those of the Nguni's, the marriage rules of the Sotho and Tswanas encouraged marriages between cross- cousins (Sparks 1990:10). Cattle played an essential role in legitimating marriage. A man who had many cattle could also marry many wives. A chief would marry several wives, each wife and her children would be accommodated in separate homes, and cattle would also be allocated to each household (Sparks 1990:10). The households of different wives were ranked in an order of seniority. The senior wife among the Nguni, her eldest son was to be his father's successor as head of the family and was to inherit the greater part of his father's cattle and other property (Sparks 1960:12). This applies where a father as a rich man had married several wives like a chief. When a chief was to marry his great wife, special levies of cattle were to be made. The chiefs could also marry more wives and attract many personal clients, thus reinforcing their power. "A chief, however, could only marry his great wife after he had succeeded to the chieftaincy. The bride-price cattle for the

chief's bride would then be paid by the community as a whole. King Shaka never married and all women who fell pregnant by him were put to death" (Sparks 1960:13).

The initiation of young men also helped in delaying the age at which these men could marry, and this then helped older men among the Bantu speakers to marry more than one wife (Sparks 1990:12). Members of the male and female *buthos* among the Zulus were not allowed to be engaged in any sexual relationships until such time that their *buthos* would have been dissolved and the female members of the *butho* then been given to warriors of the dissolved male *butho* as brides (Sparks 1990:13).

Among the Nguni, polygamy was the ideal type of marriage as it extended the family's lineage relationships.

According to Sparks (1990):

A man had to make a gift of cattle, called *lobola*, for a wife, so that a poor man might be able to afford only one wife. A chief might have half a dozen, the most important being his Great wife, who would be chosen and paid for by the tribe as a whole, usually from the royal family of another tribe with which it wished to forge closer relations (Sparks 1990:13).

This wife is called 'the mother of the nation' and her eldest son would be the heir apparent to the chieftom (Sparks 1990:13). A young chief would probably have taken a first wife of his own choosing by the time a Great wife was acquired for him. This right hand wife had a special status (Sparks 1990:13).

According to Bertrand (1967), marriage forms and family structures vary according to culture. The most common of marriage forms is monogamy and this involves one husband and one wife (Bertrand 1967:305). Polygamous marriages involve at least two persons of one sex and one of the other. Polygamy is a polygamous marriage that involves one man and two or more women, while polyandry involves the marriage of one woman to two or more men (Bertrand 1967:305). Monogamy is the only marriage form that is universally recognized. Although according to Bertrand (1967) additional wives to

a man may represent an economic asset, it is often too difficult for a man to raise the necessary price to purchase another bride (Bertrand 1967:306).

According to Bertrand (1967):

Polygamous practices are often related to social status and a politically powerful man may accumulate an entourage of wives to symbolize his high status. In a hunting economy such as among the Eskimos, a skilled hunter takes a second wife to help prepare his kill, and to process his skins and furs, and thus advertises his powers (Bertrand 1967:306).

The system of polygamous marriage was extensively used by king Moshoeshoe of Basuto's in building his kingdom (Bertrand 1967:306).

2. 8. 1. Variations in selection patterns for marriage partners

Selection of a marriage partner is also a matter of varied cultural practice. Most societies use endogamous and exogamous practices (Bertrand 1967:306).

On this subject Bertrand (1967) had this to say:

Endogamy requires that mates be selected from within certain groups and is more commonly expressed in terms of race groups, religious groups and social class groups. Exogamy refers to prohibitions against seeking a mate within certain groups" (Bertrand 1967:306).

Mate selection pattern also varied according to who has the responsibility for selecting marriage partners. One of the most common practices is for parents or elders to select mates for their children (Bertrand 1967:306). Many consider this to be the best practice hence leaving the selection up to the immature and inexperienced individuals in making a choice that would end up affecting the welfare of the whole group would be disastrous (Bertrand 1967:306). In an arranged marriage, love is generally considered as something that should develop after the wedding ceremony, not before it.

According to Bertrand (1967):

There is of course, no best way of securing a marriage partner, except in terms of cultural definitions. In some places the approved method of securing a wife is through purchase. Again this is not a ruthless custom because it is reasoned that a woman is an economic asset and her family has a right to demand recompense for her loss (Bertrand 1967:306).

2. 9. Roles of women and men in pre-colonial traditional African communities

Pre-colonial African communities under their traditional leaders had to allocate responsibilities to men and women apart. The whole purpose of this was that the nation should be served for the sustenance of stability and cohesion of the nation.

Among the San communities, men had to hunt animals using bows and poisoned arrows while women had to collect wild bulbs, tubers and fruits. During the days of Shaka, young women of the kingdom were assembled at the military settlements and organized in female equivalents of the male *butho* and these women were to perform ceremonial dancing and displays and were not to be in any sexual relationship until their period of *butho* ends (Omer-Cooper 1994:3). In pre-colonial era boys and girls of the same sex and age went through processes of initiations organized into regiments or age-sets (Omer-Cooper 1994:3). Men's regiments in earlier days became tribal armies and had to perform other roles together. Women were to draw water for tribal functions, wood for the queen, thatch the chief's huts, clean the village, fetch earth and smear the walls and floors of the chief's homestead and weed the queen's fields (Omer-Cooper 1994:4).

2. 10. The emergence of pre-colonial African states and how they developed

In pre-colonial Africa when competitions and contestations arose for limited resources such as lands for grazing and crop cultivations, water, and needs for safety against frequent invasions, people then flocked and grouped themselves around a leader whom they could have seen as being able to provide for these needs. This resulted in some chiefs having more following than the others.

The term 'state' has been used to refer to a bewildering range of things: a collection of institutions, a territorial unit, a philosophical idea, an instrument of coercion or oppression, and so on (Heywood. 1997:84). Heywood (1997) further on sees the state as having been understood in three different ways, from an idealist perspective, a functionalist perspective and an organizational perspective (Heywood. 1997:84). With regard to the idealist approach to the state, G. W. F. Hegel identified three moments of social existence: the family, civil society and the state. Within the family Hegel argued that a particular altruism operates that encourages people to set aside their own interests for the good of their children or elderly relatives (Heywood 1997:84). In contrast civil society was seen as a sphere of universal egoism in which individuals place their own interests before those of others (Heywood 1997:84). Hegel therefore conceived of the state as an ethical community underpinned by mutual sympathy-universal altruism (Heywood 1997:84).

Functionalist approaches to the state focus on the role or purpose of the state institutions. The central function of the state is being invariably seen as the maintenance of social order, the state being defined as that set of institutions which uphold order and deliver social stability (Heywood 1997:84). The organizational view defines the state as the apparatus of government in its broadest sense, that is, as that set of institutions that are recognizably public in that they are responsible for the collective organization of social existence and are funded at the public expense (Heywood 1997:84). The organizational definition of the state distinguishes clearly between the state and civil society, as it sees state as being comprised of the various institutions of government: the bureaucracy, the military, the police, the courts, the social security system etc. (Heywood 1997:85). People wanted to see themselves organized under a very strong and influential individual to lead them in times of confrontations and rivalries over land and water resources (Sparks 1990:14). The military strength of the Zulus under Shaka resulted in weaker nations seeking protection from him (Denoon 1984:28). All these helped Shaka in attaining a political and social unity in his kingdom.

According to Omer-Cooper (1994), where economic conditions that favoured division of chiefdoms were non-existent, the chiefdoms would no longer split, but would rather expand into a kingdom (Omer-Cooper, 1994:15). The other reason for the birth of a kingdom was the unavailability of any easily accessible unclaimed territory within a particular area for breakaway groups to move into (Omer-Cooper: 1994:15). Or a kingdom could arise if the head of an original chiefdom could successfully maintain or re-establish a measure of effective authority over break-away sections, or a kingdom “might also arise through one chiefdom conquering others, and reducing their once independent rulers to subordinate status in an expanded-realm” (Omer-Cooper 1994: 15). Among the Nguni’s a kingdom is named after the founder king whereas among the Sotho-Tswana it takes the totem animal. When chiefdom breaks or splits the break away group may retain the original name or may adopt a new name (Omer-Cooper 1994:15).

The four powerful kingdoms that emerged at the end of the 18th century were those of Zwide of the Ndwandwe, Sobhuza of the Ngwane (Swazi), Dingiswayo of the Mthethwas, and Shaka of the Zulus (Omer-Cooper 1994:54).

Dingiswayo ended circumcisions and initiated age-regiment military system (butho). His ability to build a strong kingdom was attributable to his adopted generous policy towards the defeated nations as he would return a proportion of the captured stock to the defeated people to provide for their subsistence (Omer-Cooper 1994:54). He also made deliberate efforts to increase trade with Delagoa Bay and encouraged his people to copy some of the imported commodities they acquired there (Omer-Cooper 1994:54).

Shaka who built the biggest and strongest kingdom had served as a young man under Dingiswayo (Omer-Cooper 1994:54). On the death of Senzangakhona, Shaka’s father, Dingiswayo lent Shaka the military support to oust and kill a senior brother and made himself a chief of the Zulus. In a way of developing a strong kingdom, Shaka kept his forces on continuous military service, until they were formally dissolved and were allowed to adopt the insignia of manhood and marry. He also conquered surrounding chiefdoms himself and added their forces to his own (Omer-Cooper 1994:55)

According to Omer-Cooper (1994):

When chiefdom was conquered or submitted, he left local administrative authority in the hands of the reigning chief or another member of the traditional ruling family appointed by himself. Young men however were taken away to be enrolled alongside others from all sections of the kingdom in the *butho*. Each of these had its own name and was permanently accommodated at one of a series of royal households established in the central area of the kingdom. The royal households thus became military settlements as well as retaining their traditional character. Each settlement contained a section of the royal women headed by a queen. Each military settlement had a herd of royal cattle attached to it, from which the young men were supplied with meat (Omer-Cooper 1994: 56).

“In addition to the young men, a large number of the young women of the kingdom were assembled at the military settlements, they were organized in female equivalents of the male *butho* and engaged in ceremonial dancing and displays” (Omer-Cooper 1994: 57). When one of the *butho* was dissolved its female equivalent would also be dissolved and its members be given as brides to warriors of the broken up male *butho*. Until the time of dissolutions of the *butho*'s, sexual relations between members of the male and female *butho* were forbidden and even being punishable by death (Omer-Cooper 1994:56). The military system of Shaka also helped tremendously in the development of the Zulu kingdom. Shaka's military system helped in the development of a strong sense of identity in the kingdom as a whole (Omer-Cooper 1994:57). Shaka also used national symbols e.g. “*inkatha*” which was a woven grass coil and national ceremonies to foster a sense of Zulu nationhood (Maylam 1986:28). Shaka allowed the traditional rulers of the subject chiefdoms to remain holding local administrative authority and he allowed young men to return to live in their communities of origin on the dissolution of the *butho*.

According to Omer-Cooper (1994):

When Shaka was not certain of the loyalties of a subjected community he often stationed a trusted friend or relative with a group of followers in the neighbourhood to keep an eye on the behaviour of the chief concerned. In addition the military *indunas* as trusted favourites of the king received many cattle from him and were able to build up large personal followings. All members of the kingdom also shared in the pride evoked by the magnificence of the royal herds as well as the consciousness of unrivalled military power. Though chiefs had little independence, they gained greater security from incorporation in the kingdom. So

long as they had the king's favour, no local rival could challenge them and their subjects could no longer evade paying their dues by deserting to other rulers (Omer-Cooper 1994: 57).

Omer-Cooper (1994) further states that:

Service in the *butho* not only offered excitement and adventure, but the possibility for even a lad from a poor home to achieve fame, wealth, and power within the political system of the kingdom. The subordinate chiefs of the Zulu kingdom were in no position to challenge the central authority. Military power was overwhelmingly concentrated in the large standing army stationed at the royal households (Omer-Cooper 1994: 58).

The other reason that led to the emergence of the Zulu kingdom was the expansion of trade, especially in ivory through Delagoa Bay.

According to Ayittey (1993):

Chiefs were able to impose considerable control over this trade. One tusk of each elephant killed (the one lying against the ground when the animal fell) was usually claimed by the chief as lord of the soil. Some rulers among the northern Nguni exercised greater control amounting to a virtual monopoly of the trade. They thus acquired new and scarce goods which they could use to attract more followers (Ayittey 1993: 53).

Leaders or chiefs then contested for trade routes to Delagoa Bay. Mass hunts for elephant and other game among the northern Nguni may have initiated the process of military and political reorganization (Ayittey 1993:53).

The other major reason for battles among chiefs was caused by competition for grazing lands. Cattle among the northern Nguni occupied the key role in the economic, social and political life (Ayittey 1993:53). Each chiefdom thus wished to have control over grazings or grasses for winter and summer. Population growth and expansion of herds led to conflicts over grazing lands. The Mfecane wars were also a factor in the emergence of the Black states such as of the Zulus, Mthethwas and the Pedis (Ayittey 1993:53). The military conquests during the Mfecane and integration of smaller tribes that needed protection against invasions served in consolidating kingdoms like the Zulu kingdom

(Maylam 1986:23) A militarily strong king was then seen as a good provider for the needs of his subjects and consequently attracted inflows into his kingdom (Maylam 1986:23).

Moshoeshoe was able to build a strong Sotho kingdom during the Mfecane from the remnants of many shattered chiefdoms (Omer-Cooper 1994:238). The fortified hilltop of Butha-Buthe, and later ThabaBosiu provided him with almost impregnable mountain strongholds to can withstand any invasions (Omer-Cooper 1994:238). “To consolidate his position he relied on careful diplomacy backed by armed resistance only when he was left with no other recourse” (Omer-Cooper 1994 : 238). He first paid tribute to Matiwane who after his victory over the Hlubi became for a time the most powerful leader in Transorangia, then later switched allegiance to the Zulu as Matiwane’s exactions became intolerable. He then sought the help of the Zulus against Matiwane. He also thwarted raids by the Koras and the Griquas.

Omer-Cooper (. 1994) says that:

This successful combination of diplomacy and defensive strategy enabled Moshoeshoe to preserve large herds which were augmented by successful raids on the Thembu beyond the Drakensberg. In conditions of insecurity and destitution brought about by the Lifaqane, ever-growing numbers flocked to seek his protection and his patronage. Because of having herds, he attached some permanently to his following by loans of cattle under the traditional Mafisa system (Omer- Cooper 1994: 239).

By the Mafisa custom all cattle were owned by the chief who merely loaned them to his followers for their use (Omer-Cooper 1994:239). In pre-colonial era, a leader who had more cattle was inclined to have a greater following as he would be able to provide both food and cattle to the needy. During the Mfecane, Moshoeshoe was able to provide for the large number of refugees that poured into his stronghold (Omer-Cooper 1994:239). They thanked Moshoeshoe by paying allegiance to him. He provided food for the hungry, security and hope for the destitute (Omer-Cooper 1994:239).

Omer-Cooper (1994) further states:

These new followers who came fleeing from the chaos in Transorangia or returning home after a period as refugee workers in the Cape colony were attached to the immediate followings of one or other of his brother or sons. Then as their individual followings expanded these junior members of the royal family moved, or were dispatched, to establish their headquarters in strategic positions at a distance from Thaba Bosiu. In this way the territory of the kingdom came to be occupied by a network of settlements directly administered by chiefs of Moshoeshoe's House (Omer-Cooper 1994: 239).

Not all the communities in Moshoeshoe's kingdom were integrated in this way, as a number of entire chiefdoms were part of the kingdom but retained their political identity and were ruled by their own chiefs under Moshoeshoe's paramountcy, as it was the case with the chiefdom of the Phuthi of Moorosi (Omer-Cooper 1994:239). The Khoa-Khoa under Matela also sought refuge under Moshoeshoe after they had suffered heavily in the upheavals of the Lifaqane. Moletsane of Taung also sought refuge under Moshoeshoe. Although Moshoeshoe did not have the centralizing force reminiscent of the Zulus, he was able to hold the kingdom together by ties of kinship and personal loyalties, strengthened by the bonds of obligation created by the loan of cattle under the Mafisa system. "These ties were further strengthened by Moshoeshoe's practice of consulting the leading men and holding open pitso (consultative assembly) at Thaba Bosiu" (Omer-Cooper 1994 : 239). In a way of developing his Basotho kingdom, Moshoeshoe also married about 150 wives from other enemy chiefs for them not to attack him. He also made sure that his kingdom was free from dissents and possible breakaways by making his own sons territorial chiefs (Omer-Cooper 1994:239). He was quite diplomatic and had to pay tributes to Shaka regularly to ensure protection by Shaka in the event of any possible attacks on him by any enemy chief (Omer-Cooper 1994:239). He had at one stage given a herd of cattle to the defeated Ndebeles and set them free and told them to go away and forget war (Omer-Cooper 1994:239). If Moshoeshoe had feared any neighbouring chiefs, he would report that chief to Shaka as his obstacle in paying tribute to Shaka. Shaka would then come and defeat that chief and he would thus never be a threat to Moshoeshoe again (Omer-Cooper 1994:239). Moshoeshoe's focus was on defence rather than on attacks. He would roll boulders on his enemies. He developed interests in horses that were used by Griquas and he then started raiding these communities for horses (Omer-Cooper 1994:239). When he realized that the whites were

coming into his territory, he had to use the missionaries as a buffer against the approaching and marauding whites.

According to Fortes et al (1973), the political systems in pre-colonial era consisted of primitive state and primitive stateless societies (Fortes et al. 1973:10). Primitive states consisted of those societies which had centralized authority, administrative machinery and judicial institutions (Fortes et al. 1973:10). This is a government system in which cleavages of wealth, privilege, and status correspond to the distribution of power and authority. In this group we find the Zulu, the Ngwato, the Bemba, the Banyankole and the Kede. Fortes et al (1973) further sees stateless societies as those societies that lacked centralized authority, administrative machinery, and constituted judicial institutions, in short they had no government, no sharp divisions of rank, status or wealth. This group comprises of the Logoli, the Tallensi, and the Nuer (Fortes et al. 1973:10).

In stateless societies according to Fortes et al. (1973):

There are no territorial units defined by an administrative system, but the territorial units are local communities the extent of which corresponds to the range of a particular set of lineage ties and the bonds of direct co-operation. Political office does not carry with it judicial rights over a particular, defined stretch of territory and its inhabitants. Membership of the local community, and the rights and duties that go with it, are acquired as a rule through genealogical ties, real or fictional. The lineage principle takes the place of political allegiance and the inter-relations of territorial segments are directly coordinated with the interrelations of lineage segments (Fortes et al . 1973:10 & 11).

In primitive state societies, with centralized control and authority, a balance of power between central authority and regional autonomy is a very important element in the political structure (Fortes et al. 1973:10).

According to Fortes et al. (1973):

If a king abuses his power, subordinate chiefs are liable to secede or to lead a revolt against him. If a subordinate chief seems to be getting too powerful and independent, the central authority will be supported by other subordinate chiefs in suppressing him. A king may try to buttress his authority by playing off, rival subordinate chiefs against one another” (Fortes et al. 1973:11).

The scheme of constitutional checks and balances and the delegations of power and authority to regional chiefs is an administrative device. These arrangements give every section and every major interest of the society direct or indirect representation in the conduct of the government (Fortes et al. 1973:12).

As an example Fortes et al. (1973). states that:

Local chiefs represent the central authority in relation to their districts, but they also represent the people under them in relation to the central authority. Councillors and ritual functionaries represent the community's interest in the preservation of law and custom and in the observance of the ritual measures deemed necessary for its well-being (Fortes et al. 1973:12).

Fortes et al. (1973) further on states that:

The king's power and authority are composite. Their various components, are lodged in different offices. With the cooperation of those who held these offices it is extremely difficult, if not impossible, for the king to obtain his revenue, assert his judicial and legislative supremacy, or retain his secular and ritual prestige (Fortes et al. 1973: 12).

The government of an African state consists in a balance between power and authority on the one side and obligation and responsibility on the other.

Fortes et al. (1973) further states that:

The structure of an African state implies that kings and chiefs rule by consent. A ruler's subjects are as fully aware of duties he owes to them, as they are of the duties they owe to him, and are able to exert pressure to make him discharge these duties (Fortes et al. 1973:12).

Although there are measures to hold the powers of the chief in check, he would still abuse those and become despotic, like in the case of Shaka. In cases like this, popular disapproval is sure to follow or a revolt led by members of the royal family or subordinate chiefs. When subordinate chiefs revolt against the king the aim is just to change the personnel of office and never to abolish it or substitute it with some new form of government (Fortes et al. 1973:12)

In Bechuanaland the chief was assisted in his work by his close paternal relatives and other personal advisers. By sometimes invoking the aid of wider councils and other forms of assembly drawn from the tribe as a whole, he is also able to bind his people still further together (Fortes et al. 1973:61). In Bechuanaland where the tribe is composed of communities with different languages, customs, traditions and cultural backgrounds, unity was achieved through the hierarchical administrative systems into which the various forms of local authority were graded with the chief at the peak or top of this structure (Fortes et al. 1973:61). In developing a Ngwato's state, chief Kgama devised a more direct system of administration. "He grouped the more remote communities into the districts and in each placed a resident governor, usually a member of his own family, but sometimes a prominent and more reliable common headman" (Fortes et al. 1973 : 61). When the governor goes to his district, his immediate relatives are to accompany him to go and assist and advise him. The main duties of the governor were to communicate the chief's orders and messages to the people under his control, supervise the collection of hut-tax and tribal levies, advise the chief on local political and economic conditions, settle disputes between different communities and organize and direct local public undertakings (Fortes et al. 1973:61). All matters that he can't settle are to be referred to the chief. "Should he abuse his authority, or otherwise prove incompetent, he may be recalled by the chief" (Fortes et al. 1973: 61). The other man would be sent to take his place. If he can perform his administrative activities well, the chief could make him permanent. The protector of a foreign community represents it at Serowe (kingdom head quarters) and he is the medium through which his people must approach the chief when they come there to appeal against their district governor (Fortes et al. 1973:61).

In the Ngwato nation, the chief was able to weld all the various groups together through his hierarchical administrative system in which the various forms of local authority are graded (Fortes et al. 1973:61).

According to Fortes et al. (1973):

In Serowe, as we have indicated, the elder of a family-group is directly subordinate to his ward-head. The ward-head in turn, is subordinate, either

directly or through the headman of the ward from which his own is derived, to the headman of the nuclear ward in the same section. The sectional headman finally is subordinate to the chief. In the outlying districts, the ward-head is either directly or through his village headman, subordinate to the hereditary chieftain of his tribal community. The later again, is subordinate to the district governor, who is finally subordinate to the chief (Fortes et al. 1973: 63).

Cases were tried first by the elder of the family, then the ward-heads, then to headmen, then sectional heads, then to chiefs.

In a way of strengthening the kingdom, the king\ chief in pre-colonial times would as it was the case among the Ngwato's, marry many wives from close relatives and other influential headmen and other neighbouring chiefs (Fortes et al. 1973:64). The chief as among the Ngwato had to put some of his cattle in charge of 'batlhanka' a (common headman) (Fortes et al. 1973:64). The cattle that the chief had put in the charge of 'batlhanka'—common headmen were the hereditary property of the chieftainship and those then made the 'batlhanka' always attached to the ruling chief himself (Fortes et al. 1973:65). Each 'motlhanka' was required to provide the chief's household with milk and meat from the cattle under his care, and to come with his followers to perform such other work as might be demanded of him (Fortes et al. 1973:67). In return he could use the cattle as he pleased e.g. , he could keep the rest for their milk, slaughter a beast whenever he wishes, pay 'bogadi' for his sons out of those cattle, he could also exchange them for other commodities, while on his death he could pass those cattle to his children (Fortes et al. 1973:69). "This system obviously bound the common headman very closely to the chief. They were dependent upon him for their entire subsistence, and therefore of necessity were among his most adherents" (Fortes et al: 1973:70).

Dingiswayo of the Mthethwas, Zwide of the Ndwandwes and Sobhuza of the Ngwanas, wanted to amalgamate various small political units into larger entities. At his death in 1818, Dingiswayo who was an expansionist had succeeded in transforming the Mthethwa chiefdom into a comparative large, multi-chiefdom confederation (Denoon1984:261). He was known to be of gentle disposition, who used force sparingly and was generous to subjugated people (Denoon 1984:261).

Shaka's military reorganization of the Zulu nation helped him in building a strong nation. His military trainings :- discarding of the long throwing spears, abandonment of sandals thus making men to go barefoot for greater mobility and refusal to men to marry until the age of 40 enabled Shaka to defeat neighbouring communities and incorporated those into his kingdom and permitted no friendly equality. Shaka won battles during the Mfecane with the result that weaker nations sought refuge or protection from him, he also appropriated for his people more land for settlement, pasture etc. (Denoon 1984:28). Regiments during the reign of Shaka served a nation building purpose as well as a military one. Members of regiments had to build up a loyalty to the regiment and to Shaka as king and to forget their separate individual origins (Denoon 1984:28). Military service during the reign of Shaka was a fulltime service and marriage during this time was banned (Maylam 1986:31). Females conscripted into age-regiments could only marry with the king's permission (Maylam 1986:28). As all or most of the able bodied men at any given time were in these regiments, local chiefs were unable to build up any dangerous organization against the state itself (Denoon 1984:28). The successes of regiments gave members pride in serving the state. Young men of tribes and nations subjugated by Shaka also had pride in serving and belonging to the most powerful state any of them had ever encountered (Denoon 1984:28). All these helped in achieving a political and social unity which replaced the political fragments of the earlier era.

Language was also instrumental in the development of the Zulu kingdom. "The Zulu dialect of Nguni became standard throughout the country, the traditions of the Zulu dynasty became the traditions of all the citizens, the people thought of themselves as Amazulu instead of remnants of the earlier political units" (Denoon 1984: 28).

Military and social unity among the Zulus was followed by a centralization of the economy. Economy during the reign of Shaka was centralized. This enabled him to accumulate abundant material resources (Maylam 1986:28). The bulk of the income derived from the exchange of ivory fell to the Zulu state (Maylam 1986:28). Each barracks of a regiment was also the location of one of the royal herds. Cattle and captives from the raids were distributed by the king himself and external trade was strictly

controlled by him (Denoon 1984:29). It was the duty of the state to feed such a large standing army and this required of the state control over food productions. On retirement soldiers had to go back home (Denoon 1984:29). Religious beliefs were also transformed into instruments of nation building. Shaka reorganized religious systems to focus on him at the apex. He destroyed an independent group of rainmakers (Maylam 1986:28). Shaka had made himself a ritual, political and military head of the system and rooted out sectional religious beliefs and sectional religious officials (Denoon 1984:29). He led the smelling out of witches exercises, annual first-fruit ceremonies etc. Shaka made sure that his local chiefs remained absolutely loyal to him, by frequently bringing them to his court and dismissed or executed potential and real enemies of the state system (Denoon 1984:29). Chiefs also had to spend most of their times at the royal court. Shaka had centralized authority, administrative machinery, and judicial institutions (Fortes et. al 1973:10) Shaka was unswerving in pursuit of decisions he had made (Denoon 1984:31). He made sure that he had no children, as he feared that sons could come and turn against him and then succeed him. He forced everyone to mourn the death of his mother and he had to sacrifice other lives during his mother's death (Denoon 1984:31).

One theory for the emergence of a strong Zulu nation was that of an ecological imbalance between the population density of the northern Nguni and the environment by the end of the 18th century, this is according to research by Jeff Guy (Denoon 1984:33). The physical environment enabled the Zulu chieftainship to support its people, and this shaped their way of life. The river system, the vegetation, rainfall and climate were all suited to the life and cattle keeping Zulus (Denoon 1984:33). For the Northern Ngunis who were cattle keepers and agriculturalists, cattle which were provisions were also a source of wealth. Environmental factors had shown that in this period there was a serious competition for diminishing resources (Denoon 1984:33). "Guy's work nevertheless shows that the Zulu techniques of production, the environment, and population pressure were all interrelated factors in the rise of the Zulu kingdom under Shaka" (Denoon 1984:33).

Some states developed as a result of survival tactics they adopted against invasions by the Zulu e.g. the Sotho under Moshoeshoe and the Swazi under Sobhuza I (Denoon 1984:34). Some fled from Shaka and became invaders by themselves and then set up states away from their original homes (Denoon 1984:34). The reaction of the Sothos and Swazis is called a defensive nation-building and this ensured a high degree of social cohesion and loyalty among the followers of the respective leaders, and this enabled societies to survive the Mfecane (Denoon 1984:34).

2. 11. Assumption of pre-colonial African traditional leadership positions and destoolment

Rules existed or were laid down by traditional communities for succession to the throne of African traditional leadership as well as conditions that could lead to the destoolment of an African traditional leader. Succession rules also encapsulated regency . Chieftainship was hereditary in the male line, from father to son, the heir being the oldest son of the great wife, if this fails, then comes the eldest son of the wife next in rank (Ayittey 1993:41).

According to Omer-Cooper (. 1994):

Though rules of succession to the position of chief were quite precise, royalty was believed to belong to all close members of the royal family. Any of them could become a chief, and on occasions a technically junior heir would be chosen by general agreement where the senior heir was regarded as incompetent or otherwise unfit. A chief who angered his powerful relatives and a significant proportion of the population could therefore find himself faced with rebellion or the complete break manifested in secession. To maintain his authority it was essential for him to hold together the opinions of the most powerful members of the community (Omer-Cooper 1994:13).

An exception to the succession rule applied with regard to the Bolobedus, only females in Bolobedu succeeded to the throne. Though the rule of succession stated that, the rightful heir to a chief was the eldest son of the chief's greathouse, there are instances where this was not observed. For example, after the death of Senzangakhona, Dingiswayo imposed Shaka on the Zulus, after the rightful heir to the throne, Sigujana, Shaka's brother, was

eliminated. Shaka also imposed one of his followers on the Mthethwas and then consolidated his authority throughout Dingswayo's sphere of influence (Omer-Cooper . 1994:14).

In succession it was usually the case that the chief had sons by earlier marriages who were considerably older than the official heir.

On this issue of succession Omer-Cooper (1994) further indicates that:

The heir himself might also be too young to take over the chieftaincy, and in this event a regency would be necessary, through which the chiefdom could be ruled on his behalf, even when this was not so, this was often an ideal opportunity for a rival to snatch the chieftaincy for himself. The uncles and elder brothers of the official heir frequently resented the accession of a young and inexperienced man. Succession disputes were thus very common and frequently resulted in the secession of one or more sections of the community to form a new chiefdom (Omer-Cooper 1994: 24).

One could also ascend the throne by conquests or by killing other contestants to the throne, as in the case of king Shaka who through military assistance from Dingiswayo killed his senior brother and became a king (Omer-Cooper 1994:24).

According to Ayittey (1993):

In chiefdoms or states, the rules for selection of chiefs varied from one ethnic group to another. In most tribal systems chieftaincy was hereditary and thus reserved for certain lineages by right of genealogical link to the founding ancestors (Ayittey 1993:43).

The man who generally first settled on a piece of unoccupied land with his followers was regarded as the owner of the land, and the ancestor, his offspring and their descendants constituted the royal or ancestral lineage (Ayittey 1993:43). When the reigning chief dies the ancestral lineage chose the chief, who was often the eldest son of the deceased chief. Succession to the throne was not always automatic as the choice of the heir was subject to approval by the royal lineage member (Ayittey 1993:43). An unfit or mentally incompetent to govern heir would be blocked from succession. The heir's past conduct,

his mannerisms, his capacity to lead, his valor, and his popularity are considered before he could be let to ascend the throne. The chief was not elected by balloting, and was appointed and he could not appoint himself (Ayittey 1993:43).

Where the chief or the king had never married a "Great wife" with an obvious lack of heir apparent, succession had become a great problem (Ayittey 1993:44). This was also the case with chief Mpande, who had never married a "Great wife". As Mpande had no heir apparent, factions began to form around several of his sons. Cetshwayo and Mbulazi had the greatest claims on heirship (Ayittey 1993:44). Cetshwayo was the king's son by the first wife. Mbulazi's mother had been married later and was of lower rank than Cetshwayo's, but she was favoured by Mpande and Mpande also favoured Mbulazi to be his heir. In 1856 conflict between the followers of Mpande and Mfengu broke out, the followers of Mfengu were decisively beaten and Cetshwayo established himself as heir apparent, though his father Mpande was still alive (Ayittey 1993:44).

Like chieftaincy, kingship was also restricted to certain lineages in most tribal systems. Such lineages were often those that traced their descent from original settlers of the land. According to Hayford (1911), the Asante of Ghana had an elaborate system of king selection and succession (Hayford 1911:23). The king, the Obane, was selected from the Akwnamus, who were considered to have the blood in the land. This made the Akwnamus the aristocrats of Kumasi, and conferred upon their lineage, the right to be consulted in all internal matters (Hayford 1911:24).

In Nigeria the king (Oni) was chosen from the royal patrilineal clan, the largest clan in Ife. Kingship was hereditary but could not pass from father to son (Ayittey 1993:57). Males of four lineages or branches of the royal clan were eligible to become a king in rotation, but these lineages were skipped if they had no suitable candidates, and the same lineage could still even provide two Oni in succession (Ayittey 1993:58). "Each of the eligible clans might campaign for its own candidate by spending money to entertain the town and palace chiefs who selected the king and by acting deferentially toward all who could influence the final choice" (Ayittey 1993 : 58).

A tyrant or despotic king who employs repressive measures, or distances himself from his people would be deemed as failing to provide a vital link to the universe for his people and should thus be destooled (Diop 1987:60). The king had a privy council that had to keep his behaviour in check, and this privy council was to be held responsible should the king misrule his nation (Ayittey 1993:40). If a chief misruled his tribe the leading headmen would withdraw their support and publicly attack him at tribal gatherings or there might be a split leading to wholesale migration or plot for overthrowal or assassination (Diop 1987:60). According to the beliefs of the Junkun (Northern Nigeria) the African king had to obey the rules and save his people from calamities such as droughts and famine, should these evils ever occur, it thus implies that the king had not ruled well and was to be deposed or killed (Diop 1987:61). If a king breaks any of the royal taboos on personal behaviour, fell seriously ill or ruled in time of famine or severe drought, he was to be deposed or killed (Diop 1987:61). "In the kingdom of Cayor, the king could not rule when he was wounded. In other societies a king was revitalized when he grew old (Diop 1987:61). It was believed that he would symbolically die, be born again, regain the vigor of his youth, and be fit once again to rule. This ritual was found among the Yoruba, Dagomba, Tchamba, Djukon, Igara, Songhai, Wnadai, Hansa of the Gobi, Katsena and Daoura, the Shillucks, among the Mbum, in Uganda-Rwanda and in what was ancient Meroe (Diop 1987:61): .

2. 12. Conclusion

Traditional leadership was well entrenched in pre-colonial African communities. It emerged and developed to prominent heights. Though there were no written constitutions, roles and responsibilities of leaders and their subjects and other provisions were enshrined in these unwritten constitutions. Nothing was haphazard. Obligations of leaders to their subjects as well as those of subjects to their leaders were well delineated. Very strong leaders like Shaka, Moshoeshoe and Sobhuza emerged and built states with impeccable administrative systems that catered very well for all sectors of the population with regard to social, economic, security, legal, agricultural etc. needs. The widows, poor and orphans were well cared and provided for. Leaders and their community members

had their own ways of combating or preventing natural disasters like: - draughts, floods, hailstorms, starvations, insect-infestations etc. The pre-colonial communities under their pre-colonial African traditional leaders were thus well organized and highly self-reliant without any foreign influence.

CHAPTER THREE

The effects of colonialism on African traditional leadership

3. 1. Introduction

This chapter seeks to investigate how colonialism and the Apartheid government had influenced the institution of African Traditional Leadership and the deleterious effects they had on this institution. It is without doubt that the arrival of colonialists in Africa impacted negatively on the institution of African Traditional Leadership and its authority. The economic, political, social, religious etc. systems of the colonialists have undoubtedly shaken the foundations and pillars of the institution of African Traditional Leadership, and left it at their mercy for it to stay afloat.

Evidence is quite galore that pre-colonial African traditional leadership was not destined to perish. The pre-colonial pillars of this institution were solid and unyielding before the arrival of colonists. Just before the arrival of these colonialists, great African traditional leaders like Shaka, Moshoeshoe, Sobhuza etc. had emerged and built states with central administrative and political systems that catered very well for all sectors of the population with regard to social, economic, security, legal, agricultural etc. needs. These leaders also had programmes in place for helping widows, the poor and orphans. These leaders also had rituals that they had to perform in combating draughts, floods, hailstorms, starvations, insect-infections etc.

All hell on the institution of African traditional leadership broke loose with the arrival on these shores of the colonialists. Its foundations on the significance of land appropriations and its allocation to subjects of a traditional leader, elaborative legal, economic, political, religious, and military and succession systems which appeared to had been able to guarantee its posterity, started to show cracks.

Colonialists arrived with their Christian religious systems that challenged the authority and dominance of men and declared African traditional cultural practices as heathen and

thus abominable: strong military power, emphasis of economic system based on the value of money and labour and devaluing the significance of land, government based on democratic principles, and considering African traditional leadership as a form of autocratic government.

The colonialists thus put African traditional leadership in a great jeopardy of survival. New levels to the African traditional leadership structure were introduced. Magistrates as another level of colonial administration of natives were introduced and the homeland system was also introduced in a way of achieving the ideal of white minority rule in S.A.

3. 2 Colonialism and the colonialists' misconceptions of the institution of African traditional leadership

3. 2. 1. What is colonialism?

Colonialism is a comprehensive concept that describes the process of colonization, in other words, the occupation and control of colonies (Van Aswegen n.d.: 74). This include the political, economic, social and cultural policy that is followed with regard to colonies, its application to colonies and effect of this policy as well as the control and contact by the colonial powers on the inhabitants of the colonies (Van Aswegen n.d.:74). It is often characterized by the use of force by the colonial power to establish its authority and apply its policy and by the resistance of the colonial subjects against the authorities (Van Aswegen n.d.:74). Colonialism was essentially a system of political, economic and cultural domination forcibly imposed by a technologically advanced foreign minority on an indigenous majority. As a system colonialism justified itself through ideologies which asserted the superiority of the colonizer and inferiority of the colonized (Martin and O'Meara 1995:140). Colonialism can be divided into: - 1) external colonialism viz. when outside control is exercised over a colony and 2) internal colonialism viz. control over the inhabitants of the same territory by a specifically strong group within a territory (Van Aswegenn.d.:74). Colonization of S.A. thus implies that administrative system of another country is adapted for use among the indigenous black Africans.

The main European colonizers of Africa were:-Britain, Spain, Italy, Holland, Germany, France and Portugal. S.A.'s main colonial powers were Britain and Holland (Sparks 1990:2). South Africa was before Bartholomew Diaz rounding the Cape in 1487, inhabited by the black Africans with their traditional systems of leadership and authority without any European influence (Sparks 1990: 2). The Dutch and the British later appeared not to be intended for permanent settlement at the Cape, but only to use the Cape as a regular watering place by the English and Dutch vessels on the way to and from the Indies (Sparks 1990: 2). The intention later by the Dutch authorities to establish free-burgers then meant the beginnings of a community of permanent settlers rather than of temporarily resident expatriates in the Cape (Sparks 1990: 2). As they were given plots, they also later increased in number, this community then became the main element in the white population at the Cape. This white community then developed a growing sense of its own identity and an awareness of interests different from those of the company and its servants (Sparks 1990:2). As the white Cape community increased it then expanded its territory beyond the limits of the Cape peninsula (Sparks 1990:2). More and more land was granted sometimes on loan to free burgers to graze their sheep. The arrival of Simon van der Stel in 1679 and the French war made the Cape of great strategic significance to the D. E. I. C, and it thus sought to increase the number of free burgers in the cape and thus consolidating white settlement in the Cape (Sparks 1990:3). As some members of the white Cape population could not succeed in agricultural production they then ventured in stock farming (Sparks 1990:3). They then acquired more stocks from the Khois through battering, until sales outstripped the rate of natural increase. Some of the Khoi began to enter the employment of the freemen (free burgers) as they were deprived of their lands and cattle (Sparks 1990:3).

The whites then moved deeper into the interior in search of grazing lands for their stocks. The burghers got into the interior on battering expeditions and then settled in the interior, as cattle farmers they kept on drifting in the interior as more competitions for grazing land arose (Sparks 1990:3). In the interior of the country the Khoi groups initially had adopted a friendly attitude to the first whites they met. The Khoi attitudes to Whites later changed as they realized that the Whites that were accumulating in great numbers in their

areas, had then started driving the Khoi from their land (Sparks 1990:3). This was the first instance of colonial land dispossession of forced relocation of indigenous Khoi communities effected by Jan van Riebeeck to the west of the Salt and Liesbeeck rivers (Omer-Cooper n.d.:245). The Khoi then rejected further invitations for battering from whites (Sparks 1990:3). The Khoi then adopted guerilla tactics against the white as they could not engage whites on a large scale, in defence of further expropriations of their cattle (Sparks 1990:3). In 1660 and 1672 the Khoi took up arms against the whites (Sparks 1990: 3).

The Khoi chief Gonema of the Gorona sub-chiefdom of the Cochoqua kept up the struggle until 1677, but later he had to make peace and was forced to accept the expansion of the white settlement (Sparks 1990:3). Many Khoi were then peacefully absorbed into the colony's labour force or retired into the interior, without a fight. Some farmers that had moved deeper into the interior became isolated from their people and some married Khoi and Bantu speaking wives and built personal followings from the indigenous peoples, allying with or becoming the subjects of indigenous chiefs, like Jan Bloem on the northern frontier, and on the eastern frontier was Coenraad de Buys who married Nqgika's mother, he was the best known and most influential of a group known as the frontier "ruffians" (Sparks 1990:3). As more and more settlers moved in from the Cape, cooperation gave way to competition and conflict mainly along the eastern frontier (Sparks 1990:4).

Along the eastern coast the increasing white population felt constrained to seek to expand, to absorb more land for farms and more of the African population as workers (Sparks 1990:4). There was a social pressure on every young white male to maintain the status of baas (master). The Xhosas on the one hand were driven by the growing population, and social pressure to maintain and expand the number of cattle on which their status depend, to seek more land; and this gave rise to competition and conflict (Sparks 1990:4). The Xhosa people were infatuated with cattle for whom the animals held an almost mystical importance (Sparks 1990:62). Colonial land dispossessions then

implied that they had to keep small numbers of stock mainly for home consumption and for bride wealth payments (Denoon and Nyeko 1984:75).

3. 2. 2. Colonialists' misconceptions of the institution of African traditional leadership and its authority

The colonialists had a total disregard for the way the African traditional leaders had led their communities and this was well evidenced by the policies that they later developed with regard to African traditional leadership and its communities (Sparks 1990:5). After the colonization of South Africa the colonialists had to start with the modification of the institution of African traditional leadership to suit their western culture as they had an absolute disregard of this institution and its leadership (Denoon and Nyeko 1984:75).

According to Sparks (1990):

Whites given their own history of autocratic monarchies mistook the tribal chiefs for dictators and dealt with them accordingly. In fact the chiefs' powers were heavily circumscribed and the systems they presided over incorporated a considerable degree of grass-roots democracy. At the time that the first Portuguese navigators made their voyages of discovery around the Cape of Good-Hope, it is arguable that Darkest Africa was a more demo-critic place than the medieval Europe from which they had sailed (Sparks 1990:5).

The whites had regarded themselves as so ordained to determine the fate of blacks.

According to Sparks (1990):

Afrikaner nationalism has taken the concept of its divine mission to mean that it has a God given right not only to its own national existence but also to reorder the whole world around it according to its own vision, a right to define not only its own nationhood but the black man's as well. It has not sought the black man's opinion or consent in this but claimed the right in the name of "trusteeship" and responsible guardianship (Sparks 1990:212).

According to Geoff Cronje also:

It is the duty of the Afrikaner to show the way in which the native must be led in his own interests and a view to his own development. The Afrikaner knows best

what the black man needs, because the Afrikaner has suffered defeat and humiliation and then found himself again and so he understands the meaning of nationhood and can show the black the way. He should try to persuade blacks that apartheid is in their own best interests, but if he cannot press ahead with the policy anyway because the blacks must be saved from themselves and because they have always respected firmness. In the name of trusteeship and a divine ordination, Afrikaner has assumed the right to decide for the black South Africans how they should feel and think without any reference to their own self-selected political leadership which has a vision of nationalism that is diametrically different (Sparks 1990:212-213).

3. 3. Effects of colonial land dispossessions on African traditional leadership

According to Sparks (1990) the Africans had an intense, life-long passion for land. The land was revered in ritual, it held the bodies of the tribal ancestors and it was the concretion of the tribe itself, the king that gave it life, substance, security and identity (Sparks 1990:20). It would not be owned individually. It was held by the tribe collectively and vested in the chief who would allocate its use but not its title (Sparks 1990:20). The king thus kept the land in trust for his subject (Maylam 1986: 20). The king should provide his subjects with lands for residential sites, for crop farming and for animal pastures (Maylam 1986:23).

Sparks (1990) further says that:

For land means security – not only those patches, that are actually under cultivation or providing pasturage for livestock but also the surrounding bushveld which in the worst of times when all the cattle died, will still yield a few edible leaves and roots and grubs and so sustain the life of the tribe. The land was revered in ritual; it held the bodies of the tribal ancestors, it was the concretion of the tribe itself, the thing that gave it life and substance, and security and identity. It could not be owned individually. It was held by the tribe collectively and vested in the chief who could allocate its use but not its title (Sparks 1990:20).

Land was in pre-colonial era thus a source of power and wealth for African traditional leaders and their tribes (Omer-Cooper 1994:245). During the pre-colonial era, who ever had wished to come and settle in the king's land was welcomed and then be allocated a piece of land where he would settle and be given a land for cultivation and keeping stock, this was a known and acceptable practice among the Africans (Omer-Cooper 1994:245).

But white colonialists if given a piece of land for occupation they would not confine themselves to allocated pieces of land, and quite often they would never wait for African traditional leaders to allocate them land, they would instead forcefully remove the African traditional communities from their lands (Omer-Cooper 1994:245).

According to Levin (1997), land dispossession as one of the central dimensions of oppression in S.A started since the first white settlers landed in the country in 1652 (Omer-Cooper 1994:246). Land was dispossessed in the form of forced removals (Omer-Cooper 1994:246). When Jan van Riebeeck settled at the Cape, he notified indigenous Khoi communities that they could no longer dwell to the west of the salt and Liesbeeck rivers. This was an effective implementation of the first forced relocation since white settlement in the country's history (Omer-Cooper 1994: 246).

According to Levin (1997), this land dispossession was continued through colonial wars and colonial government policies. Colonialists had faith in their military strength that encouraged them to exploit indigenous African people, taking by force their land and removing them forcefully from fertile lands and relocating them to barren lands (Peires 1989:53). After colonialists had defeated indigenous Africans, they dispossessed them of their lands and set aside some portion of land for occupation by Africans (Omer-Cooper 1994. 246). In these conquered areas, the colonialists adopted the traditional institution that ruled Africans which was based on the chieftaincy system. After this adoption, the former African traditional institution of government is then made an instrument of the native administration (Omer-Cooper 1994:246).

After the Swazi Kingdom had fallen into the hands of European authority at the end of the nineteenth century, it suffered substantial losses of territory as a result of boundary demarcation imposed by the white authorities (Omer-Cooper 1994:246). Part of the kingdom went to S.A. and the other part to Mozambique. This kingdom also suffered from the activities of white concession hunters (Sparks 1990:247). Some whites sought grazing rights, others mining, and a wide variety of other economic concession. Swazis gave a party of Boers rights to graze in one part of the kingdom and authorized them to

appoint their own local council on the assumption that they would owe allegiance to the Swazi king (Omer-Cooper 1994:248).

According to Omer-Cooper (1994):

This small Boer community soon increased in numbers rejected allegiance to the Swazi ruler, called the area they occupied the little Free State and elected one of themselves. J. Bezuidenhout, as president. In 1889 it was incorporated in the Transvaal (Omer-Cooper 1994: 248).

The colonialists also had a strategy of annexing one chief's territory and giving that to another chief and by so doing sowing a great disunity among the Africans in the face of advancing white forces and this made colonial dispossession of Africans of their lands easy (Omer-Cooper 1994:248). Traditional leaders that resisted colonial influences were deposed and replaced with compliant chiefs (Omer-Cooper 1994:14). In 1847 chief Fado was deposed and his successor was appointed by the British government (Maylam 1986:79).

After the white were given land to occupy by king Moshoeshe of Basutoland, it came to be clear that the Basutho's and Europeans had different concepts of land tenure (Omer-Cooper 1994:249). Moshoeshe had wished to grant white farmers land on a temporary basis but many whites did not heed this as they refused to be located to one place for ever and they wanted to change locations as they had wished (Omer-Cooper 1994:248). The Basutho's did not believe in individual ownership of land as the white so believed. Basutho's saw land as belonging to the entire community, controlled and administered on its behalf by the chief (Omer-Cooper 1994:249).

3. 3. 1. Apartheid policy and colonial land dispossessions

The advent of colonialism brought a lot of changes on traditional authority. The colonialists made policies and acts that usurped the authorities of African traditional leaders, took away their lands, and put above them constitutional heads of state as the supreme chiefs (Hyslop 1999:423). The authority and positions of African Traditional

leaders were seriously weakened by these colonial policies that they ended up not having any hold on their former political powers (Hyslop 1999:423). African traditional leaders were forcefully removed from their fertile grounds and relocated to barren lands (Peires 1989:53). During the colonial period African traditional leaders were made organs of the colonial government. They were meant to run and help the colonial government in administering their lands on behalf of the colonial government with commissioners been placed above them. The colonialists therefore indirectly ruled traditional communities at the top but Africans administering them at the bottom.

According to Hyslop (1999):

Colonialists subordinated indigenous authorities by domesticating and bureaucratizing them. Following military conquest over several decades African political subordination was gradually transformed from tributary relationships, in which African leaders organized community payment of money or labour to colonial states into bureaucratic one. Chiefs and headmen became state functionaries, while the state sought to co-opt the inherited legitimacy of their positions. This reconstruction of indigenous offices, reducing their popular accountability while increasing their accountability to the state, was ideologically tied to efforts to reconstruct patriarchal power with households (Hyslop 1999:424)

Hyslop (1999) further says that:

By the early years of the twentieth century, a visibly emergent crisis of authority for both chiefs and homestead heads was ascribed not to the material basis of the domestic life, but rather to the decline of traditional values and the ostensible moral decay of women and youth out of control. This rhetorical and ideological strategy represented a domestication of the legitimacy of chiefs. It linked chief's claim to authority based on tradition more narrowly to paternal claims, as the state usurped many pre-colonial function of chiefship which had given chiefs legitimacy or turned those function to state benefit rather than to that of rural communities (Hyslop 1999: 424).

With the formation of the union of S.A. in 1910, the system of traditional leadership was brought under centralized administration controlled by Pretoria. The Black Administration Act (NO. 38 of 1927) empowered commissioners to appoint and depose chiefs and laid the rules for chief's succession, family relations and personal obligations (TRC Report volume 3, 1998:6). Aspirant traditional leaders who were compliant to

colonial authority were given military support to depose a chief that was legitimate according to African customs and have himself enthroned (Omer-Cooper 1994:17)

Apartheid mushroomed well in 1948 with the coming into power of the National Party under Malan and it was later given impetus by Dr. Verwoerd. The promulgations of Acts like the Bantu Authorities Act of 1951 served as precursors to preparing Africans to becoming self-governing and independent under traditional authorities of which it was not the case (Ntsebenza 1999). The apartheid ideology was given ground and impetus by doctoral graduates from Berlin and Munich been inspired by the rise of Hitler and they were also supported by young theologians of the D. R. Church who likewise returned from Europe with new ideas about the divine right of each nation to a separate existence (Sparks 1990:148). Politics and theology were seen as two streams that should flow together and synthesized into a philosophy.

According to Sparks (1990):

The Afrikaner believes, wrote Cronje, that it is the will of God that there should be diversity of races and nations and that obedience to the will of God therefore requires the acknowledgement and maintenance of that diversity (Sparks1990:149)

Geoff Cronje who had also returned from doctoral studies in Germany, and had taken the chair in sociology at Pretoria University, said he knew a black man more than any other person (Sparks 1990:179). He said that a policy on separate existence of races should be introduced in a spirit of responsible guardianship; he himself was historically bound to be the protector of the black man, as a black was culturally, biologically, physically, mentally, spiritually and morally inferior to whites (Sparks 1990:179). According to Cronje blacks lacked intelligence, had a higher crime rate, their health was poorer and they were more decadent in every way, then it followed therefore that racial mixing would degrade the whites (Sparks 1990:179). Although colonialists like Geoff Cronje had looked down upon indigenous black Africans, Saunders (1995) had shown that pre-colonial Africans had technologies and skills to cater for the needs of the people. Pre-

colonial Africans had specialists such as miners who toiled for iron-ore and smiths who smelted the ore and worked it to produce the blade of a hoe or the razor sharp point of a spear. "Others tanned skins for clothing and night covering, achieving a softness and durability that eluded the woven fibres of Europe (Liebenberg 1993:63). The claim of supremacy by the colonialists over indigenous Africans is thus unjustifiable and could best be described as inebriation with military powers.

According to Sparks (1990) racial mixing:

Could also lead to physical disharmonies such as large native teeth in small European mouths, and tall Eurafrican men with small internal organs and deficient circulatory systems. These physical disharmonies in turn were liable to lead to mental and moral disharmonies such as violent outbursts of temper, vanity and sexual instability (Sparks 1990:179).

In a way of justifying the implementation of the Apartheid policies and the concomitant introduction of the homeland system, George Grey had said he was to bring civilization to the continent that he had deemed uncivilized and he was thus even to subjugate and capture the continent's natural resources (Peires 1989:53)

According to Sparks (1990) white South Africans had in their minds convictions that blacks are inefficient farmers, primitive, improvident and lazy, working just enough to provide for their barest needs and then idling away the rest of their time (Sparks 1990:179). This ideological base set by Cronje was later given a practical shape by Verwoerd (Sparks 1990:179). The colonial theologians, politicians and medicians were then together on disempowering and disintegrating the institution of African Traditional Leadership (Sparks 1990:179). Acts and policies that were later promulgated led to the collapse of the institution of African traditional leadership and its authority over its traditional communities and their subjects.

Sparks (1990) says that:

Verwoerd's Native laws Amendment Act of 1952 limited Blacks with a right to live permanently in the urban areas to those who had been born there, those who had lived there continuously for fifteen years and those who had worked for the same employer for ten years. Everyone else was supposed to return to his allotted tribal Bantustan, whence he could come to the city as a migrant labourer on a six-

month or one year or contract obtained through a labour bureau in Bantustan (Sparks 1990: 194)

According to Sparks (1990):

Apartheid is largely a system of indirect rule, directed by whites at the top but administered by blacks at the bottom. The Africans who perform these functions are viewed by other blacks as traitors who evoke feelings of contempt and anger. But African people are starving in South Africa, and a mother may agree to inform on a stranger in exchange for a payment that will enable her to feed her children for a few days. Business opportunities are almost non-existent for Africans, so in exchange for a trading license to operate one of the rare supply stores in black areas a man may agree to serve on the township council or take a seat in a homeland parliament (Sparks 1990:227).

Some Africans ended up being part of the oppressive or repressive arm of the apartheid system for financial inducements or job opportunities. The colonial government was able to manipulate the situation of the impoverished traditional leaders to their benefit. After colonialists had changed the subsistence economic system of Africans and dispossessed their lands, they were able to divide majority Black Africans. We see cases like that of Kaizer Matanzima who applauded the homelands policy and saw it as an arrangement to revert to the old system where the land belonged to the people with the chief as the trustee (Mulaudzi et al. 2003:77). Matanzima saw Dr. Verwoerd as the friend of the Africans and Luthuli and the congress were seen as people that had brought misery. Unlike Matanzima people like Abraham Moilola had shown political conscienceness and were steadfast in their demand for rightful political positions in their own lands (Mulaudzi et al. 2003:77)

Sparks (1990) further states that :

The Land Act sent S.A. Africans to the city in their thousands, tribal men and women, chiefs and commoners, herdboys and witchdoctors and cattle men and pitched them into a fantastic new world of gold mines and factories, skips and hoists and dynamite explosions, arch-welding lamps and screaming machinery of garden boys, kitchen boys, messenger boys and boss boys, of service and subservience (Sparks 1990:142).

The laws split families as a man could be allowed to stay in a certain area but his wife denied (Sparks 1990:142). The chiefs felt threatened by the modernizing process of

Apartheid as it eroded their institutions, and that they also felt threatened by the emergence of a new middle class of Black Africans that threatened the authority of chiefs (Sparks 1990:142). Chiefs also felt threatened by the law that also instated the constitutional head of state as the supreme chief of all black tribes, who allowed the minister of Native Affairs to exercise a chief's authority (Sparks 1999:142). The minister of Native Affairs could appoint, dismiss, promote or demote any chief in any region (Sparks 1999:142).

The colonialists had completely adopted the traditional institution that ruled Africans and made it an instrument of native administration. According to McIntosh et al (1996), traditional authorities have become very modest institutions often experiencing difficulties in terms of fulfilling traditional functions (McIntosh 1996:24). The Apartheid government turned the institution of African traditional leadership into a tool that was to serve the interests of colonialists. It distorted custom and changed the institution of traditional leadership to such an extent that it often worked against the wishes of the people, and this apartheid government gave this institution power and responsibilities that fell outside its original function (McIntosh 1996:34).

Apartheid was later called separate development or separate freedoms (Levin Weiner and 1997:17). This system gave rise to Bantustans into which the regime forced the blacks. Whites had a belief that they were superior to Blacks and this encouraged them to treat Blacks unfairly (Earle et al. 2006:128). As whites were much better armed they could then exploit the indigenous black people, taking their lands and other resources by force. The African traditional leadership and its service provisioning organs and mechanisms that were embedded in its administrative structures were paralysed and a sense and feelings of dependency on colonial economic system were inculcated and entrenched into the minds of Africans. The apartheid policies gave birth to the homeland system. Blacks were to be restricted, and to develop themselves separately in homelands. The homeland policy was also based on the forced removals. Africans were forced to leave their fertile and productive lands that experienced good rainfalls with plenty of water and other resources for the well being of their communities, and they were resettled in barren lands

of no or limited resources. This was a way of solidifying the Africans' dependency on the colonial government (Roberts et al. 2007:113). The homeland system therefore came up with a way of keeping black labour available to white owned companies while appearing to be meeting Black political needs (Earle et al. 2006: 141). The pre-colonial free movements of Africans in search of resources were then curtailed. Blacks were to be contained and kept in their homelands and those that had wished to move to urban areas in search of work were to carry passes and had to qualify for Section 10 which allowed them to be in an area for not more than 72 hours (Mulaudzi et al.:2003:63).

The homelands were hopelessly small, fragmented and economically inadequate. The Blacks that made 75% of the population were given 13% of land to occupy (Levin and Weiner1997:23). The government wanted to give substance to the Bantustans by establishing its development boards, build capitals, established parliaments, designed flags, composed national anthems etc. (Levin and Weiner1997:37). In these homelands chiefs were made presidents, e. g. chief Lennox Sebe of Ciskei. There was also the Bantu Laws Amendment Act (1952) which in conjunction with the earlier Native Administration Act (1927), gave the S.A. state president powers to appoint, depose, define the jurisdiction of and limit or extent the powers of, individual makhosi, their headmen, and councillors (Levin & Weiner1997:37). This incorporated amakhosi's powers of land allocation, judicial proceedings and general regulation (Levin and Weiner1997:39). In simple terms, the traditional leaders were given the powers to control the African inhabitants of the Land (Levin & Weiner 1997:39).

According to the Apartheid government's 'Land Act', all areas been classified as 'black spots' in designated white areas were to be removed and their inhabitants be let to move to their appointed homeland (Hyslop 1999:423). One of the tribes that fell prey to this legislation was the small Batswana tribe which had to be moved from their farming village of Magopa to a resettlement camp called Pachsdraai in the black homeland of Bophuthatswana (Hyslop 1999:423).

The homeland system limited the powers of African traditional leaders. During the apartheid era, traditional leader roles became increasingly divorced from their roots in the domestic realm, and attached to Bantustan state structure (Hyslop 1999:423). Many chiefs and their allies pursued accumulation through positions in bureaucracies and parastatal development companies (Hyslop 1999:423) African traditional leaders had no options against the colonialists' political and economic systems imposed upon them through military conquests. They lost their lands to colonialists and had to learn the value of money and their barren and unproductive reserves had to become labour reservoirs for colonial owned companies. Thousands of Africans were then sent to cities to be absorbed in the new capitalist economy (Sparks 1990:142). They were forced to give up their traditional subsistence economy that pivoted on crop farming and the keeping of livestock (Omer-Cooper 1994:11)

According to Hyslop (1999):

Apartheid efforts to build the Bantustans, as alternative state and civil societies created new forms of land use, tenure, property-holding and rent-seeking. Section of the population began to derive their incomes from civil services and teaching jobs (Hyslop 1999:425)

Homelands then became organs or institutions of colonists. Some homelands became self-governing and chiefs in those homelands had to pay allegiance (Hyslop 1999:425). During the Apartheid era, chiefs served in colonial state political structures. They were called upon by the government to act as agents of South African state (Hyslop 1999:425). Colonialists made the office of the chief more formal. As the king's subjects had then flocked to urban areas to seek employment in the capitalist economic system, many traditional rituals characteristic of the African traditional societies could no longer be performed (Omer-Cooper 1994:109). For their services chiefs were rewarded with trapping of power and the material comforts of high office. Homelands served as labour reservoirs from which the mining industry in particular could draw into requisite supply of migrant labour (Hyslop 1999:425:)During the Apartheid era, the institution of African traditional leadership did not have any role to play at both national and provincial levels,

but it was rather used as a platform to divide and rule people, and its structures did not have as their primary objective the delivery of services to the people, but rather the delivery of the people themselves to be subservient to the successive colonial and apartheid administrations (Hyslop 1999:426). Chiefs and headmen became state functionaries while the state sought to co-opt the inherited, legitimacy of their positions. The state wanted to domesticate the legitimacy of the positions of chiefs and many pre-colonial functions of chiefship were usurped by the state (Venter 1989:118).

According to Venter (1989):

In all instances, the leaders of the independent state were drawn from traditional chiefs and petty chiefs who were able with some judicious aid from the S.A. government, to seize control of the politics of the homeland. With the support of traditional and conservative groups as well as central government economic patronage, the homeland leaderships were able to mobilize sufficient popular support to stay in power (Venter 1989:119).

Civil servants, political leaders and their immediate supporters benefited a lot economically from the then homeland systems. Some Africans that had cooperated with the apartheid South Africa to an extent of even taking a seat in a homeland parliament were rewarded with trading licences to can operate one of the rare supply stores in Black areas (Sparks 1990:227).

On this matter Venter (1989) further on says that:

Through the auspices of the Bantu Development Corporation and later the various homeland development corporations, an African bourgeoisie was created. They took over white businesses and established new ones with the aid of the homeland development corporations. Hotel rights, liquor licences, service stations, bakeries and various small and light industries came under the control of the leadership and their camp followers (Venter 1989:119).

All these led to serious corruptions as in the case of Matanzima brothers of the Transkei in February 1988 (Venter 1989:120). The independent homelands depended greatly on economic transfer payment from the central government. The once independent and economically self-reliant Black Africans of pre-colonial times under their unblemished

African traditional leadership had then been made to depend by colonialists on transfer of wages earned by migrant labourers in white S.A.

According to Venter (1989):

For many years, homeland partition has been the mainstay of various attempts made by the National Party government to achieve the ideal white minority rule in South Africa. Homeland partition in its most basic forms entails the removal of the African majority of the South African population from the so called white areas. After their excision from the white part of the country, the Africans would become citizens of a number of independent states each with its dominant ethnic component (Venter 1989:296).

The Black Africans who during the pre-colonial era had moved freely across the country were then made to carry passes as a means of restricting their freedom (Venter 1989:296).

According to Venter (1989):

The vast government department that ruled over Black South Africans like an internal colonial office has progressed from being called the Dept. of Native Affairs to the Dept. of Bantu Administration and Development, to the Dept. of co-operation and Development (Venter 1989:297).

Sparks (1990) also states that:

As a corollary to the clampdown on urban rights, Verwoerd, sought to bolster traditional institutions in the Bantustan by giving limited power of local administration to a network of Bantu authorities based on the old and rapidly disintegrating tribal chieftaincies. Verwoerd wanted to channel African political development back into the tribal system while cutting out the new political intelligentsia, the black English men, as he described them, whom he regarded as agitators and not true representatives of the black population (Sparks 1990:195)

Verwoerd wanted to co-opt compliant chiefs into the new political system, but they felt threatened by the modernizing process that eroded their institution and by the new middle class that threatened their authority (Venter 1989:298). The law which instated the constitutional head of state as the supreme chief of all black tribes allowed the minister of Native Affairs, Verwoerd himself to exercise a chief's authority.

Sparks (1990) further states that:

Verwoerd could appoint, dismiss, promote, or demote any chief in the region and in this way ensure that the natural Native democracy presented him with willing acolytes to work through (Sparks 1990: 195).

During the Apartheid era, election of leaders were to take place, but they were so arranged that even if those in opposition to the government in Pretoria had won votes, they would be outweighed in parliament by appointed and thus compliant chiefs (Sparks 1990:195).

In homelands, black political parties were banned, and in the vacuum created, the government installed a political and administrative apparatus operated by approved chiefs and their acolytes, all beholden to Pretoria for their power and privileged position (Sparks 1990:212). “The government has the power to choose, manipulate, and depose, and it has budgetary control over economically helpless homeland” (Sparks 1990: 212). The government paid for informers who reported on people it regarded as dangerous, it also offered financial inducements to black people willing to help run its administrative machinery, townships and homelands (Sparks 1990: 212). The Apartheid government undermined the local integrity of the traditional leaders and the system encouraged traditional leaders to seek political authority outside their areas by participating in party political arena and by becoming members of the homelands legislative assemblies (Sparks 1990:212).

According to Ntsebeza (1999) traditional leaders were in the weakened position where they struggled to project an image of inherited respectability. According to Levin and Mkhabela (1997) the weakened position of traditional leaders in Kwazulu Natal has been exposed when addressing the issue of land control, which has been and currently remains central to their roles and power (Levin & Weiner1997:23). In 1970 the Zululand territorial Authority was set up with inkosi uMangosuthu Buthelezi as the chief executive officer (TRC Report Volume 3: 1993). In 1972 the Zululand Territorial Authority was changed to the Kwazulu Legislative Assembly, with Buthelezi as the chief Minister. The Kwazulu constitution (like those of other Bantustans) retained the colonial structure for

regulating traditional leadership, with the amakhosi appointed to their position by the Kwazulu government. The region's borders had changed substantially. Kwazulu consisted of disjointed fragments scattered throughout Natal (Lambert 1995:17).

Transkei under chief Matanzima supported the idea of independence and most of the Transkei revenue came from Pretoria and the chiefs depended upon the Transkei government for their appointments (Lambert 1995:18). According to Plaatjie the Black Africans under their traditional African leaders were dispossessed of their land by the colonialists to such an extent that even the dead in S.A. had no right to their six feet of ground in their ancestral home. Africans were made the statutory foreigners in the country of their births (Lambert 1995:18).

3. 4. Effects of missionaries on the institution of African traditional leadership

African religion evolved as Africans responded to situations of their lives and reflected upon their experiences (Mbiti 1991:15). Religion provided man with answers to fundamental questions about human existence and life (Mbiti 1991:16). In pre-colonial Africa the Africans practiced ancestral veneration. Ancestors were said to be mediators between man and God (Sparks 1990:67). Members of traditional African societies had to make offerings to appease the dead. The king was the soul of the nation and was a living link of his people with the ancestors of the tribe (Sparks 1990:67). The chief placed himself at the apex of the religious system and he became his people's principal priest and magician (Fortes et al. 1970:10). By the use of rainmakers, medicine men, magicians etc. , he had to ensure the safety and the prosperity of the nation. The king was to conduct various religious and magical functions (Sparks 1990:67). He was to perform ritual actions in order to maintain harmony between society and its natural environment (Sparks 1990:67). Traditional leaders were normally assisted in the performance of these responsibilities by their close paternal relatives, elders of remaining family groups and any other men of repute and ability (Sparks 1990:67).

After their arrival in Africa, the missionaries exposed the Africans to two major world religions that contrasted sharply with the indigenous African religion and those were Christianity and Islam (Sparks 1990:67). British missionaries had absolute conviction that Western Christian norms were the only way (Sparks 1990:68). Savages had to be civilized (Sparks 1990:68). The economically impoverished and militarily subdued Africans had to forsake their religious system and activities associable with their beliefs that had seen them through pre-colonial hard times. They had by force to take up Christianity and abandon all aspects of their traditional religious system.

According to Sparks (1990):

British missionaries attacked polygamy and lobola, and they tried to stamp out the worship of tribal Gods, the intercession of ancestors, and above all the power of medicine men. They were taught that work was good and idleness evil (Sparks 1990: 68).

The marriage system followed by the Ngwato's in pre-colonial era helped them in strengthening their kingdom (Fortes et al. 1973:64). The king would marry many wives from relatives and other influential headmen and neighbouring chiefs in order to strengthen his kingdom (Fortes et al. 1973:64).

In the city the ways of the tribe broke. As the people had left their places where there was intercession with ancestors, they turned for solace and social cohesion to the church, to the *umfundisi*, with the Bible that said the Christian God was God of the poor and that the rich never get to heaven (Sparks 1990:68). By tempering with the marriage systems of the Africans, the missionaries also frustrated the world view of Africans African religious system also provided Africans with a world view that let them to think about the universe in their own unique ways and these thinkings shaped their activities towards life (Mbiti 1991:11). The missionaries and their Western religious system had serious effects on the political system of the pre-colonial institution of African traditional leadership (Sparks 1990:68). The young theologians of the D. R church who returned from Europe for their studies came with new ideas about the divine right of nation to a separate existence (Sparks 1990:149). Politics and theology were seen as two streams that should flow together and be synthesized into philosophy of life (Sparks 1990:149).

Sparks (1990) further on contents that:

The Afrikaner believes, wrote Cronje, that is the will of God that there should be diversity of races and nations and that obedience to the will of God requires the acknowledgement, and maintenance of that diversity (Sparks 1990:149).

According to the concept of its divine mission, Afrikaner nationalism takes the concept to mean that it has a God given right to reorder and define not only its own nationhood but the African man's as well (Sparks 1990:149).

During the colonial era, and with the arrival of Christian missionaries in Bechuanaland, an African traditional leader by the name of Kgama became converted to Christianity and then started fighting against most of the BaNgwato's cultural practices as he regarded them as heathen practices, Kgama started consulting missionaries for advices and colonial traders on financial matters (Sparks 1990:150). Foreign systems were being imposed on the Ngwato's. Missionaries were forcing the Ngwato's to forsake a religious system that helped them from time immemorial to respond to the situations of their lives and to reflect upon their experiences (Mbiti 1991:15). Religion gave the Ngwato's a unique cultural identity that took shape as they through their religious practices and observances sought answers to fundamental questions about human existence and life (Mbiti 1991:16). The tribal policy of the BaNgwato tribe was no longer determined by the chief, the chief had his official policemen who saw to it that his decrees are enforced (Sparks 1990:150). After Kgama had become a Christian, he deprived the chieftainship of almost all its tribal significance. Kgama abandoned polygamy as he declared it unchristian, but as it was a tool to increase following and support before colonization, he still had to marry off, his sisters and daughters to headmen with large following in a bid to hold unto power, as during the earlier times chiefs themselves married many wives from close relatives and other influential headmen, and other neighboring chiefs to strengthen their hold to power (Sparks 1990:151). This is an illustration of an unfortunate situation of the Ngwato king who without reason was compelled to label his religious system that had aspects of strengthening his kingdom like polygamous marriage system heathen and evil by the imperialistic missionaries (Fortes et al. 1973:64). This shows that Kgama could not afford to consider or regard African traditional religious system as

wholesome wrong or abominable as he kept its aspects that were beneficial to his holding or clinging to power and discarded those that could not justify his means to the end (Sparks 1990:151). By stripping Africans of their cultural practices, religious and economic systems Africans were then deprived of their identity in relation to other nations of the world. They had to try to establish their new identities through the eyes of the colonialists and that could be the reason why even the present government's political leaders still see themselves as black Europeans who struggle a lot to revert to their pre-colonial national identity. This is a view that was also expressed by Patelike Holomisa. He said "our present government leaders find comfort within the government and systems of their colonial rulers while they seem invariably not knowing what to do with their indigenous systems that have managed to survive colonial onslaughts (*Mail and Guardian* 11-17/02/2000: 29).

The missionaries arrived at Thaba Bosiu in the early 1830 and the white farmers in about 1810 (Omer-Cooper1994:45). Moshoeshe took the initiative in inviting French evangelical missionaries into his country. These missionaries introduced the Sotho's to literacy and Western education and Christianity and they also opened schools (Omer-Cooper1994:45). Lesotho thus developed a strong foundation of Western education before the beginning of the colonial period (Omer-Cooper 1994:51). Missionaries also introduced new agricultural methods and crops to the kingdom, as well as the use of the plough and cultivation of wheat and fruit trees (Omer-Cooper 1994d:45). Missionaries helped Moshoeshe in his dealings with white authorities and with his diplomatic correspondence. Despite Christianization by missionaries Moshoeshe retained the loyalty of the non-Christian majority of his subjects, as he never formally adopted the new faith (Omer-Cooper 1994:46). Unlike Kgama in Bechuanaland who abandoned his traditional African religion for Christianity, Moshoeshe could not just give up his religion (Van Aswagan n.d.:27) Despite protest of his Protestant missionaries, he deliberately admitted Catholic missionaries as well as representatives of the Anglican Church to his kingdom (Omer-Cooper 1994:46).

Moshoeshoe perceived some advantages in these groups, of firearms, horses, and he acquired those. When the number of whites began to increase they became a menace to Moshoeshoe as they were unwilling to be assimilated into Sotho traditional societies (Omer-Cooper 1994:57). The other thing is that, they were reluctant to stick to specific areas of open country, preferring instead to wander all over the place (Omer-Cooper 1994:57). Missionaries expected the blacks to forswear witch-craft, polygamy, the system of lobola and dancing. Chiefs then saw the messages of the missionaries as those encouraging the undermining of their authority and their traditional subsistence economic system that was predominantly agricultural, (herding of cattle and cultivation of crops) and Africans were gradually absorbed in the colonial economic system, especially as labourers (Omer-Cooper 1994:58) These weakened traditional authorities and fragmented chiefdoms, which were later reunited by foreign rulers (Omer-Cooper 1994:63). Missionaries also interfered with traditional leadership and its authority. They did not confine themselves to religious matters, but they also tried to exert pressure in politics, and they were opposed to hereditary chieftainship (Omer-Cooper 1994:63). They were in favour of an elected chief because this would not only provide greater stability but would at the same time be an opportunity for them to exert more influence (Omer-Cooper 1994:63). The authority of African traditional leadership was further weakened or undermined, as in Griqua communities, some community members became wealthy traders and therefore less dependent on the chiefs. Xhosa women during the time of Phato became Christians as they abhorred oppression by men (Omer-Cooper 1994:63).

With the advent and spread of Christianity during the colonial era in Bechuanaland, the chief's functions of conducting various traditional religious and magical ceremonies on behalf of the tribe or nation, as a whole were disappearing (Van Aswagen n.d.:27). In pre-colonial era boys and girls of the same age went through processes of initiations and were organized into regiments or age-sets, but during the colonial period as in Bechuanaland, they would just be called together and be told the name of their new regiments, no more those traditional initiation processes (Van Aswagen n.d.:31). Men's regiments in earlier days were to become tribal armies and had to perform other roles, but all those had disappeared. In colonial era they were used to build dams, schools,

churches, round stray cattle, escort distinguished visitors etc. (Van Aswagen n.d.:32). Rituals like annual first-fruits ceremony that had to be performed by the chief in person were abolished. Ritual specialists among S.A. Bantu speaking people such as witchcraft diviners whose job was to uncover those guilty of sorcery and those accused of many ills and misfortunes were abolished (Van Aswagen n.d.:52). Specialist rainmakers were also abolished. The role of chiefs in preventing draughts, plaque, insect-infestations etc. were brought to an end (Van Aswagen n.d.:52). A ceremony like Incwala of ritualizing the king was more important in pre-colonial era but had now been brought to an end. Incwala is a device for protecting the tribe by allaying the evil forces which might harm their ruler and consolidating the political nation around him (Van Aswagen n.d.:57).

3. 5. The political effects of colonialism on the institution of African traditional leadership

3. 5. 1. The pre-colonial political system of the institution of African traditional leadership

The pre-colonial political structure of the institution of African traditional leadership was comprised of a kraal head or headman, heading a group of families linked patrilineally through a common male ancestor; a chief heading a number of kraals brought together forming a tribe; and a king heading a number of tribes having come together to form a nation (Ayitsey 1993:37).

According to Ayitsey (1993):

Each lineage had its head chosen according to its own rules. Most other lineages chose their heads on the basis of age, maturity, and relation to ancestors. The old, deferentially referred to as elders, were often chosen as lineage heads because there was a tendency to associate old age with wisdom (Ayitsey 1993:38).

The headman could serve as a messenger or envoy to chiefdom, he could act as a deputy of the chief in hearing legal cases, he could also allocate land to his subjects and must see to it that his subjects carry out the commands of his political superiors (Omer-Cooper 1994:9). Headmen are local centres of justice and administration and rallying points in

times of war (Omer-Cooper 1994:10). Chiefs had sub-chiefs, employed officers known as indunas who were appointed on personal basis and normally chosen from commoner families (Omer-Cooper 1994:10). An induna could be employed in a variety of ways as messengers, or as envoys to another chiefdom, as commanders of military expeditions or as deputies who acted in the name of the chief in hearing legal cases or exercising administrative authority (Omer-Cooper 1994:10).

A chief is a leader immediately subordinate to the king. Among the San, a leader of a band in some cases was recognized as chief and his authority depended on the agreement of the other adults (Omer-Cooper 1994:11). Khoi were politically organized in chiefdoms larger than the San. Each individual clan was made up of the male descendants of a single ancestor.

According to Omer-Cooper (1994):

Whatever their origin, by the earliest times to which oral tradition or written evidence refers, all the Southern Bantu-speaking peoples were organized in political communities: chiefdoms (Omer-Cooper 1994:11).

At the centre of each chiefdom there was usually a core of families belonging to a common patrilineal ancestor that formed a clan among the Nguni. A clan name was often used for the chiefdom as a whole (Omer-Cooper 1994:12). Chiefdoms were normally political rather than kinship organizations and the chief would accept new members that had broken away from other chiefdoms. "Within each chiefdom the authority of the chief was final. He represented the unity of the community and was the living link with its ancestors" (Omer-Cooper 1994:12).

According to Ayittey (1993):

The term 'chief' is often used indiscriminately to represent a king, a chief or even a headman. But in the traditional African hierarchical system of authority, the chief is the person immediately subordinate to the king. When there are several chiefs subordinate to the king, the principal chief is the paramount or head-chief. The others are just chiefs, and those under them are sub-chiefs (Ayittey 1993:39).

The king was the soul of the nation and had to perform rituals to ensure that there is harmony between the society and its natural environment (Ayittey 1993:55). He had to pray for his people or to use his priests, rainmakers, medicine men and other African specialists to approach God on behalf of the nation (Mbiti 1991:60). The king had a spokesperson, a linguist through whom he communicated, and his advisors and chiefs would determine policies and present those to him for royal sanctions (Ayittey 1993:53). In pre-colonial Africa the authority of African traditional leaders was unrivalled, and they had to care for their subjects in all respects. They had councils consisted of close paternal relatives, elders of remaining family groups and any other men of repute and ability who had to help them in affairs and activities of their communities (Ayittey 1993: 55). Together they should ensure that their subjects are secured, have land to settle and to cultivate crops (Ayittey 1993:54). They had programmes to ensure that orphans and widows are cared for, boys and girls are initiated well into adulthood and into responsible marriage lives, had to perform rituals to ensure prosperity of their people etc.

3. 5. 2. Government and governance in pre-colonial African traditional societies :

In the Khoi chiefdoms decision were made by the chief in consultation with other clan heads. He would never be despotic because chieftaincy as the repository of ancestral spirits was sacred (Ayittey 1993:43). He would also never be despotic as that would bring shame to his lineage (Ayittey 1993:43) The chief had no machinery to enforce his decision, his powers were limited by the need to obtain the agreement of the other clan heads and for these to hold the loyalty of their clan members (Omer - Cooper 1994:12). Among the Khoi, clan had a recognized head or leader and the clan heads together with the chief made up the government of each chiefdom (Omer- Cooper 1994: 12).

Government in pre-colonial Black Africa was “thus conducted by discussion and influenced by the importance of reaching general agreement” (Omer- Cooper: 1994: 13). On day to day matters the chief would consult with senior members of the royal family living at the household where he was staying, as well as with his indunas and other personal indunas and other personal advisers, who might be chosen on a variety of

grounds (Omer-Cooper 1994:13). Among the Sotho- Tswana, where bigger settlements made this possible, matters of great importance to the community would be discussed in public meetings (pitso) open to all adult males (Omer-Cooper 1994:13). The cattle enclosure was of great political significance, as it was a public meeting place for political discussion and ceremonies (Omer-Cooper 1994: 13). At these meetings anyone could express criticisms of chief's behaviour and government. Shaka appointed a large number of izinduna and state officials to perform various administrative functions (Maylam 1986:31).

According to Omer-Cooper (1994):

A chief who angered his powerful relatives and a significant proportion of the population could therefore find himself faced with rebellion or the complete break manifested in succession. To maintain his authority it was essential for him to hold together the opinion of the most powerful members of the community (Omer-Cooper 1994 :13).

A chief who was unsuccessful or unpopular faced the danger of seeing his support simply melting away a patriarch who can demand a lot from his people would run a risk of whole clans simply transforming their allegiance to a more generous leader (Sparks 1990:13). His members would defect to other chiefs who were seen as been able to provide for their subjects This brings into the picture an element of conditionality in traditional leadership, implying that a traditional leader would remain in power for as long as he could provide for the material and spiritual conditions of his followers He should thus be seen as a true service provider by his subjects. Could he be seen as not being able to satisfy aspirations held by his people when he was enthroned, he would be destooled or his membership would just melt away.

Therefore says Omer-Cooper (1994):

For these reasons the South Africa Bantu-speaking peoples, while maintaining that a chief is a chief by birth, also believed that a chief is a chief by the people (Omer- Cooper 1994: 13).

Omer –Cooper (1994) further on says that:

When Shaka was not certain of the loyalties of a subjected community, he often stationed a trusted friend or relatives with a group of followers in the neighbourhood to keep an eye on the behavior of the chief concerned. In addition the military induna as trusted favourites of the king received many cattle from him and were able to build up large personal followings (Omer-Cooper 1994: 57).

The four units of government in African societies that governed themselves were:-the chief with a central authority; the presence of the inner or privy council which advised the chief; the presence of the council of elders; if there were 10 lineages in the village their heads would form a 10 member council of elders, and the presence of the village assembly of commoners or the meeting (Ayittey 1993:38). The pre-colonial Africa had states and stateless societies. The states had chiefs with central authorities while the stateless societies had no chiefs and thus no central authority, no office holders, but had a council of elders comprised of representatives of groups (Ayittey 1993:38). In stateless societies, conflicts were resolved by making or reaching compromises instead of making judgements (Ayittey 1993:38).

The headman, chief and the king were often men. It is only in the case of the Lobedus of the present Limpopo province of the current democratic South Africa that traditional leadership was and is still along the feminine line (Ayittey 1993:39). African traditional leaders were assisted by the inner or privy councils in governance. The privy council was usually made of the chief's inner circle of relatives and personal friends or even other influential members of the community (Ayittey 1993:39). The king would privately or informally discuss with the privy council all matters relating to the administration of the tribe. His advisers would give him opinions before he could meet his people. His advisers should keep him in touch with happenings in the tribe (Ayittey 1993:39). The privy council also keeps a check on the chief's behaviour. If the chief ruled incompetently, the tribe would reproach the inner council for failing to act responsibly (Ayittey 1993:39).

Ayittey (1993) says that:

On matters such as traditional tributes, market tolls, proposed new laws, the declaration of war and serious quarrels, the chief had to summon all members of the council of elders. When councillors debate an issue, the chief should remain

silent, and weigh all viewpoints and assess the majority opinion or consensus (Ayittey 1993:39).

The key feature of the indigenous African political system that helped in avoiding break-ups of tribes, was unanimity not majority. At village meetings it was the duty of the chief to explain the purpose of the meeting (Ayittey 1993:39).

Ayittey (1993) further says that:

In the indigenous African tribal political system, consensus was possible because ordinary tribesmen were free to express themselves at both the council of elders and the village assembly levels of the decision making process. Many African tribes, especially the Igbo, the Yoruba, the Ga, the Asante and the Abesheini-fiercely defended the right to free speech. Chiefs did not incarcerate those who held different opinions because the collective survival of the tribe, not the chief's individual survival was at stake (Ayittey 1993:42).

In these societies if the chief could refuse to tolerate dissent or pay heed to criticism, he was removed, abandoned or killed (Ayittey 1993:34). According to Ayittey (1993) the African chief wielded vast powers that led many observers to characterize him as autocratic. But truly speaking in the day to day administration and legislation, the chief rarely made policy e. g. :- if a village had a social problem like rebellious youth, the chief would raise the issue with his inner council and then with his council of elders for proposals and debate (Ayittey 1993:44). Molotlegi (2004) argued that Africans had their own versions of participatory governance, responsible and accountable leadership (Molotlegi 2004:8). The Bantu government was seen as a peculiar type of democracy, although not based on the principles of free elections and individual or communal voting, but on the fact that the chief himself was always surrounded by various bodies and institutions that prevented him from becoming an abusive ruler. He was never an autocratic, but consultative ruler (Ayittey 1993:44).

Ayittey (1993) further says that:

Under the traditional system of government, two main factors prevented the chief from being despotic. Firstly chieftaincy as the repository of ancestral spirits was sacred. He could not oppress his subjects and still expect blessings or cooperation of his ancestral spirits. He was expected to be a guardian of his people, not their oppressor, to humble himself before his subjects but be belligerent with rival tribes. Secondly the chief's dictatorial tendencies would

bring shame to his lineage. A despot would be abandoned by his advisors (Ayittey 1993:47).

Ayittey (1993) on this issue still further on says that:

If the chief overran the council of elders, the people themselves could still rebel against his despotism by calling a village strike or ceasing to pay tributes to the chief. If these measures still did not remedy the situation, the people would leave the village. The chief lacked the means to stop them from abandoning him (Ayittey 1993:47).

Although in theory the chief ruled for life, in practice and under normal circumstances he ruled only as long as his people allowed it (Ayittey 1993:47). Although he is not elected by popular vote, he could be destooled anytime if he does not govern in accordance with the popular will (Ayittey 1993:47). A chief that could stop providing for the needs of his subjects but in turn demanding a lot from them could risk seeing his followers melting away from him to a more generous leader (Sparks 1990: 13)The chief is to account for his actions and errant chiefs were punished, if his government is no longer tolerable, the fathers of the tribe would hold a great pitso and in the presence of the tribe denounce the chief for his wrong doings, and other members of the royal household would be let to act in his stead (Ayittey 1993: 47).

3. 5. 3. How colonialism affected the institution of African traditional leadership

The colonizers turned the institution of African traditional leadership into a tool that would serve their interests. During the colonial era, the foreign levels to the traditional leadership positions of headmanship, chieftainship and kingship, such as independent headman, sub-chief and paramount chief were added (Cloete 1989: 13). During the colonial era there was an emergence of the rival nationalist elites that rivalled the traditional authorities whose claims to power were based on the traditional ownership of cattle, allocation of land, collection of tribute payments and other more narrow and static forms of wealth (Cloete 1989:22). The office of the chief during the colonial era became formalised (Cloete 1989: 24). Many annual rituals could no longer be performed as people flocked to urban areas in search of employment, as cattle were no longer valued as wealth but their place was taken by money got through labour (Cloete 1989:24).

The colonial government radically curtailed and altered the chief's powers. He had to be subordinate to the government rule (Cloete 1989:24). Though the chief was still allowed to levy, he could not compel labour service, and though he still owns land, it is less and subject to government control. In his government the chief has lost his relatively enormous wealth and is surpassed in the new knowledge by many of his people (Cloete 1989:24).

The different African societies responded differently to European rule. In state societies where there were centralized administrations with centrally controlled organized forces, colonial governments prohibited paramount rulers from using the organized forces on their command on their own responsibility (Fortes et al. 1973:14). This arrangement resulted in diminished authorities of paramount rulers and increased powers and independence of their subordinates (Fortes et al. 1973:14) The kings or paramount chiefs during colonial rule, ruled no longer in their own right but as agents of the colonial governments (Fortes et al. 1973:14). Kings lost the support of their people because the pattern of reciprocal rights and duties which bound them to their people were destroyed (Fortes et al. 1973:15). The pyramidal structure of the state was then maintained by the colonial government taking the place of the king or paramount chief as a paramount (Fortes et al. 1973:15). "If he capitulates entirely he may become a mere puppet of the colonial government" (Fortes et al. 1973:15). The king may alternatively attempt to save his former political status by openly or covertly leading the opposition which his people inevitably feel towards foreign rule (Fortes et al. 1973:15).

According to Fortes et al. (1973):

Very often the king is in the equivocal position of having to reconcile his contradictory roles as representative of his people against the colonial government and of the latter against his people. He becomes the pivot on which the new system swings precariously (Fortes et al. 1973:15).

In stateless African societies, those which are societies without any central administration, colonial governments could not administer through aggregates of

individuals composing political segments, but had to employ administrative agents (Fortes et al. 1973:16)

Fortes et al. (1973) says that:

For this purpose it makes use of any persons who can be assimilated to the stereotyped notion of an African chief. These agents for the first time have the backing of force behind their authority, now more over extending into spheres for which there is no precedent. Direct resort to force in the form of self-help in defence of the rights of individuals or of groups is no longer permitted, for there is now for the first time a paramount authority exacting obedience in virtue of superior force which enables it to establish courts of justice to replace self-help. This tends to lead to the whole system of mutually balancing segments collapsing and a bureaucratic European system taking its place, an organization more like that of a centralized state comes into being (Fortes et al. 1973:16).

Under English colonial rule the institutions of traditional leadership were retained but denied any possibilities of them assuming political power. Certain customary principles were distorted to fit the need of colonialism (Cloete 1989:27). Colonialists created district councils and thus limited the powers of traditional leaders.

Hyslop (1999) says that:-

Colonialists subordinated indigenous authorities by domesticating and bureaucratizing them. Following military conquest over several decades, African political subordination was gradually transformed from tributary relationships, in which African leaders organized community payment of money or labour to colonial states, into a bureaucratic one. Chiefs and headmen became state functionaries, while the state sought to co-opt the inherited legitimacy of their positions. This reconstruction of indigenous offices reducing their popular accountability to the state was ideologically tied to efforts to reconstruct patriarchal power within households (Hyslop 1999:424).

By the early ages of the twentieth century, a visibly emergent crisis of authority for both chiefs and households heads was ascribed to the domestication of the legitimacy of chiefs (Hyslop 1999:424). Chiefs' claims to authority based on tradition were more narrowly linked to paternal claims as the state usurped many pre-colonial functions of chieftainship which had given chiefs legitimacy (Hyslop 1999:424). Colonial powers used African traditional leaders to their own advantages. Some traditional leaders were assigned by

colonial powers responsibilities to ensure that law and order within their areas was maintained by empowering them to disallow assemblies and to effect arrests as peace officers (Hyslop 1999:424). Africans were to be civilized, educated and Christianized in accordance with the colonial ways of life (Hyslop 1999:424).

3. 5. 3. 1 Political effects of colonialism on the institution of African traditional leadership in Bechuanaland

After Bechuanaland had become a protectorate, its central administration system was modified, powers of the chief and other tribal authorities were limited, structure of courts altered, and European government institutions were introduced (Fortes et al. 1973:66). The Ngwato were then ruled by both European and Native authorities. Like Swaziland and Basutoland, Bechuanaland protectorate became under the general legislative and administrative control of a high commissioner responsible to the secretary of the state for Dominion Affairs in Great Britain (Fortes et al. 1973:66). Bechuanaland was divided into 12 administrative districts, the Ngwato Reserve being under the immediate jurisdiction of a District Commissioner stationed at Serowe. A small body of police and few subordinate European and Native Official helped him in maintaining law and order and carrying out his other duties (Fortes et al. 1973:66).

According to Fortes (1973):-

The general policy of the administration in dealing with natives, has been to preserve the tribal authority of the chiefs and the laws and customs of the people, subject to the due exercise of the power and jurisdiction of the Crown and subject to the requirements of peace, order and good governance (Fortes et al. 1973:66).

The chief's right to make war or enter into independent political agreements in Bechuanaland during the colonial era was taken away (Fortes et al. 1973:67). It was for the first time in 1934 that powers of the chief in Bechuanaland were clearly defined ever since colonization (Fortes et al. 1973:67). The chief by virtue of being the repository of ancestral spirits had obligations to his subjects. In the pre-colonial era rules for succession to the throne of African traditional leadership existed (Omer-Cooper 1994:13). During the colonial rule the colonialists had to determine who should ascend

the throne. Normally individuals that were compliant to colonial authorities were enthroned as traditional leaders like Mpande among the Zulus (Davenport n.d.:124). The Native Administration Proclamation (NO. 74 of 1934) specifies the rights, powers and duties of the chief and other tribal authorities, makes succession to and tenure of the chieftainship subject to the approval of the administration which has the power to pass over an unsuitable heir or suspend an incompetent or otherwise unsatisfactory chief, provides machinery whereby the tribe can depose a chief, makes conspiracy against the chief a statutory offence and establishes a formal Tribal council to assist him in the execution of his duties (Fortes et al. 1973:67).

Tshekedi, who became a Regent in 1926 for his fraternal nephew Seretse, opposed further proclamations by the colonial government intended on further limiting the powers of chiefs (Fortes et al. 1973:67). During the colonial era, the chief in Bechuanaland was responsible to the Administration for maintaining law and order in the tribe, preventing crime and collecting the hut-tax (Fortes et al. 1973:69). He must issue to his subjects receipts for tax payments, permits for the sale of cattle and corn, and passes to leave the Reserve (Fortes et al. 1973:67).

In pre-colonial times the chief as the head of the tribal army, organized military expeditions and performed war magics but all these stopped during the colonial era. During the colonial era, Kgama of BaNgwato abandoned cattle raiding as a source of wealth and in 1900 he declared the "Kgamelolo" cattle private property of their holders and the coming of western civilization provided him with new source of income e. g. annual subsidy, mining concessions in the Reserves, annual commission paid by the Administration, the amount of the hut-tax collected from his people etc. (Fortes et al. 1973:68).

3. 5. 3. 2. The political effects of colonialism in Zululand

After the British had annexed Port Natal in the mid-1800 it then became an autonomous district of the Cape colony and the British administration then established the Native

Reserve of Zululand between the Tugela River and Mozambique (Maylam 1986:56). The Natal colony was then established in 1843.

According to Ntsebeza (1900) after the establishment of the Native Reserve of Zululand, administration was then based on Zulu customary law set up in a way that allowed the colonial state to co-opt the institutions of chieftainship for its own purposes, so amakhosi became the administrators of the British settler governments (Maylam 1986:67). Many amakhosi gained their positions through loyalty to the white administrator rather than through customary laws of genealogy (Maylam 1986:67). According to Levin and Weiner (1997) these appointments were often made from chiefly family, a brother or uncle, this did not alter the fact that government appointments were a departure from the rule that, the wrong lineage was followed (Maylam 1986:69). Further more the traditional leaders were economically and socially divided by colonialism, segregation and mostly by the apartheid policy. These traditional leaders according to Levin and Weiner (1997) also got assimilated into the colonial ways of living because they were civilized by missionaries when they were introduced to Christianity and Western education. As a result some leaders were educated (Maylam 1986:78). Colonization was not without resistance. It was not just a one way free sailing process as kings like Cetshwayo of the Zulus had earnestly resisted colonization. He was later imprisoned and his kingdom dismembered (Omer-Cooper 1994: 111). Sandile of the Xhosas strongly expressed his abhorrence of seeing the whole land of his forefathers being dotted with the white man's houses and flags (Peires 1989:54).

According to Maylam (1986) despite the colonial effects on the institution of African traditional leadership in Zululand, the institution of chieftainship was still greatly honoured and respected and the people still looked primarily to the chief as their ruler and guide (Maylam 1986:78). But his loss of many old, ritual and economic functions as a result of colonial effects, the presence of a rival leader in the form of a missionary and above all his subjection to the administration, have inevitably deprived him of much of his authority (Maylam 1986:78).

The colonial government expected the chiefs to support it, whilst the people expected the chiefs to oppose it. Sometimes the chief would have to choose between his duty to the Administration and what he regards as his duty to the tribe, for example, as he enforces the wishes of the Administration he arouses hostility of his people, and if he disobeys the Administration he is liable to punishment and even suspension (Maylam 1986:78). In 1938 in Zululand, a chief that opposed the building of cattle padlocks to prevent soil erosion was praised by his people but condemned by the colonial government (Maylam 1986:78).

In 1830, the Zulu state was the most powerful independent African state in Southern Africa, but its structure contained inherent strains and tensions that weakened the kingdom's capacity to cope with external pressures (Maylam 1986:79). Boertrekkers, missionaries and traders were in the forefront of those impinged upon the kingdom (Maylam 1986:79). Just as the Zulu king depended on the military force to retain his position, so he was vulnerable to violent usurpation (Maylam 1986:79). In 1879 Molseley announced the post war settlement terms to be imposed on the Zulu after the Zulus had gone to war with the British.

According to Maylam (1986):

The Zulu kingship was to be removed, and the kingdom was to be divided into 13 chiefdoms, each ruled by a British appointed chief. The chiefs were forbidden to maintain an army or impose marriage restrictions. Furthermore a British Resident would be stationed in Zululand, ostensibly to exercise a diplomatic and advisory role (Maylam 1986:79).

3. 5. 3. 3. The political effects of colonialism on African traditional leadership in Temne (Sierra Leone)

With the advent of colonialism, the position of Temne chiefs in Sierra Leone began to change rapidly and profoundly. The paramount chief then had to be an agent of government and a representative of his subjects (Hyslop 1999:429). This is an introduction of foreign elements to the African traditional leadership structure (Omer-

Cooper 1994:109). He had to play a dual role, and the chiefs found it difficult to serve two masters to their complete satisfaction. The new political order brought some variation in the concept of chieftaincy itself (Hyslop 1999:429). Force as a sanction of chieftaincy was changed in form and origin, whilst that of the supernatural was weakened through a variety of factors (Hyslop 1999:429)

The other functions of the chief that were also altered included those of diplomatic and legal matters, canons of eligibility for chieftaincy, mode of selection of chiefs and emoluments of chieftaincy (Hyslop 1999:429). Colonialism splintered the chiefdom that was initially an independent political unit, and increased the number of chiefdoms (Hyslop 1999:427).

3. 5. 3. 4. The political effects of colonialism on African traditional leadership in Equatorial Africa

After the French had colonized some African Black states in West and Equatorial Africa, they divided the colonies into Circles each administered by political officer (Hyslop 1999:428).

According to Hyslop (1999):

In what amounted substantially to a system of direct rule, traditional rulers were often replaced by 'straw chefs' frequently old soldiers and retired government clerks who constituted the bottom tiers in the administrative hierarchy and served as agents of the administration. In certain cases as in Guinea's Fouta Djallon, the French deliberately broke up the old political units (Hyslop:1999:427).

According to Hyslop (1999), chiefs that were not selected according to customary procedures or were elevated to status to which they were not entitled by tradition, lacked legitimacy and had difficulty in securing the respect and co-operation of their people (Hyslop 1999:428). Africans knew how their leaders should ascend the throne because rules of succession to the position of African traditional leadership were quite precise and therefore anyone who ascends the throne not in accordance with their traditional rules of succession would not get any cooperation from the people (Omer-Cooper 1994:13).

People were reluctant to pay taxes to such non-traditional rulers. The chief's subjects that later on joined mass based political parties castigated the chiefs as government stooges (Hyslop: 1999:427).

3. 5. 3. 5. The political effects of colonialism on African traditional leadership in Swaziland

During the colonial era, the whites that were in Swaziland rejected the authority of the Swazi chiefs. Swazi authorities then turned to John Thornburn, later to Theophilus Shepstone in search of ways of governing whites but Shepstone cheated the Swazi's and encouraged Thornburn to continue signing concessions and some for Shepstone himself (Davenport n.d.:113). Mbandzeni was then afraid that the whites would like his Swazi Kingdom. Boer cattle farmers and the English miners then fought for control of the Swazi Kingdom (Davenport n.d.:114). Then in 1889 the Boers and the English set up a joint commission to look into the problem of the kingdom (Davenport n.d.:114). When Mbandzeni died in October 1889, he was succeeded by his son Bhunu. As he was still a minor his mother acted as a regent until 1849 (Davenport n.d.:114). A new government in Swaziland led by colonialists was formed consisting of one representative of the Transvaal (Boers), one of the British government, and Theophilus "OFF" Shepstone representing the Swazi kingdom (Davenport n.d.:114). The Boers and the British could just not agree on how Swaziland should be governed and it was then that on the 20 August 1890 the independence of the kingdom was again confirmed.

3. 5. 3. 6. The political effects of colonialism on the institution of African traditional leadership among the Xhosas

Clashes between the Xhosas and the British governors at the eastern frontiers led to the waning of authorities of chiefs, as some of their lands were annexed and then been given to certain chiefs and their subjects to live as British subjects under the authority of British officials (Davenport n.d.:112). The British had to employ force to establish their authority over the Xhosas (Van Aswagen n.d.:74). A venture by colonialists in stock farming then

implied that serious confrontations for pastures with the Xhosas who were also pastoralists along the eastern frontier were inevitable (Sparks 1990:3). In 1847 sir Harry Smith placed the territory between the Keiskamma and the Kei rivers directly under British as British Kaffraria. This area was to be governed by Smith as a crown colony in his capacity as British High Commissioner (Davenport n.d.:113). The Xhosas were not allowed to acknowledge any chief apart from this white “Inkosi Inkulu” (Davenport n.d.:114).

The areas that earlier on belonged to the chiefs were subdivided and clear boundaries were set. Each chief then received his territory officially named as a “county” by the authorities (Davenport n.d.:114). British authority was forced on the Xhosas in an extremely insensitive way. During the administration of Governor Cradock, the Xhosas were driven from the suurveld across the Fish river, thus annexing more of Xhosa territory (Davenport n.d.:114)). The colonial British government became supreme in most Xhosa areas and all independent actions on the part of the Xhosa chiefs and tribes were prohibited and punished (Davenport n.d.:124). Some Xhosa chiefs like Phato were ruled directly from Britain and built square houses. Phato was ruled from Bedford, Sandile from York and Mhala from Cambridge (Davenport n.d.:124).

3. 5. 3. 7 The political effects of colonial aid on the institution of African traditional leadership

During the colonial era, the institution of African traditional leadership was further weakened by the tendency of some African traditional leaders to turn to colonialists for help in claiming leadership positions from other contestants, protection against possible eminent invasions, stabilizing their shaky political authorities etc. Here below then follows instances of such cases.

In Swaziland the colonialists that were given land to settle on, refused to submit to the authority of the king. The king was then unable to exercise any authority over these colonists. The Swazi king then turned to British governors, Thornburn and later to

Theophilus Shepstone in search of ways of governing these colonialists (Davenport n.d.:125). They could not help him either, and instead they worsened his situation and a war later broke out.

Among the Zulus we also find a case of Mpande who had to become a king with the assistance of the trekker allies. The Boers helped Mpande to fight against his brother Dingane after he had turned up to them for assistance (Davenport n.d.:124). Dingane was rooted out and Mpande through the aid of colonialists then became a king (Davenport n.d.:127). He was officially sworn in by Andries Pretorius as the king of the Zulus on the 10-02-1840 (Davenport n.d.:127). Zulus then became subordinates of the voortrekkers. Mpande had to be extremely careful for hostilities never to break out against his white neighbours. When his two sons, Cetshwayo and Mbuyazi fought for ascension to their father's throne, the British helped Cetshwayo to defeat Mbuyazi at the battle of Ndoukakusuka (Davenport n.d.:127)

King Moshoeshoe of Basotho's also sought to be annexed directly to the British Crown rather than be swallowed up by the Boers of the Orange Free State (Omer-Cooper 1994: 240). His military and diplomatic skills that he developed in the period of Lifaqane were adapted to the new threats that he faced after the Boers' great trek. "He twice resisted to British expeditions without alienating British sympathy altogether or giving up the aim of securing British protection against Boers neighbours" (Omer-Cooper 1994: 240). After the British abandonment of the Orange river Sovereignty and the creation of the Orange Free State Republic, it was once again the combination of diplomacy and the defensive strength of Thaba Bosiu that enabled him to save his kingdom from disintegration (Omer-Cooper 1994:240). "Resisting the temptation to overestimate the strength of his position he clung to his conviction that in the long run the survival of his kingdom depended on gaining the protection of the strongest power in the region: the British" (Omer-Cooper 1994:240).

Moshoeshoe's struggle with Orange Free State brought his kingdom to the verge of total disintegration, only the successful defence of Thaba Bosiu kept it in existence while Moshoeshoe desperately appealed to the British for Protection (Omer-Cooper 1994: 241).

Omer-Cooper (1994:242) says that:

At last in 1868 his prayer was answered when Governor Wodehouse proclaimed British annexation of the kingdom. The continued existence of Lesotho had been secured and Moshoeshoe could die content that life's work had not been in vain. An ageing Moshoeshoe could not be able to contain the rivalry of his sons. In March 1866, Molapo, Moshoeshoe's second son by his great wife, who had been established as the ruler of the Leribe district, abandoned his father and surrendered to the Free State. He agreed to be their subject and transferred a large part of northern Lesotho to the republic of Orange Free State but this area was brought to the kingdom, by the British. Letsie, Moshoeshoe's oldest son by his great wife had also made a separate peace with the Orange Free State and become their vassal. When Moshoeshoe dies, none of his sons had the undisputed confidence and loyalty of the people that Moshoeshoe had enjoyed. When Letsie assumed paramountcy he was never able to effectively control Molapo or Masopha, one of his brothers. Letsie was even defied by his own principal heir, Lerotholi. The administration of Basutoland was later taken over by the Cape government. Charles Dunncan Griffith who was sent by the Cape Government established good working relationships with the chiefs and gradually extended a network of magistrates over the country and in 1872 he established the Basutoland Mounted Police. Basuthos were attracted to employments in the mines so that they could be able to buy guns. Basutoland had to be administered by the British authorities, the Sothos had to pay the cost of administering the territory. In administering Basutoland, the British authorities were to rely on the support of the traditional Sotho authorities. For this the administration sought to build up the authority of the Paramount Chief (Omer-Cooper 1994: 242).

The Basutoland council was formed in March 1910 to provide the Paramount with a regularly constituted consultative body, and also had to help in adapting the traditional customs of Basutoland to the changed conditions of the time (Omer-Cooper 1994:243). The new council was seen to be less democratic than the pre-colonial 'pitso' as it was dominated by the chiefly elite and by the sons of Moshoeshoe in particular and this was seen as a way to entrench and protect their interests (Omer-Cooper 1994:243). In 1907 Simon Phamotse, one of Chief Jonathan Molapo's councillors at Leribe, founded a Progressive Association (Omer-Cooper 1994:243). It got support from teachers and clerks and they wanted to modernize the country along British lines, and change it into a representative democracy, and traditional courts be replaced by magistrate courts (Omer-

Cooper1994:243). The British were to help this group in realizing its goals. Jonathan Molapo who was critical of the Paramount's more conservative position also came to support this group, but the group couldn't gain enough grounds as it could not get the support of many people (Omer-Cooper1994:243).

Among the Xhosas we also find cases of African traditional leaders seeking aid from colonialists in order to ascend traditional leadership ladders or to maintain their positions of traditional leadership. Here we find cases such as those of Nqgika and Ndlambe who were sworn enemies. To maintain their respective positions, they turned to colonialists for guns and horses (Davenport n.d.:246). Nqgika also went to an extent of offering to help Somerset to stamp out cattle thieving by even putting to death his followers who were caught stealing the cattle of the colonists. The colonists in return gave Nqgika clothes and knives (Davenport n.d.:246).

3. 5. 4. The role of magistrates as political representatives of the colonial government and how this affected the institution of African traditional leadership

After the British had taken over the rule of Zululand in 1887-1888, they divided it into a number of magisterial districts, which were divided into tribes under chiefs who were granted limited judicial authorities and who were required to the government in many administrative matters (Fortes et al. 1973:40). Within a district the magistrate was the superior political and judicial officer (Fortes et al. 1973:40). But in pre-colonial era chiefs were the judicial heads of their tribes (Ayittey 1993:39). They were to judge cases which other elders of wards have not been able to settle (Omer-Cooper 1994: 12). They could impose fines and thrashings as punishments (Omer-Cooper 1994:127). They had final legal control over all the lands within their boundaries (Fortes et al. 1973:10). The king could impose the supreme penalties of death and banishment as he was the supreme judge (Ayittey 1993:41) His court was the final court of appeal (Ayittey 1993:42). The magistrate represented the colonial government and his court applied European law and was a court of first instance and appeal, from chiefs in cases between Natives decided according to the nation's law (Fortes et al. 1973:47). The chiefs became the servants of

the government under the magistrate who they were bound to obey (Fortes et al. 1973:47). “In Zulu life the magistrate and the chief occupied different and in many ways opposed positions. The modern Zulu politically is ultimately dominated by the force of the government, represented in the district by the police” (Fortes et al. 1973: 47). The magistrate could do many things which the chief could not do due to lack of power, organization and knowledge. People then went to the magistrate when they had questions and troubles as the magistrates stood for many of the new values and beliefs that today affect the behaviours of the natives or nationals (Fortes et al. 1973: 48). If the chief could try to enforce an old form of allegiance some subjects could just refuse to render and if he could try to exploit or oppress a man, the latter could just turn to the magistrate who would protect him against the chief (Fortes et al. 1973:49). “The chief can compel only that allegiance which government in its desire to rule through the chiefs, will make the people render, though his disapproval is a serious penalty in public life” (Fortes et al. 1973:49).

Unlike colonial magistrates, most subjects of the chiefs had still valued their chiefs as they were of the same colour as themselves, though superior, chiefs are equal to their subjects as against the whites; and they feel together with them; chiefs are seen as symbolizing traditions and values of their subjects; the chiefs unlike colonial magistrates, appreciated with their people the value of cattle as ends in themselves and of customs like bride wealth which are decreed by Europeans; chiefs are related to many of their subjects by kinship ties (Fortes et al. 1973:49). Some still saw their traditional leaders as guardians of the tribal law (Fortes et al. 1973:10).

Fortes et al. (1973) had this further to say with regard to subjects about their chiefs:

But a chief is usually by inheritance: he has the blood and the prestige of chieftainship and they extend to his relatives, the magistrate has only the prestige of his office. By this contrast Zulu expresses the chief's position as it exists independently of government's acknowledgement and rooted in the values and habits of the people. Chiefs and members of the royal family are greeted with traditional modes of respect. Their family history is retailed. Their capitals are centres of social life. They are given loyalty and tribute (Fortes et al. 1973:50).

Sometimes people may be drawn closer to an understanding and sympathetic magistrate, going away from their chiefs, or they may move away from a harsh magistrate back to their chief (Fortes et al. 1973:50). A man who considers the chief to be biased against him favours the magistrate and the opposite also applies. "If the chief tries to force labour from people, they compare him unfavourably with the magistrate who pays for the labour he employs" (Fortes et al. 1973:50). Natives normally switch allegiance to either the magistrate or the chief according to what is to their own advantage or by what values they are being guided on different occasions (Fortes et al. 1973:51). According to Fortes (1973), any schooled and Christian Zulu is in general much readier to accept European innovations than the pagans or unschooled (Fortes et al. 1973:51).

According to Fortes et al. (1973):

Some better educated Christians measure the chief's value by the materialistic standards of the practical work done by Government and hold that the chiefs are reactionaries opposing progress and they favour a system like the Transkeian Benge (Fortes et al. 1973:51).

3. 6. The colonial economic influences on the institution of African traditional leadership

In pre-colonial era, it was the responsibility of African traditional leaders, to care for the economic well-being of members of their traditional communities (Omer-Cooper 1994: 11). This role gave credence to the institution of African traditional leadership. The Africans in pre-colonial era practiced subsistence economy. There was no spirit acquisitiveness (Omer-Cooper 1994:11). These Blacks or Africans under their traditional leaders practiced a mixed economy. They grew sorghum, millet and maize, that were introduced to them by the Portuguese via Mozambique (Omer-Cooper 1994:11). Cattle also had great economic value. A man with many cattle could marry as many wives, and cattle were also used for rituals (Omer-Cooper 1994:11). Cattle also featured in most traditional stories and proverbs. Cattle also allowed or enabled their owners to acquire the loyalty of other males as clients, a Mosotho owner of cattle could by the Mafisha system,

loan some of his cattle to a poorer man, who could be allowed to use milk and sometimes a proportion of the offspring (Omer-Cooper 1994:11).

The king like Shaka made sure that there was a massive transfer of economic potential from private households to the state by concentrating so much youth in his kingdom in the royal military barracks (Sparks 1990:20). This system enabled the community as a whole to increase its wealth and thus balanced the losses of the individual households as a result of concentration of the youth as the *butho* in royal barracks (Sparks 1990:20). In this subsistence economy practiced by the Africans, there was “no deep-seated sense of work being intrinsically good apart from what it can produce, or of the idleness being shameful, nor any great pressure to plan and save for the future when there is no snow bound winter” (Sparks 1990:20). Subsistence economy produced among the Blacks an intense life-long passion for land (Sparks 1990:21).

With the arrival of Whites in S.A., Blacks were “catapulted from the Iron Age into scientific Age, wrenched out of their subsistence economy into the continent’s only full blown industrial revolution, dispossessed of their land, and deprived of their pastoral heritage” (Sparks 1990:21). The modern S.A. is British created.

According to sparks (1990):

Whereas the Afrikaners left Europe behind them, the English brought it with them. They opened up the country economically where the Afrikaners had merely penetrated it physically. The British discovered the world’s most fabulous deposits of diamond and gold, and using these to launch the continent’s only full-blown industrial revolution and built its powerful economy. The arrival of the British on the eastern part of the country impacted immensely on the Black than that of the trekboers (Sparks 1990:22).

The British broke power, crushing the tribes in war, annexing their territory, eroding their institutions with Christianization, education and finally industrialization and urbanization (Sparks 1990:50). As British settlers had failed in practicing agriculture, they were so desperate and then turned into other occupations, starting towns and businesses and

embarking on the economic revolution that was to create modern S.A. (Sparks 1990:51). A thirty years of war ended up with thousands of black and white trekking in crisis cross pattern across the subcontinent. When finally the turmoil subsided the Afrikaners had penetrated a thousand miles to the north, and black Africans had been dispossessed of 90% of their land (Sparks 1990:51).

According to Sparks (1990):

Thus, at stroke, the English speaking South Africans created both a legacy of Afrikaner grievance and the basis of an industrial economy with a landless black peasantry that provided the captive labour force to service it (Sparks 19990:51).

Sparks (1990) further on says that:

The one thing that the colonial authorities had understood correctly is that cattle would mean rustling, and rustling would mean war. So that the conflict that settlers had been interposed to prevent now resumed because of them, and with greater intensity than before. The Xhosa were people infatuated with cattle for whom the animals held an almost mystical importance. Young men in particular needed cattle for bride price, and a daring cattle raid was also a traditional way of proving one's manhood. The settlers in breeding large, sleeker cattle just across an unrecognized and unprotected frontier, presented themselves with an irresistible temptation. The Xhosas stole the cattle and the settlers struck back with reprisal raids that eventually turned into plundering expeditions (Sparks 1990:62).

Cattle were used by the Bantu speakers for the performance of rituals (Omer-Cooper 1994:12). The sacrifices were conducted to appease the spirits living in the invisible world and to keep alive the contact between the invisible and the visible worlds, between man and God (Mbiti 1991:61). They were thus the pivots of the economy of the Africans (Xhosas) (Peires 1989:53). They were thus of inestimable significance to the lives of Africans and their survival as nations. Who ever was to temper with their cattle farming and pasturage was definitely to trigger off serious confrontations.

Sparks (1990) further on says that:

As the colonial economy was drawn into the dynamic new imperialism of free trade, the demand for labour expanded too. Consumer goods were flowing into the country, creating a need for foreign exchange (Sparks 1990:65).

Production of wine, wheat and wool for export was to be stepped up and for this to succeed, cheap labour was needed (Sparks 1990:65). But between 1887-8, the British government took over the rule of Zululand. Europeans broke the military organization of the Zulus. The adoption of the plough put agricultural labour on Zulu men, and they had to go out to work for Europeans in Durban, Johannesburg etc. The development of new activities gave rise to various government departments, mission schools, stores and all these affected the life of the modern Zulu (Sparks 1990:65). Money became a common standard of value, ancestral cult and much old ceremonies have fallen into disuse.

The entry of African societies into regular market relationship had profound consequences.

According to Denoon and Nyeko (1984):

Right on the frontier itself, for example, the disturbing influence of colonists, of Khoi refugees and adventures of all colours, made it almost impossible for chieftaincies to remain in control of the changes which swept through them (Denoon & Nyeko 1984 :74).

The fairs and markets along the frontiers made many chiefs to be in rivalry with each other, and that is why no chief near the frontier could establish his supremacy. Black Africans were robbed of their land, lost their cattle to whites by trade or coercion (Denoon & Nyeko 1984:75). Some Blacks kept small number of stock mainly for home consumption and for bride wealth payments. The Khoi and the San had been expelled from the flat interior plateau and to the Karoo, Sotho's and Tswana's had no natural protection against land hungry trekkers (Denoon & Nyeko 1984:75) Zulus had started working for low wages offered by the sugar farmers. Africans started working in De Beer's mines as contract labourers and staying in compounds. They had to return to their rural homes at the end of their contract (Denoon & Nyeko 1984:76). In Bechuanaland, Kgama later abandoned cattle raiding as a source of wealth due to an influence by colonialists (Fortes et al. 1973:34). In 1900 he declared the Kgamelo cattle as private property of their holders, and the coming of western civilization provided him with new source of income, e. g. annual subsidy, mining concession in the Reserves, annual

commission paid by the Administration on the amount of hut-tax collected from his people etc. (Fortes et al. 1973:37).

In Basutholand, the white farmers that had to come to live along the Basutho's at Thaba Bosiu had different interpretation of the ownership of cattle (Omer-Cooper1994:243). The Basutho's operated the 'mafisa' system by which Moshoeshoe loaned cattle to his followers, who would use them but not own them, and cattle raiding was an accepted practice and a chief would not punish his subordinates for engaging in it (Omer-Cooper 1994:244). This created a lot of problems for the Basutho 's and the white farmers could not tolerate the numerous cattle raids upon them by the followers of Moshoeshoe (Omer-Cooper 1994:243).

The economic base of the Nguni in the pre-colonial era was centred around herding, cultivation and hunting. Cattle were moved where possible from suurveld to sweetveld at the appropriate time of the years. The Nguni's practiced shifting cultivation based on the 'slash-and burn technique' (Maylam 1986:31). Hunting was also an important branch of the economy producing extra- food for subsistence, materials for clothing and trade items- notably ivory (Maylam 1986:31). During the pre-colonial era, trade was used significantly by traditional leaders among the northern Nguni, in consolidating their kingdom.

According to Maylam 1986:

Trade may not only have motivated consolidation but also facilitated it : by distributing goods obtained from the long distance trade, a chief could command increasing loyalty from both within and without the normal lineage structure (Maylam 1986:31).

Dingiswayo for example, exercised a personal monopoly over trade –a sure sign that he was aware of its political importance.

Maylam (1986) further on says that:

Hedges also stresses that control of ivory trade was important to a ruling lineage. Management of the exchange system enabled ruling lineages to reproduce their domination by controlling the reproduction of subordinate lineages (Maylam 1986:31).

The great demand for ivory in the eighteenth century that gave an added importance to hunting was later centralized in the chief's hands (Maylam 1986:31). Export of cattle later increased, and this was later put in the hands of the chief or king for centralized control and the Zulu amabutho had played a role in cattle acquisition from outside the chiefdom to replace exported cattle (Maylam 1986:32).

After the disintegration of the former Zulu state by the British, many Zulus had to enter wage labour to raise the needed cash, and many had to sell cattle (their pre-colonial form of wealth) to pay tax (Maylam 1986:32). From 1888 many Zulus migrated to the Rand, and the able bodied male labour started undermining the productive capacity of the household (Maylam 1986:32). Colonialists eroded the old social and economic order and introduced new values and institutions. Pre-colonial relatively static economies based upon subsistence agriculture were transformed into more dynamic economies, based upon cash transactions (Maylam 1986:32). People were no longer tied to traditional economic roles peculiar to their societies such as herder, cultivator, fishermen etc. a diversity of economic roles, such as being a teacher, priest, mechanic etc. came into being (Maylam 1986:32).

The colonialists wanted to teach Africans the value of labour, trade and money. Governor Smith hoped to turn Africans into civilized, educated, Christianised, well-dressed British subjects who were well acquainted with the capitalist system and the value of labour (Maylam 1986:32). He wanted to create a total dependency of Africans on their colonial master (Peires 1989:55). He wanted to turn Xhosas' hereditary chiefs into salarized magistrates and to civilize Xhosas by means of schools, missions and trade money (Peires 1989:55). Africans returning home from White employments, felt independent from their chiefs and some sided with Whites, and these questioned the authority and actions of the chiefs thus preferring the Whites' way of life to the traditional one (Maylam 1986:32).

Africans that had become rich by the British' economic system as traders and owned guns also weakened and undermined the authority of traditional chiefs and therefore became less dependent on the chiefs (Maylam 1986:32).

Xhosas during the times of Smith learned English at schools, and had to learn that it is money that makes people rich by work. Africans were employed as wage labourers on settler farms and by plantation and mining companies, and were allowed to grow cash crops, on communally owned land, for the European market (Maylam 1986:33). The economies of African states were largely developed in accordance with the needs of the colonial power (Maylam 1986:33). Cash crops and minerals were exported to European markets in their raw states (Maylam 1986:33).

3. 7. The colonial effects on the legal and security systems of the institution of African traditional leadership

In pre-colonial times the legal systems had the headmen's courts at the lower level, the chief's court at the higher level and the king and his council constituting the supreme court of the nation (Fortes et al. 1973:184). Less serious cases could be heard and even adjudicated by lower courts and more difficult cases could be referred to higher courts for hearing and adjudication (Fortes et al. 1973:184). Appeals from chiefs' courts went to the king. The king also had medicine men to sniff out witches. In pre-colonial era, a chief could also impose the supreme penalties of death and banishment (Fortes et al. 1973:184). Serious offences of treason, homicide, assault, rape and sorcery were only punished by his court (Fortes et al. 1973:184). The king during the pre-colonial era was the head of the tribal army, organized military expeditions, performed war magics etc. Cases were democratically handled, warring parties would be given ample time to present their stories and a consensus on the ultimate verdict would be arrived at after lengthy and elaborative discussions and extensive consultations (Fortes et al. 1973:185). In pre-colonial times if the chief misruled his tribe, the leading headmen would withdraw their support and publicly attack him at tribal gatherings or there might be a split leading to wholesale migration, or plot his overthrowal or assassination (Fortes et al. 1973:185).

With the advent of colonialism the legal system of the institution of African traditional leadership was also seriously and negatively impacted upon. The legal powers of the traditional leaders were usurped. Restrictions were placed on the Paramount chiefs with regard to the types of offences over which they had jurisdiction and the penalties they could impose (Fortes et al. 1973:186). The inflection of unlawful punishment rendered the chief liable to the legal consequences and by order of the Governor, withdrawal of their jurisdictions (Fortes et al. 1973:187). The more serious cases that were in pre-colonial era referred to the chiefs or kings, were removed from the hands of the chiefs by District commissioner and placed in the hands of the magistrates' courts. Chiefs were then afraid of trying cases because their decisions could be reversed by the high court (Fortes et al. 1973:187). If the chief's decision was reversed repeatedly, he could be censured by the Government and perhaps be forbidden to conduct court (Fortes et al.:1973:187).

By the Native Tribunal Proclamation (NO:75 of 1934), all cases both civil and criminal in which Natives only are concerned, besides treason, sedition, murder or attempted murder, culpable homicide, rape or attempted rape, assault or intent to do grievous bodily harm, conspiracy against the chief and a variety of statutory offences, could still be tried by the tribal courts according to Tswana laws and customs (Fortes et al. 1973:188).

The Native Administration Proclamation during the colonial era protected the tribe against oppression or maladministration of the chief and also controlled him. It made it a statutory offence to conspire against the authority of the chief, and should the chief also fail to carry out his duties he could be tried by the District Commissioner, if convicted, fined or imprisoned (Fortes et al.:1973:187). He can also be suspended for performing his duties as chief or become physically incapable, become oppressive etc. He would be given time to defend himself (Fortes et al. 1973:187).

According to Fortes et al. (1973):

As an institution, chieftainship is still greatly honoured and respected, and the people still look primarily to the chief as their ruler and guide. But loss of many

old ritual, and economic functions, the presence of a rival leader in the form of the missionary and above all, his subjection to the administration, have inevitably deprived him of much of his authority (Fortes et al. 1973:81).

During the colonial era, educational advancement, and the possibility of escape created by labour migration, have made the people more critical of the chief's conduct and they no longer responded so readily to the many demands he makes upon their services.

The colonial powers had, according to Fortes et al. (1973):

No tendency as yet to advocate ambition of chieftainship, but the stricter measures introduced by the administration to keep the chief under control and to protect the tribe from abuse have been generally welcomed, especially by his more literate subjects, who apparently hanker after a constitutional monarch of the kind they have learned to know from their school books (Fortes et al. 1973:82)

During the colonial era chiefs were often found locked between horns of a dilemma. Sometimes the chief would have to choose between his duty to the Administration and what he regards as his duty to the tribe, for example as he enforces the wishes of the Administration he arouses hostility of his people, and if he disobeys the administration, he is liable to punishment and even suspension (Fortes et al.:1973:63). After Bechuanaland had become a protectorate the chief was no longer a supreme judge as this function was taken over by the Administration. The colonial power further curtailed the powers of the chiefs.

According to Fortes et al. (1973):

In 1919 provision was made for hearing appeals from his verdicts in any type of case, civil or criminal by the establishment of a combined court presided over jointly by him and the local District Commissioner. In 1926 divorce proceedings between Natives married according to European civil law were brought under the jurisdiction of the District Commissioner's court, and in 1927 the trial of alleged sorcerers was removed from the tribal courts when the imputation or practice of witchcraft was made a statutory offence (Fortes et al. 1973:66).

The chief in Bechuanaland in colonial era started to frequently employing the services of lawyers and disregarded traditional advisers (Fortes et al. 1973:66). He was responsible to the Administration for maintaining law and order in the tribe, preventing crime and collecting the hut-tax. He had to carry out orders issued to him, and render any assistance

requested from him by responsible officers of the colonial government and co-operated with the colonial government at all costs (Fortes et al. 1973:67). He had to issue receipt for tax payments, permits for the sale of cattle and corn, and passes to leave the Reserve. The chief or king's pre-colonial roles of being head of the tribal army, organizer of military expeditions and performer of war magics were brought to an end by the colonial authorities (Fortes et al. 1973:67). The chief in Bechuanaland then had his official policemen who had to see to it that his decrees were enforced. In pre-colonial era, men's regiments became tribal armies and had to perform other roles together but now all those have disappeared, but during the colonial era, they were used to build dams, school, churches, round up stray cattle, cut bushes in the chief's fields, escorting distinguished visitors etc. (Fortes et al. 1973:68). Unlike during the pre-colonial era, no chief could during the colonial era exercise jurisdiction over his tribe unless he had been recognized by the high Commissioner and confirmed by the secretary of the state. The colonial government removed cases of murder and culpable homicide as well as cases involving European courts from the chiefs' courts, allowed appeals from verdicts of the chiefs in very serious cases (Fortes et al. 1973:69).

The Native Administration Proclamation protected the tribe against oppression or maladministration of the chief and also controlled him (Fortes et al. 1973:69). It also made it a statutory offence to conspire against the authority of the chief, and should the chief also fail to carry out his duties he could be tried by the District commissioner, if convicted he would be fined or imprisoned (Fortes et al. 1973:69). He could also be suspended from doing his duties as a chief, if he could neglect or fail to discharge his duties properly or becomes physically incapable or be oppressive, etc. he would be given time to defend himself (Fortes et al. 1973:73).

3. 8. The colonial effects on succession to African traditional leadership

Chieftainship was traditionally hereditary in the male line, from father to son, the heir being the eldest son of the great wife, if this failed, then came the eldest son of the wife next in rank. He was to be a member or descent from the founding ancestors of the nation

or tribe. Succession to the chieftainship among Africans was another matter on which a good deal of uniformity prevailed. This normally passed to the eldest son of the great wife (Davenport n.d. 65). The eldest son of the great wife was a legal pretender to the chieftainship. The eldest son of the chief by woman who was second in seniority, the right-hand son, was the second successor. The other sons had no pretence to the throne and could only become lesser chiefs (Van Aswagen.n.d.:124).

The rule of succession in traditional African societies stated that “the rightful heir to a chief was the eldest son of his great wife” (Omer-Cooper 1994:13). An exception to this rule applied in the case of the Lobedus of the Limpopo province where chieftaincy was along the maternal line. Assassination sometimes occurred as a result of a succession disputes. Some rulers tried to make their position secure by murdering their potential rivals (Davenport n.d. 66).

According to Ayittey (1993) :

In chiefdoms or states the rules for selecting chiefs varied from one ethnic group to another. In most tribal systems chieftaincy was hereditary and thus reserved for certain lineages by right of genealogical link to the founding ancestors (Ayittey 1993 :43).

Still on succession to traditional leadership position, Omer Cooper (1994) states that:

Although rules of succession to the position of the chief were quite precise, royalty was believed to belong to all close members of the royal family. Any of them could become a chief and on occasions a technically junior heir was regarded as incompetent or otherwise unfit. A chief who angered his powerful relatives and a significant proportion of the population could therefore find himself faced with rebellion or complete break manifested in secession. To maintain his authority it was essential for him to hold together the opinions of the most powerful members of the community (Omer-Cooper 1994: 13).

As the arrival of colonialists and missionaries had impacted tremendously upon nearly all aspects of the institution of African traditional Leadership, succession to African traditional leadership was also no exception. Under European Administration, hereditary succession to chieftainship still prevailed but with modifications. According to Omer-Cooper (1994) in cases where African traditional leaders resisted colonial invasion; they

were deposed and replaced with compliant chiefs who were appointed by the colonists (Omer-Cooper 1994:14). This practice had according to Ntsebeza (1999) caused problems with hereditary African traditional leadership (Omer-Cooper 1994:16).

During this colonial era, some position mongering individuals who were not rightful heirs to the thrones sought recourse from the colonial imperialists in their bid for ascension to African traditional leadership positions. The colonialists would offer the aspirant individuals military support to depose the rightful leader and place their own one in the place of the deposed leader, this further created serious cracks on this institution (Omer-Cooper 1994:14). Though among the members of traditional African societies, the rule of succession to the traditional leadership thrones were clear, during colonial era; these rules could not be let to stand by Africans themselves as some individuals ascended the thrones due to colonial influences (Omer-Cooper 1994:17). Some had become chiefs or kings as they were compliant and loyal to colonial governments. According to Levin and Weiner (1997), in the African continent, the mobilization of the chieftaincy by governments acceding to autonomy has reflected the colonial patterns previously established by the European powers (Omer-Cooper 1994:17). However the classic distinction is between the French and British. Previously the French incorporated pliable chiefs into their own bureaucracy, mainly as executioners of French administrative policy. In a case where sufficiently accommodationist chiefs were not already in place, they would appoint non-royals who have demonstrated loyalty to the French cause by prior service (Omer-Cooper 1994:17).

Similar arrangements were made in case of South Africans where if sufficiently accommodationist chiefs were not already in place, the British colony would appoint non-royals who have shown loyalty to the British (Omer-Cooper 1994:17)

According to Fortes et al. (1973):

During the colonial era, in Bechuanaland, the native Administration Proclamation (NO. 74 of 1934) specifies what makes succession to, and tenure of the chieftainship subject to the approval of the Administration, which has the power to pass over an unsuitable heir or suspend an incompetent or otherwise

unsatisfactory chief, provides machinery whereby the tribe can depose a chief, and makes conspiracy against the chief a statutory offence and establishes a formal tribal council to assist him in the execution of his duties (Fortes et al. 1973:67).

In Bechuanaland, during the colonial era, the young men that later ascended the throne after the old chiefs had died were educated for the most part in schools outside Bechuanaland and were thus cut off from adequate first hand experience of tribal government and jurisdictions (Fortes et al. 1973:67).

In Natal during the colonial era the following people were rewarded with chieftainship after collaborating with the Natal colonial government, and these may have collaborated with colonists before or after the war :-John Dunn, Hlubia, Tlokwa, Hamu and Zibhebhu. Mpande was assisted by the colonialists (Pretorious) to defeat his brother Dingane for chieftainship (Maylam 1986:79). On the 10-02-1840 Mpande was formally sworn in by Pretorious. Zulus then became subordinates of the voortrekkers (Maylam 1986:79). In 1842 Moshoeshoe requested the British authorities to put him and his authorities under their protection and the British paid him £75 annually (Maylam 1986:79). Even among the Xhosas, some Xhosa chiefs like Phato were ruled from Britain. In 1847 chief Fado was deposed and his successor was appointed by the British government (Maylam 1986:79). He was later deposed by Shepstone in 1847 as he threatened to attack another king (Maylam 1986:79).

In 1879 after British troops had neutralized the Zulus by capturing Cetshwayo, British troops were then sent against Sekhukhune (Maylam 1986:112). They then captured Sekhukhune and replaced him by his half-brother and rival Mampuru as the paramount chief of the Pedi's. The missionaries that had also invaded Africa, did immense havoc to the institution of African traditional leadership in many respects but also on the succession terrain. Missionaries interfered with traditional leadership and its authority. Missionaries were also opposed to hereditary chieftainship and were in favour of an elected chief (Maylam 1986:81).

3. 9. Conclusion

As the focus of this chapter was to look at how colonialism and its policies could have affected the institution of African Traditional Leadership, discoveries that were made through the progression of this chapter evidenced that colonialism had indeed had deleterious effects on this institution (Omer-Cooper 1994:110). Colonialism had let this institution to lose most of its pre-colonial predominant features. Evidence also abounds that although the colonialists had imposed their systems upon traditional African institutions, some members of traditional communities also contributed immensely towards the near total collapse of this institution during the colonial era. Although some members of African communities stood for the survival of the onslaught on this institution by the colonialists, some Africans were ingratiated into weakening this institution by being beneficiaries in the event of his institution collapsing (Maylam 1986:90).

When overwhelming colonial forces invaded African kingdoms in view of forcefully removing them from their traditional lands in order to appropriate those lands, Africans could not offer a united front against the colonialists. Africans were thus disjointed against the strong colonial forces (Omer-Cooper 1994:111). Some position mongering Africans colluded or sided with colonial powers against their fellow Africans in view of being rewarded with leadership positions by the colonial governments. Colonialists sow disunity among Africans by annexing one chief's territory and gave it to another king. Mpande and Cetshwayo had later become chiefs after they had been aided by the British to ascend the thrones. This was a vivid reflection that colonial powers nullified traditional rules of succession, and some Africans due to greed acceded to that (Maylam 1986:79).

After African kingdoms were defeated by colonial powers, kingdoms like the Zulu kingdom were divided into many chiefdoms each ruled by British appointed chiefs. Traditional institutions of conquered kingdoms were adopted and then made instruments of the native administration (Omer-Cooper 1994:111). Colonialists formalised the offices of chiefs. Kings then ruled as agents of colonial governments. Chiefs and headmen

became state functionaries and the colonial state co-opted the inherited legitimacy of chiefs and headmen (Hyslop 1999:424). The colonial government usurped many pre-colonial functions of chieftainship which had given chiefs legitimacy. Some communities like the Ngwato were ruled by both European and native authorities (Fortes et al. 1973:66). In 1889 we saw the British and the Boers forming a joint commission to look into the problems of Swazis (Omer-Cooper 1994:247). The institution of African traditional leadership during the colonial era was further weakened by the tendency by some kings to turn to colonialists for protection against possible invasions. Here we find cases such as that of king Moshoeshe who in 1867 requested the British to annex his territory in a way of saving it from possible invasion by the Boers. Chiefs were forbidden or restricted to perform their traditional roles and functions by the colonial governments. Chiefs were given emoluments and magistrates were placed above them as superior political and judicial officers. The authority of the chief had waned as his subjects would turn to the magistrate who would protect them against him.

The colonial theologians, politicians and medicians were together on disempowering the institution of African traditional leadership. The colonial and Apartheid governments promulgated Acts and policies to the collapse of the African traditional leadership's authority over its communities and subjects. Some Africans ended up being part of the oppressive or repressive arm of the apartheid system for financial inducements or job opportunities.

During the colonial era, pre-colonial rules on succession to leadership thrones could not stand. Some individuals turned to colonialists for aid in order to ascend thrones. Some were made chiefs as they were compliant and loyal to colonial governments. In cases where sufficiently accommodationist chiefs were not already in place, colonial governments would appoint non-royals who had demonstrated loyalty to the colonial cause by prior service. Previously the French incorporated pliable chiefs into their own bureaucracy mainly as executioners of French administrative policy. Similar arrangements were made in a case of S.A where if sufficiently accommodationist chiefs

were not already in place, the British colony would appoint non-royals who had loyalty to the British (Omer-Cooper 1994:17).

According to Fortes et al (1973) during the colonial era in Bechuanaland:

The native Administration Proclamation (NO. 74 of 1934) specifies what makes succession to and tenure of the chieftainship subject to the approval of the Administration which has the power to pass over an unsuitable heir or suspend an incompetent or otherwise unsatisfactory chief, provides machinery whereby the tribe can depose a chief and makes conspiracy against the chief a statutory offence and establishes a formal Tribal council to assist him in execution of his duties (Fortes et al. 1973: 67).

In Bechuanaland during the colonial era, the young men that later ascended the thrones after the old chiefs had died were educated for the most part in schools outside Bechuanaland and thus cut off from adequate first hand experience of tribal government and jurisdiction. In Natal during the colonial era the following people were rewarded with chieftainship after collaborating with the Natal colonial government: -John Dunn, Hlubia, Tlokwa, Hamu and Zubhebhu. The Black Administration Act (No. 38 of 1927) empowered commissioners to appoint and depose chiefs and laid the rules for chiefs' succession. The constitutional head of the state was made the supreme chief of all African tribes. When the Homeland system started, compliant chiefs were made presidents. During Apartheid, many chiefs then pursued accumulation through positions in bureaucracies and parastatal development companies. During the Apartheid era, many chiefs compromised the inherent nature of the institution of African traditional leadership as they heeded calls to them to come and serve as agents of the colonial government and for their services they were rewarded with trappings of power and material comforts of high office. The institution of African Traditional Leadership did not have any role to play at provincial and national levels. Many chiefs gained their positions through loyalty to the white administrator rather than through customary laws of genealogy (Levin and Weiner1997). Some chiefs were faced with the dilemmas of being expected to support the colonial government whilst the people also expected him to oppose it (Fortes et al.:1973:68).

The British broke the African power, crushed tribes in wars, annexing their territories, eroding their institutions with Christianization and finally industrialization and urbanization. The Africans were dispossessed of 90% of their land. As the Africans were then landless they provided the colonial industrial economy with the captive labour force to service it, (Sparks 1990:51). Money became a common standard of value, ancestral cult adds much, old ceremonies have fallen into disuse. The entry of African societies into regular market relationships made it almost impossible for chieftaincies to remain in control of the changes which swept through African societies. Zulus had started working for low wages offered by the sugar farmers. Africans had worked in De Beers' mines as contract labourers and staying in compounds. They had to return to their rural homes at the end of their contracts. Kgama abandoned cattle raiding as a source of wealth due to an influence by colonialists and the whites provided him with new sources of income e. g. annual subsidy, mining concessions etc, (Fortes et al. 1973:69). After the disintegration of kingdoms e. g. the Zulu kingdom, many Zulus had to enter wage labour to raise the needed cash, and many also had to sell their cattle (their pre-colonial form of wealth) to pay tax. From 1888 Zulus migrated to the Rand, and able bodied male labour started undermining the productive capacity of the household.

People (Africans) were no longer tied to traditional economic roles peculiar to their societies such as herder, cultivator, fishermen etc. A diversity of economic roles such as being a teacher, priest, mechanic etc. became open for Africans (Maylam1986:33). Africans were taught the value of labour, trade and money. Governor Smith turned Africans into civilized, educated, Christianized, well dressed British subjects who were well acquainted with the capitalist system and the value of labour (Maylam1986:33). Africans returning home from white employments felt independent from their chiefs and some sided with whites, and thus questioned the authority and actions of the chiefs thus preferring the white's way of life to the traditional one. Africans that had become rich by the British's economic system as traders and owned guns also weakened and undermined the authority of traditional chiefs and therefore becoming less dependent on the chiefs. Colonialism catapulted South African Africans from the Iron Age into the scientific Age, wrenched out of their subsistence economy into the continent's only full-blown industrial

revolution, dispossessed of their land, and deprived of their pastoral heritage (Sparks 1990:21).

Colonial economic system that laid emphasis on the value of money gave birth to urbanization. Men mostly had to leave their traditional communities to cities for employment. The chief could thus no longer compel labour service and although he still owned land, it was less and subject to Government control (Sparks 1990:22). The Land Acts sent Africans to cities. Sections of the population began to derive their incomes from civil service and teaching jobs (Maylam 1986:66). The once independent and economically self-reliant Black South Africans of pre-colonial time under their unblemished African traditional leadership had then been made to depend by colonialists on transfer of wages earned by migrant labourers in white S.A. During the colonial era traditional leaders were in a weakened position where they struggled to project an image of inherited responsibility. The marriage system of the Africans and their ways of worshipping tribal gods were to be stamped out. The traditional way of life of the Africans that had gone to cities were then broken.

The advent of colonialism had seen the legal powers of traditional leaders been usurped and in some areas restrictions were placed on them with regard to the types of offences over which they had jurisdiction and the penalties they could impose (Fortes et al.: 1973:187). The more serious cases that were in pre-colonial era referred from the lower courts to the chief's or the kings' courts, were removed from the hands of the chief by the District Commissioner and placed in the hands of the magistrates' courts. Decisions by traditional leaders could be reversed by colonial high courts and this made chiefs afraid of trying cases. A chief whose decisions were reversed repeatedly could be censured by the Government (Fortes et al.:1973:187). The colonial Administration placed stricter measures in order to keep the chief under control and protect the tribe from possible abuse by the chief. During the colonial era the chief's pre-colonial roles of being head of the tribal army, organizer of military expeditions and performer of war magics were brought to an end by the colonial authorities. In Bechuanaland during the colonial era no chief could exercise jurisdiction over his tribe unless he had been recognized by the High

Commissioner and confirmed by the Secretary of State (Fortes et al.:1973:187). In Bechuanaland if a chief could fail to carry out his duties he could be tried by the District Commissioner and if found guilty he could be fined or even imprisoned. If he could fail to discharge his duties properly as chief or becomes physically incapable, be oppressive etc, he could be suspended from performing his duties as a chief (Fortes et al.:1973:187).

Some chiefs like Kgama abandoned their traditional religious system during the colonial era and then got converted to Christianity (Fortes et al.:1973:62). They turned to the God of the Bible for solace. They were convinced that ancestral worship was heathen and therefore abominable. King Kgama after his conversion to Christianity started fighting against most of the BaNgwato's cultural practices as he regarded them as heathen practices. He even abandoned polygamy as he declared it unChristian. Kgama could no longer perform the chief's traditional functions of conducting religious and magical ceremonies (Fortes et al.:1973:63). Rituals like the annual first- fruit ceremonies had come to an end, the work of witchcraft diviners, specialist rainmakers, and rituals for plague, insect-infestation etc, were abolished. By being Christians and educated along the colonial educational system, some chiefs were assimilated into colonial ways of living (Fortes et al.:1973:64).

The colonial era was thus a period of near total collapse of the institution of African traditional leadership. Traditional leaders that were seen by the colonial regime as recalcitrant were dethroned or even imprisoned. The elements of this institution that seemed to remain afloat did not do so by themselves but only as the colonial regime had so wished. Traditional leaders were subservient to colonial government and they were placed under direct control of magistrates and commissioners. They had no voice at any level of the colonial government, and had lost control of their lands, communities and subjects.

CHAPTER FOUR

Challenges faced by the institution of African traditional leadership since 1994

4. 1. Introduction

This chapter would like to investigate the influence of the advent of western democracy in South Africa on the institution of African Traditional Leadership. On the international arena, literature had shown that with the advent of democracy the essential nature of traditional systems was abolished in the UK, Spain, Holland, Sweden and Norway and this was replaced by the democratic government systems (Cloete 1993). But unlike in the aforementioned countries, the new democratic government system in S.A. aims at recognizing the institution of African traditional leadership, to adapt it to the new democratic imperatives in a way of attempting to restore its legitimacy. One would thus look on processes that the new democratic government in S.A. has embarked on with efforts of adapting this institution to the demands of the new S.A.'s democratic constitution.

Taking into account the effects of the successive colonial and Apartheid regimes on the institution of African Traditional Leadership and its institutions in S.A., one would anticipate that attempts by the democratic government in S.A. in restoring the image, dignity and legitimacy of this institution would not be without problems. During the oppressive colonial and apartheid regimes this institution was bureaucratized, domesticated, turned into a state functionary, and the inherited legitimacy of the positions of African traditional leaders were co-opted (Hyslop 1999: 424).

This chapter would thus look at efforts taken by the democratic government in S.A. towards the recognition of this institution and at efforts the government has taken in accommodating this monarchic institution of traditional leadership into an inherently divergent democratic system. Besides the challenges faced by the democratic government in adapting the institution of African traditional leadership to its constitutional imperatives, the institution of African traditional leadership also faces its own challenges

with regard to the new government's adaptation processes. One would thus look at challenges faced by the two government systems which are to co-exist and complement each other in a new western democratic state both having the constitution as their supreme authority.

One would also look at feasibilities for co-existence and mutual relationships. This would be done by looking at findings made already since 1994 as evidence of the challenges faced already in the initial early stages of the adaptation processes.

4. 2. The recognition of the institution of African traditional leadership by the democratic government of South Africa

The advent of colonialism in S.A. brought with it gross distortions on the institution of African traditional leadership and its customary practices. The institution of African traditional leadership had to be modified to suit colonialists' western culture (Maylam 1986:24). New and foreign levels to the African traditional leadership were added. Succession as a way of assuming positions of traditional leadership was tempered with as colonialists put on the throne who ever had collaborated with them (Maylam 1986: 24). This institution was formalised, its economic order eroded and it was turned into a tool that would serve the colonialists' interests (Denoon and Nyeko 1984). Missionaries expected Africans to forswear witchcraft, polygamy and the system of lobola and dancing.

After the coming into being of a new democratic order in S.A. in 1994, the new government realized that the institution of African traditional leadership occupies an important place in African life, and historically in the body politic of South Africa, therefore the new political order wanted to recognize this institution. The institution, status and role of traditional leadership, according to customary law, are recognized subject to the constitution (S.A. Constitution Chapter 12:123). A traditional authority that observes a system of customary law may function subject to any applicable legislation and customs, which includes amendments to, or repeal of that legislation or those

customs (S.A. constitution Chapter 12:123). The court must apply customary law when that law is applicable, subject to the constitution and legislation that specifically deals with customary law (S.A. constitution Chapter 12:123).

The new government in S.A. then saw the significance of preserving culture, traditions, customs and values of the African people while also representing the early forms of societal organization and governance. However when South Africa adopted the interim constitution and subsequently the 1996 constitution, our people declared the Republic of South Africa to be a sovereign, democratic state founded on a number of universal values, including the supremacy of the constitution. This marked the ushering in of a new era (White Paper 2003:7). After the 1994 elections, the new government embarked on a course to transform the South African state. Institutions of government were thus to be transformed in accordance with the new democratic and constitutional principles such as equality and non-discrimination. One of the institutions that were to be transformed was thus the institution of traditional leadership (White Paper 2003:7).

The new democratic S.A. thus aimed at transforming the institution of African traditional leadership in accordance with constitutional imperatives and to restore the integrity and legitimacy of this institution in accordance with customary law and practices (White Paper 2003:7). According to the new government in S.A, African traditional leadership should thus be a custodian of tradition and culture, and then play a complementary, supportive and advisory role to the government (White Paper 2003). The institution of African traditional leadership is seen as not an unchanging facet of society and that it can adapt even to the constitutional imperatives of the new democratic South Africa (White Paper 2003).

According to Khan (2004) the currently so called traditional leaders and traditional communities are just shadows of the real pre-colonial African traditional leaders and traditional communities, and these institutions during the colonial and apartheid eras had no role to play at provincial and national levels. When political freedom was ultimately attained for the vast oppressed majorities of South Africans, the institution of traditional

leadership was also freed from the shackles of the oppressive regimes. The new democratic constitution then recognizes the existence of the institution of African traditional leadership, the establishment of the provincial and national houses of traditional leadership and the co-existence of traditional leaders and municipalities at local government levels, particularly in rural areas.

Like other African states following the attainment of freedom and liberation, South Africa was also confronted with the issue of integrating traditional leadership institutions within the democratic form of governance (White Paper 2003: 23). South Africa's transformation from undemocratic and unaccountable systems of government necessitated that all values, processes, institutions and structures of governance be reviewed in the light of the new order (White Paper 2003: 24). Chapter 12 of the constitution envisaged that this broad transformation of society would include the institution of African traditional leadership, precisely because this institution has a critical role to play, especially in rural areas (White Paper 2003: 25). It is the vision of the government, therefore to transform and support this institution in accordance with the constitutional principles of democracy and equality, and that it may represent customary interests of communities, play a role in socio-economic development and contribute to nation building, and be accountable (White Paper 2003: 25).

The present South African government also in a way of fully recognizing this institution of traditional leadership aims at embarking on intense capacity building programs for traditional leaders and have their institutions adequately resourced (Cloete1993: 26). The present constitution also wishes to redefine the role of traditional leadership structures so as to align them with new constitutional arrangements (Cloete1993:26). The new government sees the institution of African traditional leadership as having the potential towards the restoration of the moral fibre of our society (Cloete1993: 26).

4. 3. Challenges faced by the government of South Africa with regard to the institution of African traditional leadership

Since the new western democratic government had come into being after the 1994 general elections in South Africa, and the adoption of a new constitution in 1996 as the supreme law of the country, all forms of governance including that of the African traditional leadership had to be aligned with constitutional imperatives. The new government then embarked on White Paper processes in view of solving challenges with regard to the adaptation of the institution of African traditional leadership to constitutional stipulations. Here below follows challenges that this new government had to tackle.

4. 3. 1. Definition of the place and role of the institution of African traditional leadership in the new system of democratic governance

After recognizing the institution of African traditional leadership, the challenge for the new government was thus to define the place and role of the institution of traditional leadership in the new system of governance. The new system came with the establishment of municipalities in traditional communities which are historically under the jurisdictions of traditional leadership. This arrangement led to the co-existence of two divergent governance systems in one geographical and political area. This then led to clashes as to who should be in authority over the others. The Dept. of Provincial and Local Governments then initiated a policy process that involved in the early stages extensive research and the audit of traditional leadership (White Paper 2003:7). The result of this process was the publication of the Discussion Document “Towards a White Paper on Traditional Leadership and Institutions” and was discussed at a conference attended by all stake holders in August 2000 (White Paper 2003:7). In October 2002 the Dept. then published a draft White Paper. From inputs then received after extensive consultations with the stakeholders and the general public were made, the White Paper was released (White Paper 2003:8). The White Paper set a broad policy framework that laid the basis for the drafting of national framework legislation, which would in turn, set

norms and standards that will inform the drafting of provincial legislation necessary to deal with peculiarities prevailing in various provinces (White Paper 2003:8).

4. 3. 2. Appointment / recognition of traditional leaders

A report on succession to the office of the African Traditional leadership in S.A. as contained in a Discussion Document indicated that there are currently different laws of succession. Sets of legislation and procedures are being used by different provinces in the appointment of traditional leaders into different positions of power (Discussion Document 2005:1). This has resulted in a number of problems for policy formulation in this area (Discussion Document 2005:1).

The power to appoint traditional leaders, which in pre-colonial times was vested in the supreme chieftaincy, was assigned to the Governor-General by the Black Administration Act of 1927 (Discussion Document 2005: 4). This power during the Apartheid era was later re-assigned to the President of South Africa in 1961 and then to the homeland government upon the attainment of self-government status, and to the TBVC states upon gaining independence (Discussion Document 2005:4). Outside the former self-governing territories and independent "TBVC" states, traditional leaders were still being appointed by the South African President. Traditional leaders generally begin their term of office upon official appointment by government, followed by a customary inauguration (Discussion Document 2005:5).

On this question of the appointment of traditional leaders the democratic government in S.A. is facing numerous challenges. In S.A. there are presently no uniform procedures in the appointment or recognition of kings, paramount chiefs, chiefs and headmen (Discussion Document 2005:5). This is attributable to different norms, values, genealogy and various but concurrent effects have resulted in a number of problems that call for a clear policy on the appointment of traditional leaders (Discussion Document 2005:5). The relationship between government (as the supreme chief) on the one hand, and customary institutions and practices on the other hand as regards the appointment of traditional

leaders has been a subject of conflicting court decisions (e.g. Sigcau versus Sigcau). Putting a policy in place will remove uncertainties in this regard (Discussion Document 2005:5). Occasionally the legitimate successor declines appointment. To which extent such a declination can be reversed or whether the decliner's children are entitled to succeed into his/her position need to be determined by policy in cases where custom does not provide a clear answer (Discussion Document 2005:5). Communities have expressed a strong wish to retain the customary practice. They contend that the formal or official way in which appointments and recognitions are handled is not only detached from the people, but also excludes a significant section of the community from participation (Discussion Document 2005:5).

4. 3. 3. Removal of traditional leaders from office

According to custom, traditional leaders may be removed from their positions if they commit acts that are deemed by the Royal council to be acts of misconduct (Discussion Document 2005:5). In pre-colonial era a tyrant or despotic king who employed repressive measures or distanced himself from his people was deemed as failing to provide a vital link to the universe for his people and would then be destooled (Diop 1987:60). According to the Junkun (Northern Nigeria) the African king should save his people from calamities such as droughts and famine and should these evils occur it would then imply that the king had not ruled well and was then deposed (Diop 1987:61). Legislation also provides for the removal of a traditional leader from office, where the traditional leader is deemed to have committed acts of misconduct. Acts of misconduct amongst others include, conduct that is disgraceful, improper or unbecoming, using intoxicating liquor or dependence –producing drugs excessively, abusing of powers, and being convicted by a competent court of acts stipulated in schedule 1 of the Criminal Procedure Act of 1997, (i.e. murder, treason, and other conduct) (Discussion Document 2005:5).

During the apartheid era, a number of traditional leaders were deposed in terms of various laws for not being amenable to colonial and apartheid government directives (Discussion Document 2005:5). Notwithstanding the traditional legitimacy they enjoyed,

they were ousted from office or passed over in matters of succession. During the colonial era African traditional leaders that resisted colonial invasions or occupations were deposed and replaced with compliant chiefs who were appointed by the colonialists (Omer-Cooper 1994:14). Some individuals had become chiefs or kings as they were compliant and loyal to colonial governments (Omer-Cooper 1994:17). Legislation was also used during the apartheid era to establish new chieftaincies as well as to merge or dissolve existing communities. During this era, new traditional leaders were also imposed on the new chieftaincies (Discussion Document 2005:5). Presently cases are known where chieftainship has been usurped or acquired by trickery or force. This has resulted in succession disputes that involve mostly genealogical controversies i. e. questioning the legitimacy of the person/s claiming to be the successor/s to traditional leadership (Discussion Document 2005:5). In Natal people like Hlubia, Hawu, Zibhebhu and Mpande had become chiefs after they had collaborated with colonialists (Maylam 1986: 79).

In the new democratic S.A., women in traditional communities are challenging succession laws and custom on the basis that these laws and customs discriminate against them. During the pre-colonial era it was only in Bolobedu that women could become traditional leaders (Davenport n.d.:66). The constitution and the Promotion of Equality and Prevention of Unfair Discrimination Act were used as a basis for such challenges (Discussion Document 2005:6). Customarily succession disputes are resolved by the Royal council, using the prevailing law of succession and provincial legislation as guidance (Discussion Document 2005:6).

The western democratic government in South Africa is now faced with a challenge for a need of a uniform policy on the removal from office of traditional leaders by traditional institutions and by government (Discussion Document 2005:6). Traditional leaders that were during the apartheid era been deposed for political reasons have now presented practical problems as they are claiming their original positions (Discussion Document 2005:6). This had potential for destabilizing communities, particularly where the current incumbent who was imposed or installed at the expense of the legitimate one, is seen to

have looked after the interests of the community well and has gained legitimacy in it (Discussion Document 2005:6).

The creation of new chieftaincies and the installation of chiefs during the colonial and apartheid eras have raised serious concerns regarding the legitimacy of the traditional leadership institution (Discussion Document 2005:6). Succession disputes present a problem where the law of succession is challenged on the basis of the Bill of Rights (Discussion Document 2005:6). Different provinces handle succession disputes differently, as a result, there is a lack of uniformity, and this is a serious challenge facing the new South Africa (Discussion Document 2005:6).

4. 3. 4. The role of women in traditional leadership

South African societies, with the only exception of the matrilineal society of the Modjadji's in the Limpopo province, have always been defined along patrilineal lines, i.e. the head of the household was a man, and his wife/ wives were subordinate to his authority (Discussion Document 2005:6). Wives were responsible for the general welfare of the family and the upbringing of children (Discussion Document 2005:6). Women in pre-colonial Africa had to collect wild bulbs, tubers and fruit and to draw water for tribal functions wood for the queen, thatch the chief's huts, clean the village, fetch earth and smear the walls and floors of the chief's homestead and weed the queen's fields (Omer-Cooper 1994:4). During the times of Shaka young women were organized in female equivalents of the male *butho* and were to perform ceremonial dancing and displays (Omer-Cooper 1994:3). During the reign of Shaka females were conscripted into separate age-regiments and they could not marry unless with the king's permission (Maylam 1986:28). Women in the households of traditional leaders also gave advice in matters of succession, i.e. sisters of the king or chiefs, and headmen were part of the group of advisors to the leaders. They assisted in and coordinated the family's ritual function, mediated during family disputes and acted as regents in cases where the successors to the leaders were under aged (Discussion Document 2005:6). In Temne customs (Sierra Leone) mothers had to be productive, they should bear children. If a mother could die in

child birth that would be deemed as having deprived the chief and his chiefdom of her productivity and that would then render her husband and family liable to the fine (Wallerstein 1966:181).

The successive colonial and apartheid regimes significantly altered the role played by women in pre-colonial traditional communities. For example, the migrant labour policies let men to leave their families for work in white areas and the women back home had to act as heads of households, then performed functions formerly executed by men (Discussion Document 2005:6). In pre-colonial times family authority was vested in the father as head of the family (Bertrand 1967: 308). The Machos and Iziphakanyiswa Act 9 of 1990 in Kwazulu-Natal allowed a woman to be appointed as an inkosi or isiphakanyiswa (Discussion Document 2005:6)

In the modern western democratic South Africa, the government is faced with challenges of addressing the historically discriminative nature of the institution of African traditional leadership. The promotion of Equality and Prevention of Unfair Discrimination Act, prohibits discrimination against men and women (Discussion Document 2005:6). This implies that women have equal rights as men to succession or appointment to traditional leadership positions (Discussion Document 2005: 7). This Act outlaws any practice that violates the dignity of women and undermines equality between men and women (Discussion Document 2005:7). Acts or conducts that create or sustain systematic forms of domination and disadvantage that perpetuate and reinforce unequal gender relations and prevent women from developing their full potential and participating fully in society, are in this democratic S.A. being outlawed by this “Promotion of Equality and Prevention of Unfair Discrimination Act” (Discussion Document 2005:7). In the new South Africa stakeholders are therefore being called upon to consider whether the patriarchal nature of traditional communities discriminates against women and contradicts the equality clause in the Bill of Rights and the Promotion of Equality and the Prevention of Unfair Discrimination Act (Discussion Document 2005:7).

It is now a challenge for the western democratic S.A. government to transform the institution of African Traditional Leadership to be in line with the equality clause and the equality legislation without undermining the cultural values on which it is based (Discussion Document 2005:7). In arguing for this patriarchal system of traditional leadership, traditional leaders argue that discrimination against women with regards to succession is not aimed at excluding them from meaningful participation, but rather at preserving the lines of succession, because when a woman from a royal family gets married, her children are not considered to be part of the royal family, but as part of her husband's family (Discussion Document 2005:7).

The problem that is now faced by the new S.A. with regard to succession to traditional leadership positions is how could the prevailing law of succession and customary law be reconciled with the equality clause entrenched in the Bill of Rights and the Promotion of unfair Discrimination Act (Discussion Document 2005:7).

4. 3. 5. The status of the youth / minors in traditional communities

In African traditional culture, age and seniority played an important part. African traditional culture taught the youth to respect and honour their seniors, and youth were taught adulthood responsibilities (Discussion Document 2005:7). In pre-colonial African societies there should thus be no orphans left alone (Sparks 1990:13). In traditional African communities, minors were not seen as belonging to their families only, but also to their communities as a whole. Thus if parents died, the relatives would have to adopt the children and where the relatives were not available, the community would care for the children and afford them the benefits that they would have enjoyed in their original family. That is why there were no homeless children in traditional communities (Discussion Document 2005:7).

According to customary law, minors in African traditional communities could not succeed into positions of traditional leadership. Where a minor was the next in line to succeed, a regent was appointed on the minor's behalf (Discussion Document 2005:8). In

some cases only men who had reached a certain stage of development and maturity, depending on the customs of that community, were allowed to play a role in traditional institutions (Discussion Document 2005:8). The royal youth were represented in customary traditional institutions such as the Royal Council. Although they did not participate in the discussions, they were brought in as observers in order to obtain the necessary experience of how these institutions functioned, and how the deliberations were conducted (Discussion Document 2005:8). The commoner youths, on the other hand were not allowed to attend such meetings (Discussion Document 2005:8). When the youth reached the age of manhood, they had to undergo circumcision followed by a period of ritual seclusion during which they were instructed in the customs and traditions of the community and the behaviour expected of an adult man (Omer-Cooper 1994:15). Initiation system has been helpful in consolidating the authority of mature men over the youth and also helped in delaying the age at which young men could marry, thus allowing older men to marry more than one wife (Omer-Cooper 1994:14).

Challenges that are now facing the democratic government in S.A. are for example, those of where a regent appointed on behalf of a youth refused to vacate the position when the youth becomes eligible for the position of a traditional leader (Discussion Document 2005:8). Historical evidence had shown that this created instability and prolonged claims. A question is thus whether there should be a policy on the age of succession, and what mechanisms need to be implemented to ensure that the rightful holders of a traditional leadership position, where a regent had been appointed, assumes this position upon maturity (Discussion Document 2005:8). Where the leadership position of a minor is temporarily handed over to a regent, a question that needs to be answered is what rights does the minor and his/her mother have as regards general care including remuneration (Discussion Document 2005:8).

The present western democratic constitution prohibits discrimination on the basis of age, now the government needs to determine the impact of this on the law of succession in different traditional communities and on the participation of youth in traditional institutions (Discussion Document 2005:8). In African traditional communities only

matured adults as at present, could ascend the traditional leadership ladders, and only the royal youths are represented in traditional institutions, although they do not participate in the discussions, the commoner youths are not allowed to attend such meetings (Discussion Document 2005:8).

4. 3. 6. Party political affiliation

During the colonial and apartheid eras, and with the Bantu Authorities Act of 1951, traditional leaders were reduced to the position of an element in the bureaucratic hierarchy (Discussion Document 2005:9). Some traditional leaders resisted colonialism to such an extent that they were accorded respect by liberation movements like the ANC, to the effect that some were made honorary vice presidents within the ANC (Discussion Document 2005:9). The colonial South African government then feared that traditional leaders would become radicalized by their involvement with the ANC. This government then moved swiftly to counter this by enacting the Native Administration Act of 1927, in terms of which a separate administration for Africans was created (Discussion Document 2005:9). From that moment onwards, no chief who held views contrary to those of government was confirmed in his position as chief by the Governor-General irrespective of his hereditary right by African custom (Discussion Document 2005:9).

Now in the new era of western democratic rule in S.A. , the western democratic constitution provides that every citizen is entitled to belong, stand for elections and vote for a political party of his own choice, as section 19 of the constitution provides for the political rights of all citizens (Discussion Document 2005:9). Now the challenge facing the government is that, in view of all those constitutional provisions how should the participation of traditional leaders in party politics be limited if at all, in need to promote governance and impartiality, will it be counter productive for traditional leaders to overtly espouse their party political views, could any restrictions be placed on the political party activities of traditional leaders, or how could traditional leaders be capacitated to play a more impartial role? (Discussion Document 2005:9).

4. 3. 7. Remuneration of traditional leaders

In the pre-colonial era a traditional leader was a repository of wealth and a dispenser of gifts (Discussion Document 2005:9). His exalted status was reflected in the ceremonial surrounding him and in the obligations of his tribesmen towards him. He and his family normally took precedence in the tribe in matters of rituals, such as the first fruits and initiation ceremonies (Discussion Document 2005:9). He had the first choice of a site for building his home, of tribal lands and of grazing for his cattle. He was invariably the richest man in the tribe (Discussion Document 2005:9). The wealth that the king accumulated from invasions of other tribes and raids was for distribution to his subjects (Maylam 1986:28). His wealth consisted primarily of cattle. He had to possess the largest herds but he could not use them recklessly for his own ends (Ayittey 1993:42) The hunter had to give him the chest, one leg, and the liver of each large animal killed as well as the skin, teeth and claws of all leopards, and the skins of all deer killed (Wallerstein 1966:179). He could send people where he liked and on any errand that he liked and could also use their wagons and oxen provided that the work involved was on behalf of the tribe. He was also entitled to free labour from the age-regiments for both public and private purpose (Discussion Document 2005:9). A traditional leader's most important source of wealth was cattle. As a rule he possessed by far the largest lands in the tribe (Discussion Document 2005:9).

During the colonial and apartheid eras, laws were introduced which drew distinction between a traditional leader and his community, defined his role, powers and functions and regulated his benefits (Discussion Document 2005:9). A traditional leader was thus gradually alienated from his community and some of his powers were taken away. Traditional leaders were then made instruments of the colonial and apartheid administrations through which instructions and conformity could be demanded (Discussion Document 2005:9). They were made to implement laws such as e.g. hut-tax, labour recruitment etc (Discussion Document 2005:9).

In western democratic S.A., unlike in pre-colonial era when they enjoyed benefits from their tribes and earned respect and emoluments by close association and devotion to their communities, they are now paid in terms of laws passed by the central government on a uniform basis and without any distinction of the size of the tribe (Discussion Document 2005:10). To support his position, in the pre-colonial era the chief was entitled to regular tribute from his subjects and a variety of other payments (Sparks 1990:13). A family head that sought to join the following of a chief had to offer a gift of cattle. On the death of a man his family had to console the chief for the loss of a subject with cattle (Omer-Cooper 1994:12). The Constitution and Remuneration of Public Office Bearers Act of 1998 provide for the remuneration of traditional leaders. Only kings and chiefs are as of now being paid, headmen are not paid though in some provinces they are being paid (Discussion Document 2005:10). Remuneration takes place at king/ paramount chief level and the chief level. There are Houses of African traditional leadership at the provincial and national levels. Members of Houses have proposed that these Houses be made permanent and that they be paid salaries as full time leaders (Discussion Document 2005:10).

The remuneration of traditional leaders by the western democratic government in S.A. harbours for itself serious challenges. It imposes a number of consequential duties and obligations on both government and traditional leaders, fiscus obligations on the government, but also creates accountability to government by traditional leaders, because if the government is to pay traditional leaders there should definitely be reasons as to why it has to pay them (Discussion Document 2005:10). The principle of accountability would then dictate to traditional leaders to account for the work they do, inter alia, advising government to address the developmental needs of communities (Discussion Document 2005:10). Once the government remunerates traditional leaders then the nature of the relationship between them becomes one of the employer and employee (Discussion Document 2005:10).

4. 3. 8. Co-operative governance

Beck and Linscott (1991) envisioned the new South Africa as the one that should protect

the tribal ways and rituals, honour the traditional festivals and ceremonies, preserve the sacred places, protect the blood line and propitiate the spirits of the ancestors by preserving the ways of the folk (Beck & Linscott 1991:14). The government should therefore permit, protect and preserve the ways, traditions, standards, religions and cultures of the people who do what is right and want to see their beliefs passed on to their children and grandchildren (Beck & Linscott 1991: 14).

The institution of traditional leadership can play a meaningful role in the co-operative model of government and co-operative intergovernmental relations that are provided for in chapter 3 of the constitution (Discussion Document 2005:11). Among others, section 41 (1) provides that all spheres of government and all organs of state within each sphere must co-operate with one another in mutual trust and good faith by fostering friendly relations, assisting and supporting one another, co-ordinating their actions with one another, adhering to agreed procedures and avoiding legal proceedings against one another (Discussion Document 2005:11). For smooth and effective co-operative governance, the western democratic South African government has set up houses of traditional leadership at national and provincial levels. At national level the Dept. of Provincial and Local Government is responsible for the administration of traditional affairs. This Dept. formulates national policies and legislation on traditional affairs (Discussion Document 2005:11). It also co-operates with the provincial directorates for traditional affairs as regards policy implementation, the rendering of advice on the administration of traditional institutions and related matters (Discussion Document 2005:11). Through the National House of traditional leaders, traditional leaders have made representations on issues affecting traditional leadership, traditional communities and customary law (Discussion Document 2005:11). This house often holds meetings with the president and the deputy president. Traditional councils should enter into partnerships and service delivery agreements with the present government of South Africa at all levels in order to promote development (Cloete 1993:26). Traditional systems could never be proven to be lacking behind the western systems in any way. Only prejudices harboured by western democrats against traditional systems are

hampering cooperation. Beck and Linscott (1991) consider the new S.A. as the one that should protect the tribal ways and rituals, preserve the sacred places, honour traditional festivals and propitiate the spirits of ancestors by preserving the ways of the folk (Beck & Linscott 1991:14).

At provincial level, houses of traditional leadership have been established in six provinces. Their relationships with government and their functions differ from province to province. For example, in the Eastern Cape the Provincial House of traditional leaders has advised the provincial legislature and its meetings coincide with those of the provincial legislature (Discussion Document 2005:11). Provinces are responsible for the administration of traditional affairs and for the appointment, removal, and remuneration of traditional leaders. According to the constitution, national legislation must provide for co-operative governance at Local level (Discussion Document 2005:11). The White Paper on Local government proposes a co-operative model of rural local government in which traditional leaders have representation and a role to play (Discussion Document 2005:11).

The challenge that the new western democratic government in S.A. is facing with regard to co-operative governance with the institution of African traditional leadership is that of attempting to co-operate with an institution that is as old as Africa itself. That has served the African people over many years in various forms, which has now retained a role for itself in modern-day South Africa (Discussion Document 2005:12). For smooth and efficient governance to take place in rural areas, some form of partnership must be established between local councillors and traditional leaders. The relevance of the institution of traditional leadership depends to a large extent on how the institution serves its communities customarily, culturally and developmentally (Discussion Document 2005:12). This institution has been able to provide and service its subjects from time immemorial. Pre-colonial Africans were also technologically advanced. They were able to produce ingenious tools to work on land and produce more to eat (Denoon 1984: 1). They smelted iron and made pottery (Sparks 1990:13) through all the long millennium of the Stone Age Africa had led the world (Sparks 1990:5). While traditional communities

support democracy and are increasingly conducting their lives in accordance with western democratic principles, such as equality of treatment, right of participation and choice, they simultaneously support traditional leadership. Hence the two systems in so far as they relate to governance need to be synergized within the framework of co-operative governance (Discussion Document 2005:12).

4. 3. 9. The role and functions of statutory bodies representing traditional leaders

The new western democratic government in S.A. is faced with numerous challenges with regard to the role and functions of statutory bodies representing traditional leaders. In accordance with the provisions of the 1996 constitution, the national and provincial houses of traditional leaders were established (Discussion Document 2005:12). Their functions were to advise government on matters affecting traditional leadership, traditional communities and customary law. In terms of the National Council of Traditional Leaders Act of 1998, the National House of Traditional Leaders was established. Each of the six provincial houses is represented in this national house (Discussion Document 2005:13). The National House is to advise national government on issues regarding traditional leadership and institutions, traditional communities, customary law and customs as well as matters referred to it by government (Discussion Document 2005: 13). It is not obligatory or mandatory for government to seek the House's advise before or during the submission of legislation and policy documents to parliament (Discussion Document 2005:13). This House has shown that it wants to become a full-time body and to play a more significant role in policy formulation and the finalization of legislation. All members of this House are on part-time basis but as of now legislation is being drafted to provide for the chairperson to be appointed on a full-time basis (Discussion Document 2005:13).

Only six provinces that are predominantly rural have houses of traditional leaders established in terms of the respective provincial acts within the framework of the 1993 constitution (Discussion Document 2005:13). Their function is an advisory one and they make proposals to the provincial government on any matter relating to traditional

authorities, indigenous law and the traditions and customs of traditional communities within the province (Discussion Document 2005:13). They too are part-time institutions and the provincial governments are not obliged to refer any matters to them before, submitting them to the provincial legislature. These houses have also shown interest of playing a more substantial role (Discussion Document 2005:13). Provincial houses have as of now no uniform criterion in terms of which these houses are constituted. Their composition differs from province to province. They also have no training and infrastructure, have no clarity regarding their functions, have no sufficient links to the provincial governments and provincial legislatures, and have undefined relationships with the National House of Traditional Leaders (Discussion Document 2005:13).

The Houses of traditional leadership have challenges with regard to their composition, role and functions as well as their relationship with government, traditional communities and traditional leadership (Discussion Document 2005:14). The role and status of these houses need to be determined by the government, and determine as to whether these houses should be permanent, sessional or periodic. Another challenge is with regard to the composition of the Provincial Houses, in respect of the representativity of the communities resident in the province concerned (Discussion Document 2005:14). The other challenge that needs to be addressed by the present government is the size of the National House with regard to the proportionate representation of South Africa's traditional communities (Discussion Document 2005:14).

4. 3. 10. Traditional communities and issues having trans-provincial implications

Cross-boundary issues are a reality following the displacement and separation of traditional communities resulting from the historical determination and adjustment of what are now provincial boundaries (Discussion Document 2005:14). The merger and splitting of communities, the deposition of legitimate traditional leaders and the imposition of illegitimate leaders by the colonial and apartheid governments, as well as the impact of migration, compounded the problem of traditional communities (Discussion Document 2005:14). Sithole (2003) discovered that cooperation between traditional

leaders and their municipalities is lacking as amakhosi claim not to have been consulted when demarcation of boundaries for service delivery purposes over their own lands was made (Sithole 2003:114).

Some traditional communities in this western democratic S.A. are found to be having close links with senior traditional leaders and traditional communities in other provinces. Some times it does occur that, the area of jurisdiction of the formerly appointed traditional leader straddle more than one province (Discussion Document 2005:14). Problems that are now faced by the government in such cases are inter alia of:- which provincial authority has jurisdiction over those traditional communities that are based in more than one province as a result of the splitting of traditional communities across provincial boundaries, or could cooperative relationships be forged among the provinces affected (Discussion Document 2005:14). Another question that faces the government with regard to traditional communities having issues of trans-provincial implications, is whether the status of a traditional leader should be determined within the narrow context of his/her newly acquired jurisdiction in another province or rather within the broader context of the community as a whole irrespective of provincial boundaries (Discussion Document 2005:14).

The racially based land discriminatory legislation of the colonial regime led to many communities loosing their lands. An example of this is the small tribe of Batswana which had to be moved from their farming village of Mogopa to a resettlement camp called Pachsdraai in the Black homeland of Bophuthatswana (Hyslop 1999:423). With the current Land Restitution Act, these communities have been given back their traditional lands, the question facing the government now is, where parcels of land made available to these communities are situated in different provinces, should the government now establish chieftaincies for such groups (Discussion Document 2005:15). Taking into consideration the fact that the 1996 Constitution provides that the boundaries of the province are those that existed when the constitution took effect and that there are communities who are divided by such boundaries, and consequently administered by different provincial governments, the S.A. government should come out with a clear

uniform policy and administrative practice on relationships between traditional communities and traditional leaders resident in different provinces (Discussion Document 2005:15). The government should also identify a uniform approach as to the administration of communities located in more than one province (Discussion Document 2005:15).

4. 3. 11. Traditional communities, national borders and transnational implications

Colonial governments had historically determined national borders in an arbitrary way, with the resultant displacement, separation and splitting of traditional communities. The deposition of legitimate traditional leaders and the imposition of illegitimate traditional leaders upon African traditional communities by colonial governments, had had implications for South Africa and the communities concerned (Discussion Document 2005:15). These arbitrarily determined national borders gave rise to some traditional leaders in S. A, whose areas of jurisdiction extend to an adjacent country e.g. Swaziland and Mozambique in the case of traditional leaders in Mpumalanga and KwaZulu-Natal, Botswana in the case of traditional leaders in North West, and Lesotho in case of Traditional Leaders in Free State (Discussion Document 2005: 15).

There are also instances where a traditional leader in S.A. in terms of custom owes allegiance to a senior traditional leader in a neighbouring country, and where such a senior traditional leader plays a vital role in customary issues such as succession to chieftaincy (Discussion Document 2005:15). Some traditional communities in the current western democratic government in S.A. are also closely linked to sections of the very same communities in an adjacent country (Discussion Document 2005:15). The situations alluded to here above could for example lead to a possible conflict of interests in cases where a traditional leader in S.A. owes allegiance to a senior traditional leader in a neighbouring country whose wishes are not necessarily in consonance with those of the South African government (Discussion Document 2005:15). Members of these same traditional communities that are based in separate countries would definitely experience

the problems of communications, contact and cultural cohesion (Discussion Document 2005:15 & 16).

As the African Charter and the Organisation for African Unity provide that the colonial boundaries of national states are fixed, and that there are:- a) communities straddling South Africa's national borders and those of adjacent countries, b) communities who are strongly linked to other communities in adjacent countries, and c) instances where a more senior traditional leader in an adjacent country plays a role in customary processes in South Africa, the democratic S.A. government would thus have a number of challenges to address (Discussion Document 2005:16).

There is in this western democratic S.A. clearly a need for a uniform interregional policy on the handling of the relationship of the ties that exist between South Africa and its neighbours in the case where traditional communities and/ or more senior traditional leaders are resident in adjacent countries (Discussion Document 2005:16). The present S.A. government is to examine the issues of affinity to traditional leadership institutions in adjacent countries as it is constitutionally imperative that all traditional leaders in S.A. should owe allegiance to the Republic of South Africa (Discussion Document 2005:16). The South African government should see what cooperative relationships should be forged between the affected countries, what interregional structures should be put into place to deal with matters of this nature, and also look at what challenges these transnational relationships could pose for effective local governance and development planning (Discussion Document 2005:16).

4. 3. 12. Capacity building and support for traditional leaders

The status quo report (by the Dept. of Provincial and Local Governments) identified a need to embark on an intense capacity building programme for traditional leaders (White Paper 2003:42). The new government in S.A. wishes to transform the institution of African traditional leadership so that it could be in line with dictates of the constitution of this new government (Cloete 1993:25). The present government aims at embarking on an

intense capacity building programs for traditional leaders and have their institutions adequately resourced (Cloete 1993:26). The report found that a large number of traditional leaders require skills development in various areas. Since traditional leaders function at a local level side by side with municipal councillors, their capacity building programmes cannot be completely separated from those of councillors (White Paper 2003:42). The primary objective of the capacity building programme will be to enhance and empower traditional leaders and traditional institutions to enable them to address and respond to the challenges arising from the White Paper, relevant legislation and the constitution (White Paper 2003:42). The provincial governments and national government should share the responsibilities for funding the programme (White Paper 2003:42).

4. 3. 13. Municipality boundaries

The demarcation board did not take areas of traditional leaders into cognizance when delineating municipal areas, as they were drawn in such a way that one traditional leader's area could end up falling into two or more municipal areas. This lack of consultation was given in a report by Sithole (2003) as a reason why amakhosi feel like not to cooperate with municipal councillors (Sithole 2003:114). Traditional leaders then argue that this could lead to uneven or unequal development for one traditional leader's communities belonging or falling under different municipalities. This also poses the government with a serious challenge and it is now for the government to develop means of resolving this to the satisfaction of the traditional leaders as speedily as possible. The traditional leaders should also be educated with regard to constitutional stipulations that where people or an organization could hold an opinion divergent from that of the western democratic government which is also so enshrined in the constitution of a western democratic government that of the government would always prevail over that of people or organization.

4.3.14. Overlapping competencies

After the first local government elections in the new S.A., the transformation process led to the introduction of elected representatives whose task is also to promote development and service delivery in their respective areas (Khan 2004: 2). Municipalities were then established in these areas which were historically exclusive traditional leadership areas. Historically this task of promotion of development and service delivery in rural areas was a domain of traditional leaders who are even now still prevalent in rural areas (Khan 2004:2). After the local government elections, municipal councillors were then to co-exist with traditional leaders. This has resulted in a great overlap between roles that were normally performed by Amakhosi and those which have been assigned to councillors such as, social upliftment programmes, education, and peace and stability. Traditional leaders had to deal with elected councillors in their areas of jurisdictions (Khan2004:2). The willingness of traditional leaders to interlocute or co-exist with councillors is thought by Khan (2004) to be exacerbated by the uncertainty about their legal roles and the fact that they now have to deal with elected councillors in their areas of jurisdiction (Khan 2004: 15). This according to Khan (2004) is compounded by competing mandates and interpretations about who represents the people (Khan 2004:15). According to Sithole (2003)'s research findings some amakhosi experienced problem of lack of clarity about protocol and policy regarding the relationship between councillors and traditional authorities (Sithole 2003: 115). Councillors were seen as competing with izindunas as they started giving sites or opened inkosis' courts and started adjudicating over disputes instead of concentrating on issues of development (Sithole 2003:114). In so far as the predominance of competing interests in development is concerned, the amakhosi complain that councillors are distant from local areas, their interventions are inappropriate to local needs and they are hardly consulted on development planning issues (Khan 2004:15). The amakhosi generally perceive that councillors approach development in a top down manner by simply contracting private sector firms to implement projects (Khan 2004:15). Mart Calvin has identified four types of relationships between councillors and the amakhosi. She described the first as a "blocked" relationship where councillors are prevented from working the area. The

councillors may go about their duties without recognizing or communicating with the amakhosi and these cases would impede development (Khan 2004:15). The second relationship Mary Calvin calls the “cooperative” type in which well-known and trusted individuals are elected onto the council. These councillors tend to work closely with the amakhosi (Khan 2004:15). The third is “division of roles” relationship. This is a relationship in which the councillors and amakhosi have accorded each other responsibilities (Khan 2004:16). The last one is an “open conflict” relationship that may result due to different groups in the community taking up sides on the unresolved authority structure of the amakhosi and the councillors (Khan 2004:16). Mary Calvin had discovered that the amakhosi and councillors are in a state of constant conflict, in their field work they have noted a major shift toward making efforts to conceive a framework of mutual co-operation and co-existence (Khan 2004:16).

The present government is thus faced with a challenge of removing these points of friction between councillors and traditional leaders that are created by overlapping competencies. There is now a need to define the distribution of powers between municipal councillors and traditional leaders (Khan 2004:16). Previously rural governance was centred around tribal authorities and this balance of power is shifting to elected representatives. In pre-colonial era traditional leaders had to co-ordinate activities like ploughing, harvesting, hunting, ancestral worships, performance of rituals and had to initiate activities like the feast of first fruits. Their powers were based on the traditional ownership of cattle, allocation of lands, collection of tribute payments and other more narrow and static forms of wealth (Omer-Cooper 1994). Presently amakhosi are not certain of their roles and competencies in this new government structures. They feel that the transformation process and the subsequent introduction of councillors diminished their roles. Roles of councillors in relation to traditional leaders and vice-versa, need to be well defined.

4. 4. Challenges facing the institution of African traditional leadership in the new democratic South Africa

The birth of the new democratic order in S.A. is attributable to the tireless efforts of freedom fighters who took up arms against the oppressive apartheid minority regime and also their campaigns around the globe for its isolation by the international communities. All these gave birth to the total liberation of the oppressed Black majorities of this country as well as their traditional institutions of leadership. The traditional leadership institutions in S.A. failed dismally at offering a strong united front against the colonial forces and its institutions of governance, as some traditional leaders colluded with colonial leaders against their fellow Blacks. During the apartheid era the institution of African Traditional leadership then lost nearly all of its pre-colonial features and it then became a tool of colonial regime. It is then faced with a number of challenges with regard to the new government that salvaged its obscurity and extinction. Some of the challenges that the institution of African traditional leadership faces are as outlined below.

4. 4. 1. Adaptation to the imperatives of the new democratic government

The institution of African traditional leadership is seen as not an unchanging facet of society and it can adapt even to the constitutional imperatives of the new democratic S.A. Khan (2004) has been arguing for the institution of African traditional leadership to change and adapt as the previous successive oppressive regimes of colonialism and apartheid had succeeded in letting it to change and distorting its prehistoric nature and formalizing it and made it their tool. During the colonial and apartheid eras, the traditional leaders were involved in party politics and this made it difficult for them to act as unifying symbols, the role which they now seem to be claiming. They served colonial government before serving their communities and were rewarded for performing colonial roles (Khan 2004). The question now is why during this western democratic order in S.A. could the traditional leaders not just adapt to the western democratic government that recognizes their existence and which wishes to give them roles to play. One could also question the grounds on which an indigenous African institution like traditional

leadership that has from time immemorial carried the Africans through hard pre-colonial times with its indigenous knowledge systems and their world views that led to the evolution of their religious and economic systems that sustained them could now be adapted to foreign western institutions. Beck and Linscott (1991) consider the new S.A. as the one that should protect the tribal ways and rituals, preserve the sacred places, honour traditional festivals and propitiate the spirits of ancestors by preserving the ways of the folk (Beck & Linscott 1991:14).

According to Khan (2004) mandate from history and culture that traditional leaders use as justification for the legitimacy of their institution could not succeed as there is no doubt that colonial and apartheid policies distorted traditional leadership for practical and economical reasons. According to Khan (2004) this fact alone shatters any easy use of history to justify traditional leadership. Traditional leadership should then be adapted to the new order to make participation at the local government level practical, appropriate and effective (Khan 2004). According to Khan (2004) traditional leaders also agree that their institutions have never been stagnant but that they had been changing over the years and Khan (2004) sees that as a good reason then for them to change and be adapted to the present political order and circumstances.

According to White Paper (2003), traditional leadership should complement the role of government in rural areas. There is no need for any contestation of authority between this institution and the state. Prior to 1994 traditional leaders acted under the supervision of magistrates, homeland departments or the national departments responsible for separate development. They therefore never enjoyed any autonomy in the exercise and performance of these functions (White Paper 2003:30). Khan (2004) further sees no reason for the institution of traditional leadership to resist change and adaptation to democratic imperatives as according to him the currently so called traditional leaders and traditional communities are just shadows of the real pre-colonial African Traditional Leaders and Traditional communities, and these institutions during the colonial and apartheid eras had no role to play at provincial and national levels.

It is now a challenge for the institution of African Traditional leadership to change and adapt, as according to Khan (2004) no historical justification for the existence of the institution of African Traditional Leadership would ever be adequate. King Molotlegi of Bafokeng nation in S.A. and Asantehene Osei Tutu II of Ghana at a conference in defence of African Traditional Leaders in Addis Ababa on the 12-10-2004, reasoned that western democracy could be well adapted for use in traditional governance as traditional governance is in no way inferior to the western democratic governance (Molotlegi 2004:1). But the two called for the fusion or the merger of the two government systems.

4. 4. 2. The problem of the legitimacy of traditional leaders

The existence of the institution of African Traditional Leadership and South Africa's present western democratic order are seen as not being mutually exclusive. Traditional leadership has to function in a manner that embraces western democracy and contributes to the entrenchment of a democratic culture, then enhancing its own status and legitimacy amongst the people (White Paper 2003 :26). There is an assumption that unless the institution of African traditional leadership gets adapted to the western democratic principles of the new constitution in S.A. its legitimacy to most politically conscious youth of these traditional communities would always remain doubtful (Hyslop 1999:424). During the colonial and apartheid eras chiefs and headmen became state functionaries while the state sought to co-opt the inherited legitimacy of their positions (Hyslop 1999: 424). According to Khan (2004) it is discovered that some councillors have difficulty in finding legitimacy among traditional leaders, as they regard themselves as having been elected from party politics, whereas traditionally leaders are not.

To this end, the critical challenge facing both government and traditional leadership is to ensure that custom, as it relates to the institution, is transformed in accordance with the constitution and the Bill of Rights. Such a transformation exercise must ensure that the institution responds and adapts to change, is in harmony with the constitution and the Bill of Rights, and promotes democratic governance and the value of an open and democratic society; promotes freedom, human dignity and achievement of equality and non-sexism.

4. 5. Boyane Tshehla's report on crime prevention in Limpopo province

Here Tshehla reports on his findings with regard to a research that he had conducted in Limpopo with regard to the role of African traditional leaders on crime prevention and justice in Seshego and Moletjie. He emphasized the indispensability of African traditional leaders in service provisioning as they had served their communities in all aspects including the judicious functions in pre-colonial times. Osei Tutu II of Ghana at a conference on traditional governance held in Addis Ababa in 2004 pushed for a broad based recognition of traditional leaders as viable partners in social and economic development of African communities (Molotlegi 2004: 1). He said while traditional systems were not the panacea for Africa's challenges, they should be part of the solution (Molotlegi 2004: 1). He shows that the problem is just with our new government that appear unwilling to attend to the plight of the members of the institution of African traditional leadership, as even the ANC is reportedly undecided on the issue of traditional leaders. The constitution is also seen as being unable to adequately outline the constitutional status, duties and powers of members of this institution. The institution is thus willingly placed at the periphery of transformation in the country. The S.A. government does not align with the traditional forms of governance as practiced by Africans. Partnerships at all levels of the government between municipalities and traditional leaders should be promoted. Tshehla discovered that traditional leaders feel impotent and marginalized in the current democratic government. The report had also shown that municipalities see traditional leaders as dispensable. The research had shown that, though traditional leaders are seen as dispensable by municipalities crime was found to be very low where they existed. According to these research findings, for crime to be combated effectively, cordial relations between the two systems of governance should be formed. Tshehla found unsound relationships between municipalities and traditional leaders as the cause that hinders the provisioning of efficient service on crime prevention and justice in this area of his research. According to Osei Tutu II the continuing conflicts or social upheavals in Liberia, Sierra Leone, and Cote d'ivoire could be partially ascribable to the absence of strong traditional authority (Molotlegi 2004:2)

Boyana Tshehla conducted this research between March and August in 2004 in the Limpopo province on the role of traditional leaders in justice and crime prevention. He conducted this research in collaboration with the Provincial Department of Safety, Security and liason, regional office of the department of Justice and constitutional development and provincial Dept. of local government and housing. Tshehla (2005) reports that although legislation exists to govern the incorporation of traditional leaders into the post 1994 democracy, intense debates on the issue continue. According to Tshehla (2005) traditional leaders contribute to several spheres of governance, but their role in crime prevention and administration of justice is more pronounced. "The key question should not be whether traditional leaders should perform such functions, but how they can participate in the delivery of local safety (Tshehla 2005:1). Pre-colonial Africans had their own legal system with the king's court as the high court of appeal. Indunas could deputise the chief in hearing legal cases. In cases of witchcraft the chief held the final authority to order the execution of those found guilty (Omer-cooper 1994:13)

Tshehla (2005) argues that:

In South Africa as in other countries, the system of traditional leadership is firmly entrenched. Historically, traditional leaders served as governors of their communities with authority over all aspects of life ranging from social welfare to judicial functions. Many countries in Africa retain a system of traditional leadership and several have gone a long way in incorporating traditional leaders into western democratic forms of government (Tshehla 2005:1).

According to Tshehla (2005) many regarded the institution of traditional leadership as having been so influenced by colonial and apartheid policies, that it was in many respects more a reflection of those policies than of the traditional or cultural practices of South Africans. Even the African National Congress is said to be undecided on the issue of traditional leaders. In words attributed to Albie Sachs, "the discussion on traditional leaders cuts the ANC in half (Tshehla: 2005).

Tshehla (2005) further argues that:

Whatever the reasons, it is common knowledge that traditional leadership has remained at the periphery of transformation in the country. Even the South African constitution, which devotes one of its shortest chapters to traditional leaders, fails to sufficiently outline the leaders' constitutional status, powers and duties (Tshehla 2005:1).

The constitution provides for the establishment of Houses of Traditional Leaders, and are given an important role as the effective custodians of African tradition and culture. They are to act in an advisory capacity (both nationally and provincially) on issues that affect, traditional communities, traditional leadership and customary law (Tshehla 2005:1).

Tshehla (2005) further on argues that:

Despite the legislative provisions for traditional leadership, an intense debate is raging around their place in a democracy. Government's response has consistently been that of cautions. A realistic approach seems to be the one that seeks to fit traditional leaders into the current democratic system. This approach appreciates the uncomfortable relationships between democratically elected organs of governance and the traditional structures of social ordering. Its point of departure is that South Africa's democracy does not align with the traditional forms of governance as practiced by Africans. The approach recognizes that it would be problematic to subject some sections of the community (such as traditional communities) to a system of governance different from the rest of the country. The traditional leadership and Governance Framework Act 41 of 2003 underscores this approach by providing the context within which local municipalities and traditional leaders can operate. The Act in sum recognizes the role of both institutions. Moreover, it goes further than any of the Acts that preceded it by obliging the state to protect the institution of traditional leadership (Tshehla 2005:1).

According to Tshehla (2005):

In the quest to deal with the issue of traditional leadership, parliament passed the Traditional Leadership and Governance Framework Act 41 of 2003. Unfortunately the Act was passed nine years after the first democratic election in 1994, with the unintended consequence of increasing the uncertainty regarding leaders and their roles. The Act is arguably the most significant document that deals with traditional leadership after 1994. The Act goes a step further than the Constitution by placing a specific obligation on government to protect and promote the institution of traditional leadership. The pertinent part of the preamble states: the State must respect, protect and promote the institution of traditional leadership in accordance with dictates of democracy in South Africa. It goes further by specifying a framework within which relations between traditional authorities and elected authorities should be governed. The national government and all

provincial governments must promote partnerships between municipalities and traditional legislative or other measures. Any partnership between a municipality and traditional council must be based on the principles of mutual respect and be guided by and based on the principles of co-operative governance. A traditional council may enter into service delivery agreement with a municipality (Tshehla 2005:2).

This Act 41 of 2003 recognises the role of traditional leaders in safety and security, administration of Justice, arts and culture, land administration, agriculture, health, welfare, the recognition of births, deaths and customary marriages, economic development, environment, tourism, disaster management, the management of natural resources and the dissemination of information relating to government policies and programmes (Tshehla 2005:2). According to Tshehla 2005, traditional leaders had been doing these functions before but on the basis of the apartheid laws. The 2003 Act now endorses the role of traditional leaders as a sphere of governance at the local level.

What Tshehla (2005) has discovered from interviews conducted with traditional leaders with regard to their role in administering justice and crime prevention, was their feeling of impotence and marginalization in the current democratic government. The general view among many of traditional leaders according to Tshehla (2005)'s findings, is that their role and powers are being reduced in many respects including "crime prevention" (Tshehla 2005:2). According to Tshehla (2005) these research findings stand in stark contrast with the views of South African Police Services members regarding the role of traditional leaders in crime prevention.

According to Tshehla (2005):

The SAPS in Limpopo sees the leaders as indispensable role players in the fight against crime. They attribute this to the influence that traditional leaders have in their communities. The head of the Seshego crime prevention unit, the station responsible for part of Moletjie which comprises 52 villages stated that without traditional leaders it would be impossible to deal with crime in the rural areas (Tshehla 2005:2).

He then went on to make the following comparison "at this station we have problems with Seshego because it is a township. There is no chief in Seshego. A lot of crime

happens there because there is no control” (Tshehla 2005:2). From the discussions that Tshehla (2005) had with the police officers at Seshego police station, police indicated to have high regards for traditional leaders, and have cordial relations with traditional leaders. For example, if the “kgosi” experiences a problem in his area, he contacts the police station, and the matter thus jointly dealt with. If important events take place at Moletjie, “kgosi” approaches the police station for joint planning of the necessary security measures (Tshehla 2005:2). The crime prevention unit of Seshego police station visits the traditional authority office every Friday to attend to a satellite police station situated at the offices of traditional leadership. During these visits all services that are normally performed in a SAPS community service centre are rendered at the traditional authority, e.g. opening case dockets, certifying documents etc. SAPS members interviewed indicated that traditional leaders currently play a vital role in crime prevention, but they believe that they should be further empowered to administer justice and help prevent crime. These officers further suggested that traditional leaders should be given full powers to prosecute minor cases such as petty theft and common assault, improve infrastructure such as, roads to make traditional communities accessible to the SAPS, traditional offices be well resourced to enable them to deal with crime prevention, train traditional leaders and SAPS members on how best to work together (Tshehla 2005:3).

4. 5. 1. Challenges for incorporating traditional leaders

The incorporation of traditional leaders in the democratic order as so perceived by police officers spoken to or interviewed by Tshehla, is made difficult by unsound relationship between municipalities and traditional leaders, and perceptions about who is responsible for crime prevention and crime combating, and traditional leaders’ understanding of justice. It is now a challenge for the democratic government in South Africa to make sure that the relationships between the two forms of governance are improved and clear role differentiation for the two is made.

4. 5. 1. 1. Relations between municipalities and traditional leaders

While the 2003 Act is laudable as a practical attempt to deal with governance at the local level, it is only the first step in the right direction (Tshehla 2005:3). Unfortunately the delay in the promulgation of the Act has meant that uncertainties about the institution have already impacted negatively on many communities (Tshehla 2005:3).

According to Tshehla (2005):

A common feature in any discussion with traditional leaders is their dissatisfaction with local councilors. Equally, some councilors see traditional leaders as an obstacle to service delivery. This tension is occasioned by the fact that the roles of these two organs overlap and there have been no guidelines as to how they should interact (Tshehla2005:3).

It is understandable that councillors might see traditional leaders as a hindrance to their efforts. Having been elected into office on the basis of promises made to the people (Tshehla 2005:3). Councillors feel it would be unfair to subject the electorate to an institution that might hinder service delivery or even challenge the authority of councillors to spearhead development. Equally traditional leaders, at least those belonging to the congress of Traditional Leaders of South Africa would prefer traditional leaders to be the only structure of governance for traditional communities (Tshehla 2005:3).

Tshehla (2005) further on argues that:

The 2003 Act however does provide a framework for cooperation between the two local spheres of governance. The challenge is for traditional leaders and municipalities to make sure that the spirit of the Act prevails. This could be done through joint initiatives that identify priority areas in local service delivery. Both traditional leaders and elected leaders should acknowledge their mutual dependence in the rural areas and that tensions between the two institutions do and coordination between traditional authorities and other agencies is the main challenge, a related problem is that of holding traditional leaders accountable. The question is how to ensure that traditional leaders do not use service delivery as a weapon to force community members to abide by certain practices. Anecdotal evidence suggests that some traditional leaders require compliance with particular

members working in urban areas) before the leaders can perform functions such as marrying a couple (Tshehla 2005:3).

Tshehla (2005) argues that:

In all fairness, if a traditional leader receives remuneration from the state for services rendered and if the state is responsible for the running of the traditional office, as is the case in many areas, it is unfair to expect people to pay extra monies for specific services. This would be tantamount to double taxation (Tshehla 2005:3)

4. 5. 1. 2. Dealing with crime: whose responsibility?

Another bone of contention discovered by Tshehla (2005) in his research on traditional leaders' role in justice and crime prevention in Limpopo province was, whose responsibility was that between traditional leaders and the SAPS in dealing with crime? Another question was whether traditional leaders should participate in SAPS activities as police reservists and or neighbourhood watch members, and encourage their followers to do so. Tshehla (2005) reports that, one traditional leader responded by saying that they would participate if they could be paid for doing that, as police are paid, and therefore finds no reason for him to help police if he is not paid (Tshehla 2005). The traditional leader in question does not see it as the responsibility of the community to deal with crime unless there is remuneration (Tshehla 2005:3).

Tshehla (2005) discovered that:

The core of the problem is the reluctance of some traditional leaders to get involved in the operational side of policing while continuing to serve as a conduit between the police and the community. It is the latter they see as their core function (Tshehla 2005:4).

4. 5. 1. 3. Traditional leaders' understanding of justice

After conducting his research Tshehla (2005) came to a conclusion that some traditional leaders do not understand how the formal criminal justice system works. He discovered

that traditional leaders expect the justice system to act harshly against criminals through not only meting out stiff sentences but also denying accused persons bail. Some of the traditional leaders spoke fondly of a time in the past when a criminal would not be treated with kid gloves, when police would deal with an accused in a manner that showed the might of the law. The perception disturbingly is quite pervasive among traditional communities (Tshehla 2005:4). Needless to say, this stands in stark contrast to the ethos of the constitution and the Bill of Rights, and in particular, the presumption of innocence until proven guilty (Tshehla 2005:4).

4. 5. 1. 4. Clarifying traditional leaders' role

According to Tshehla (2005), the South African Constitution and other legislation recognize the relevance of traditional leaders in many spheres of governance. However their role has not been explicitly outlined in crime prevention policy documents such as the 1996 National Crime Prevention Strategy and the 1998 White Paper on Safety and Security (Tshehla 2005:4). Traditional leaders therefore remain at the periphery of crime prevention even though they play a crucial role in such activities in rural areas (Tshehla 2005:4).

According to Tshehla (2005):

If crime prevention consists of proactively preventing crime from occurring, and reactively dealing with offenders, then the role of traditional leadership cannot be ignored. Crime prevention through environmental design (one of the pillars of the NCPS) would for example, benefit significantly from the active participation of traditional leaders (Tshehla 2005:4).

In arguing for the participation of traditional leaders in crime prevention, Tshehla (2005) further argues that, traditional leaders are at the centre of development in rural areas. This is the role that they had always played, as demonstrated by traditional leaders facilitating the building and maintenance of schools and clinics with their respective authorities (Tshehla 2005: 4). With 193 senior traditional authorities in Limpopo that have reasonable infrastructure, it would be prudent to effectively use these offices to

coordinate crime prevention projects (Tshehla 2005:4). Tshehla (2005) states that this is particularly pertinent given that the 2003 Act provides for accountability mechanisms for traditional leaders. For instance, traditional leaders have a code of conduct, women would enjoy at least 25% representation in the traditional council, and the traditional council would not be solely comprised of members of the royal kraal. This representation should provide the necessary checks and balances to deal with suspicions that some traditional leaders and their courts are biased (Tshehla 2005:4). Such bias could be against women or against those not related to the traditional leader (Tshehla 2005:4).

Tshehla further argues that the present democratic government is faced with the challenge of acknowledging the indispensability of traditional leaders in rural areas and to further equip them in the new democracy (Tshehla 2005:5). While traditional leaders contribute to other spheres of governance, their role seems more pronounced when it comes to crime prevention and the administration of justice (Tshehla 2005:5). The key question should not be whether traditional leaders should perform functions related to justice and crime prevention, but how they can fulfil their role in this regard (Tshehla 2005:5).

4. 6. Conclusion

Though the new western democratic government in S.A. recognizes the existence of the institution of African Traditional Leadership, very little is done by the government in a way of integrating the African Traditional systems of governance into the western democratic systems. The new western democratic government aims at mutual co-existence of the two divergent systems of governance. But as of now or at present, there is still a wide gulf between the two systems. All these indicate that the new western democratic government in South Africa is still faced with numerous challenges with regard to the institution of African Traditional leadership. Among other challenges are, how this African traditional leadership institution should be integrated into the western democratic government and what roles its members should play. Processes that the new Western democratic government in South Africa has embarked upon in efforts of adapting the institution of traditional leadership to democratic principles in order to let

the two institutions to mutually co-exist and co-operate in rural areas for efficient service delivery have never gone off paper.

The South African government had realized that for the institution of African Traditional leadership to function efficiently in the new democratic order, its members should receive skill development programmes in order to build capacity in these members. Capacity building programmes would thus enhance and empower members of the institution of African traditional leadership as up to present minimal if not absolute nothing is done by the government along this line. The failure of the Demarcation Board in taking areas of traditional leaders into cognizance when delineating municipal areas has aroused dissatisfactions among traditional leaders, hence their reluctance or refusal to co-operate with elected councillors in their communities. Municipal areas were drawn in such a way that one traditional leader's area could end up straddling two or more municipal areas. This could thus lead to one traditional leader's areas receiving unequal developments as they would be falling under different municipalities. This is a challenge for the government to attend to as matter of urgency.

Another challenge that is faced by the present government is that of overlapping competencies in rural areas between councillors and members of the institution of African Traditional Leadership. The government is faced with the task of differentiating between the roles of councillors and those of members of the traditional leadership (Khan 2001: 4). This lack of clearly defined roles between councillors and members of traditional leadership has caused friction between members of these institutions. This friction is compounded, by competing mandates and interpretations, about who represents the people (Khan 2001:4). This lack of well defined roles for municipal councillors and members of traditional leadership has given birth to unsound relationship between members of these two institutions of governance and this is detrimental to development of rural areas in all spheres, as this is the place where these two institutions are to co-exist. An urgent practical intervention by the S.A. government is needed to resolve this situation.

The government has up to now just made the first step in the right direction of solving the problems in rural areas by promulgating Acts, but it has never gone off the paperwork stage where frameworks for co-operation are outlined, and practically implement what they had laid down on paper. Constitutional stipulations on roles of traditional leadership need to be explicitly outlined for practical applications by traditional leaders in rural areas as there could definitely be no development in these areas without their participation as they are still enjoying a great support and they were at the centre of development in those areas. The western democratic government should acknowledge the indispensability of traditional leaders in rural areas and further equip them for maximal contribution in the new democracy (Tshehla 2005:4).

The other challenge that faces the new South African government regarding the institution of African Traditional leadership is to develop uniform procedures in the appointment or recognition of traditional leaders that would be observed in all provinces as presently different provinces use different laws of succession due to different norms, values, genealogy etc (Discussion Document 2005:5). The South African government has currently no clear universal policy on succession to African Traditional Leadership, the eligibility of women for traditional leadership positions as well as a uniform policy on the removal from office of traditional leaders. The Bill of Rights provides for equality of all S.A. citizens in all spheres. The promotion of Equality and Prevention of unfair Discrimination Act prohibits discrimination against men and women. The present S.A. government is now faced with a challenge of trying to reconcile the prevailing laws on succession and customary law with the equality clause entrenched in the Bill of Rights and the Promotion of Equality and Rights and the prevention of unfair Discrimination Act (Discussion Document 2005:5). The present S.A. government is also faced with the problems of known cases which are not yet solved where chieftainship has been usurped or acquired by trickery or force, and where some traditional leaders were deposed for political reasons (Discussion Document 2005:5).

The S.A. government in its western democratic constitution provides that every citizen is entitled to belong, stand for election and vote for a political party of his or her choice, but

a challenge for this government is how should the participation of traditional leaders in party politics be limited in need to promote governance and impartiality or will it be counter productive for traditional leaders to overtly espouse their party political views, or could any restrictions be placed on the political party activities of traditional leaders, or how could traditional leaders be capacitated to play a more impartial role (Discussion Document 2005:9). The government is also faced with a challenge of establishing partnerships between municipal councillors and traditional leaders as the latter could not just be wished away as they served their people over many years of different regimes. It is without doubt that, while traditional communities support western democracy and are increasingly conducting their lives in accordance with democratic principles, they simultaneously support traditional leadership (Discussion Document 2005:12). The government now faces a challenge of synergizing the two systems of governance within the framework of co-operative governance (Discussion Document 2005:12).

The new South African government should also provide uniform criteria for the constitution of provincial houses of traditional leaders as they are currently non-existent and the government should capacitate traditional leaders and provide them with infrastructure. The other challenge faced by the new democratic government in South Africa is with regard to where the area of jurisdiction of the formerly appointed traditional leader that according to new demarcations straddles more than one province or country (Discussion Document 2005:15). The government should come out with a clear uniform policy on relationships between traditional communities and traditional leaders resident in different provinces as well as in different countries where communities in South Africa are strongly linked to other communities in adjacent countries and instances where a more senior traditional leader in an adjacent country plays a role in customary processes in South Africa (Discussion Document 2005:16).

CHAPTER 5

African traditional leadership and service provisioning

5. 1. Introduction

In this chapter one would like to look at what service provisioning entails, as well as parties involved or to be involved in this process. One would also have to look at how this happened in pre-colonial African traditional communities, during the colonial period, and how this is envisaged to happen during the western democratic era. One would also have to conduct interviews and report on discoveries made during the interviewing of members of the institution of African traditional leadership and those of municipalities in rural areas, as well as establishing possibilities for members of African traditional leadership to can have a role to play in service provisioning in rural areas where these two inherently different governance institutions are to coexist.

“Service” is defined as “work done by somebody for somebody else as a job or duty” (Rooney 1999:1714). “Delivery” is defined as “taking something to somebody, or the carrying of something to a particular person” (Rooney 1999:502). Rooney (1999) also defines “rural” as “outside the city, found in or living in the country” (Rooney 1999:1644). Service delivery to rural areas therefore implies how work is done by somebody, and in this case one would refer to municipal officials, or how services are taken by municipal officials to people living in areas outside towns or cities and leading country lives under African traditional leaderships and their authorities.

The pre-colonial African traditional governments and the colonial governments in S.A. had their ways of taking services to their people in rural African traditional communities. The present democratic government in S.A. also has its own envisaged ways of taking services to these people living in rural areas. Although pre-colonial African societies were rural, leading country lives, colonization brought urbanization of some members of African traditional communities; the same situation of urbanization of members of

traditional African communities got an enormous momentum with the advent of a western democratic dispensation in S.A. But despite these great storms of migrations to urban areas, many black Africans are still living in those areas outside cities and towns where traditional leadership with its authority and influences are still endemic. The concern of this chapter is therefore how the present western democratic government intends engaging these traditional leaders in giving services to their rural subjects.

5. 2. The role of African traditional leaders in service delivery in pre-colonial era

In pre-colonial era the kings had through chiefs and headmen to deliver services to their subjects. Traditional leaders had thus through their leadership structures to do certain services for their people. Traditional leaders had to allocate duties or responsibilities to certain designated individuals, some on the basis of their knowledge or proven skills or expertise to provide services to their people in times of needs. Some services had to be provided by the king or the chief self. Services such as safety or security, provision of rain, health and social services, agriculture, allocation of residential sites, ploughing fields, pastures, care for widows and orphans etc. had to be provided to the kings' subjects. Service provisioning was thus a collaborative exercise by all members of traditional leadership at their various levels of the leadership structure. Men and women had different roles to play, e. g. men had to tend domestic animals like goats, sheep and cattle and women had to till the soil, gather wood, carry water and grow crops like kaffir-korn, millet, sugar-cane, cow-peas, water-melon, calabash etc (Potgieter 1970:71).

When cultivation was to begin, traditional leaders in pre-colonial times had to bless seed at a special ceremony. This was done by the chief or king on advice of the headman after the first rains (Potgieter 1970:71). At such a ceremony each individual brings or delivers a small amount of seed to the chief's kraal where it is treated by him with his special medicines (Potgieter 1970: 71). During severe droughts, headmen would approach the chief who was seen as the living representative of ancestors to instruct his specialist rainmakers to make rain (Potgieter 1970:71). By so doing the king was able to preserve the prosperity of his people or his subjects.

Kings, chiefs and headmen had to ensure the welfare and security of their subjects (Maylam 1986:24). They had to make sure that subjects had land to plough and graze their stocks, youth were organized for communal labour (Maylam 1986: 24). Traditional leaders had also to coordinate activities like ploughing, harvesting, hunting, ancestral worships and performance of rituals (Maylam 1986: 24). The king's medicines and his favours with the unseen powers have to be used for the benefit of the people (Maylam 1986:25). The king was responsible for the prosperity of the realm, he had to protect the realm against invasion and ensure that his subjects had sufficient land for crops and pastures (Maylam 1986: 25). The king was to prevent drought, plague, insect-infestations and similar disasters, and to perform rituals to ensure the well-being of his subjects (Maylam 1986:25).

The king exercised authority over all the homesteads. At grassroots level he had headmen as his foot soldiers and the custodians of authority. The king also had land rights, and had to allocate land to the households for cultivation, and regulated trade (Maylam 1986:28). On the legal front the king was the supreme judge. He had to hear cases of subjects and settle disputes by arbitration. He had to dispense justice to his subjects, ensure their protection against their enemies (Ayittey 1993:41). The king was also a representative and a spokesman for his subjects in all external relations (Ayittey 1993:41). He had to make sure that his subjects survive. He was also seen by his people as a living representative of the ancestral spirits that guarded them. According to Ayittey (1993), the king was also the soul of the nation, who had at all times to maintain proper harmony among the three components of the universe which are: the sky, the earth, and the world (Ayittey 1993:51). The sky is seen as the domain of the spirits of both the living and the yet to be born, as well as of powerful forces such as lightning, thunder, rain and drought. The earth is seen as the domain of dead ancestors, other dead tribesmen, and the activities of the living such as agriculture, fishing and hunting. The world which is occupied by people and other tribesmen is seen as the domain of war, peace, trade and relations with other tribes. It was the duty of the king to see to it that harmony among all these three components was maintained, otherwise there would be war, floods, famine and disease

(Ayittey 1993:51). A king had to perform ritual actions in order to maintain harmony between society and its natural environment (Ayittey 1993:51). Kingship was sometimes seen as the spiritual repository of the collective soul of the people as well as of the powers of ancestors (Ayittey 1993:51). The king sometimes may not even have to leave the capital. The king was the chief executive, law maker or interpreter of laws and customs and the adjudicator of disputes (Venter 1989:23). In serious cases that could provoke interfamily or interlineage feuds, the king or chief had to conduct investigations himself (Wallerstein 1966:184).

Traditional leaders also had to dispense health and social-welfare services to their subjects. At birth, puberty, marriage and death, diviners or herbalists on instruction by a traditional leader had to perform rituals to ensure that the dangers associated with these occasions are avoided (Lewis 1991:51). Zulus also had diviners and other power brokers (Lewis 1991:86). They also served individual needs such as: physical, psychological, spiritual and social. When an individual's health condition could be suspected of having been caused by mysterious forces, diviners or other power brokers would be summoned to come and restore the balance in the affected individual (Lewis 1991:86). Diviners normally function in providing information about the cause of the problems. Healers are to offer medicines for healing. Sorcerers could use black or evil magic to gain their information and their task is essentially to dislodge the enemy or destroy that force or power which is causing a problem (Lewis 1991:87). This is normally deemed an appropriate action in the face of a justifiable grievance. Sorcerers use occult means to be sure, but they seek a remedy to a perceived evil. They may use evil to combat evil (Lewis 1991:87). The king also had diviners to uncover people guilty of sorcery, other ills and misfortunes (Omer-Cooper 1924:12). Kings like Shaka had age-regiments (amabutho) who had to perform enforced services like public works and hunting parties (Maylam 1986:31). Traditional leaders had to make sure that widows and orphans in their communities are looked after. If a man did not have a cow he was to be given one to milk. When anyone kills an ox he had to invite all his neighbours to take part. The king had to ensure that all aged people were to be treated with love and kindness (Sparks 1990:14). The king also had to safeguard the general welfare of his subjects by ritual acts

and observances, and make sure that his followers have springs and watersheds etc. (Ayittey 1993:41).

By the Mafisa custom as practiced by Moshoeshoe, all cattle were owned by the king who merely loaned them to his followers for their use (Omer-Cooper 1994:239). Cattle thus loaned out to a poorer man also helped in alleviating poverty. The man that had been loaned cattle by this system could use milk and sometimes a proportion of the off-spring (Omer-Cooper 1994:10)

Traditional leaders were also of great religious significance to their subjects. The king was seen as a great priest and magician. He had to conduct various religious and magical ceremonies (Ayittey 1993: 41). The kings were seen as great magicians in their domains, and been given the secrets of the most potent medicines on their installations, as they were expected to prevent drought, plague, insect infestations and other disorders (Omer-Cooper 1994:15). Ritual experts of his kingdom had to carry out periodic rituals to ensure the well-being of the country. The king had to regulate the yearly performance of rituals that initiated planting, harvesting, and the movement of herds, game drives or the opening of the fishing season (Omer-Cooper 1994:15) . Whole community significant rituals had to be performed by the king or the chief in person e. g. the annual first-fruits ceremony. The Zulus see the headman as the single most significant person in the life of the Zulu kraal, since the lives of all the community depend upon his priestly duties as their representative to gain and sustain the favor of the ancestors (Lewis 1991:86).

5. 3. The role of African traditional leadership in service delivery during the colonial rule

During the colonial era the institution of African traditional leadership did not have any role to play at both national and provincial levels, but it was rather used as a platform to divide and rule the people and its structures did not have as their primary objective the delivery of services to the people, but rather the delivery of the people themselves to become subservient to the successive colonial and apartheid administrations (Hyslop

1999: 424). Chiefs and headmen became state functionaries and many of their pre-colonial functions were usurped by the state (Hyslop 1999:424). All pre-colonial functions that had given chiefs their legitimacy were usurped by the state.

The chiefs' functions were divorced from their roots, as they ended up serving the state more than their communities (Hyslop 1999:424). Many chiefs and their allies pursued accumulation through positions in bureaucracies and parastatal development companies (Hyslop 1999:425). During the colonial era the chiefs became the servants of government under the magistrate whom they were bound to obey (Fortes. et al.1973:47). The magistrate had to do many things which the chief could not do due to lack of power, organization and knowledge (Fortes et al. 1973:49). People then went to the magistrate when they had questions and troubles as the magistrate stood for many of the new values and beliefs that today affected the behaviors of the natives or nationals (Fortes et al. 1973: 49). The chief was responsible to the colonial administration for maintaining law and order in the tribe, preventing crime, and collecting the hut-tax (Fortes et Al. 1973:66). He was to carry out orders issued to him and render any assistance required from him by responsible officers of the government and cooperate with the government at all costs. He had to issue to his subjects receipts for tax payments, permits for the sale of cattle and corn and passes to leave the reserve (Fortes et al. 1973:66). The king was totally subordinate to colonial rule. Though he still levied, he could not compel labour service, and though he still owned land, it was less and subject to government control.

During the colonial era, traditional leaders were given powers and responsibilities that fell outside their original functions (White Paper 2003:25). The successive colonial and apartheid regimes did not directly provide development services and infrastructure in black rural areas (White Paper 2003:27). The African traditional leaders then assumed a role of facilitating provision of services in their respective areas. They worked with the government to build schools, clinics, roads etc. (White Paper 2003:27). The chiefs were expected to serve the colonial government before serving their communities and were rewarded for performing those roles. They were also expected to collect revenue and

recruit cheap labour for the colonial government, and were also to act as agents of the state.

On the legal front, the more serious cases that the headmen and chiefs in pre-colonial times could refer to the king for adjudication, had during the colonial era to be referred to the district commissioner and then placed in the hands of the magistrates (Fortes et al. 1973:187). Colonial rulers divested Bantu chiefs of criminal jurisdictions. The highest authority of European courts interpreted Bantu legal norms in the light of acknowledged Western moral concepts (Potgieter 1970:67).

The colonial christian religion abolished the conduction of various traditional religious and magical ceremonies, like the rituals of the annual first fruit ceremony. Ritual specialists, specialist rainmakers etc. that were so indispensable to African traditional communities were tabooed. The roles of chiefs in preventing draughts, plagues, insect infestations etc. were brought to an end. (Fortes et al. 1973:186). The Western Christians wanted to stamp out the worship of tribal gods, the intercession of the ancestors, and the power of the medicine men, all these though been highly valued by members of traditional African communities, were then labelled as heathen, by the colonial Christians and then tabooed (Sparks 1990:68).

Organised effort by George Schmidt, of Moravian Mission in 1737 aimed at replacing pagan concepts by the Christian philosophy and way of life (Potgieter 1970:66). Traditional pagan values, like ancestor-worship and polygamy, were looked upon as sinful. The lawful lobola transaction (traditionally the basis of the marital status of Bantu women and the legal position of their children) was condemned as degrading. These then lastly affected the relations of man to man, and of the individual to his group (Potgieter 1970:66). The Christian message calls upon the individual to strive after a high ideal, which may, if necessary, be reached outside the community of his fellows (Potgieter 1970:66). The magico-religious Bantu concepts that were an integral part of an essentially communal pattern of life and social structure of the Bantu were at a threat of disintegration. Potgieter (1970) sees the acceptance of Christian philosophy and a way of

life by the Bantus as not only meaning a loss of membership of traditional groupings, but also the rapture of the essential communal unity of the old society (Potgieter 1970:66).

Potgieter (1970) further argued that:

While the efficacy of the most important tribal rituals for the benefit of people, land and livestock was believed to be dependent upon the co-operation of the entire community, this mystical unity was broken by the non-cooperation of the increasing Christian element, and the confidence in the infallibility of these old ritual practices were shattered (Potgieter 1970:66).

5. 4. The role of African traditional leaders in service provisioning in rural areas during the western democratic government in South Africa

In the new democratic S.A. the government through the Traditional Leadership and Governance Bill of 2003 as so published by the Minister for Provincial and Local Government provided for the recognition of the institution of African Traditional leadership, and traditional communities as well as the establishment of houses of traditional leaders for the 6 provinces at national and provincial levels. The institution of African traditional leadership was to be transformed in line with constitutional imperatives.

With regard to service provisioning in rural areas which is our focus of study here, the new democratic government in S.A. has made it the competency of municipalities in rural areas to deliver services in these previously disadvantaged traditional communities that are historically strongholds of African traditional leaders. Traditional councils should thus form partnerships with municipalities in view of strengthening the capacity of traditional councils to fulfil their functions with regard to efficient service delivery to traditional communities. Our current study has hypothesized that: - unless the roles of the African traditional leadership and those of municipalities are well defined to acceptable levels of both parties at the local government levels, provisioning of services to members of traditional communities where these two forms of governance are to co-exist would

never be without problems, hence traditional leaders would always be sceptical about the aims of this western democratic government regarding this institution.

Kgosi Molotlegi argues that, traditional structures should be viewed as valuable partners rather than as competitors or opponents in the formation of African democracies (Molotlegi 2004:6). He further argues that, the sad reality is that many African governments have refused to support and partner with traditional structures, and have instead through policy and rhetoric sought to degrade these institutions (Molotlegi 2004:7). Kgosi Molotlegi himself praised the memorandum of understanding that the Bafokeng community signed with local government authorities in 2003. According to Molotlegi the objective of this agreement was to forge cooperation between traditional government and local government in all matters of mutual interest and most particularly on development projects (Molotlegi 2004:7). Molotlegi sees this agreement signed between the Bafokeng and the local government as the type of convergence needed between the two different systems of governance at the local level for efficient service delivery. Now a question is, will this type of an agreement ever be signed in other areas where the traditional and western democratic systems co-exist? The western democratic government in S.A. aims at transforming the institution of African traditional leadership and adapt it to the present system of governance, resource it and even capacitate its members. The new democratic government in S.A. had seen a need for the creation of conditions for democratic governance and stability in rural areas so that accelerated service delivery and sustainable development can be achieved. Another hypothesis formulated for this study is: there are at present no clearly differentiated roles between members of the institution of African traditional leadership and municipalities in rural areas. The assumption being that, clear role differentiation for members of the two institutions is a precondition for the formation of partnerships needed for efficient service delivery in rural areas where these two inherently different systems of governance co-exist.

The new government in S.A. wants the institution of traditional leadership to play a complementary, supportive and advisory role to the government. As an initial attempt to

deal with the issues of traditional leadership, the 1998 White Paper on local Government provided in broad terms for a co-operation model within which traditional leadership could co-exist with municipalities. But one holds suspicions that, these initial plans and efforts by the government could not be accepted by traditional leaders as they suspected the government of intentions to usurp their powers. The new S.A. government had aimed at transforming and supporting this institution in accordance with constitutional principles of western democracy and equality, so that it may represent customary interests of communities, play a role in socio-economic development, contribute to nation building and be accountable. One wonders as to whether up to now something tangible has been done or achieved in this direction.

One then had to conduct an empirical research to establish the views and opinions of the members of the institution of African traditional leadership and municipal officials on the alleged scepticisms of the members of the institution of African traditional leadership with regard to the aims of the new government with their institution, whether the roles they are supposed to play in service provisioning are well differentiated from those of municipal councillors, whether they are adapting well to the democratic imperatives of this new government, whether they are cooperating with municipal councillors in service provisioning and whether they are adequately capacitated to can play their expected roles well, as this new government had also aimed at capacitating them.

5. 5. Report on the research conducted: Analysis and interpretation of results

5. 5. 1. The research problem

The problem formulated for this research was that: The absence of well differentiated roles between members of the institution of African traditional leadership and those of the present western democratic government (municipalities) at the local government level (rural or traditional communities) affects service provisioning in those areas adversely.

5. 5. 2. Hypothesis of the study

This study has hypothesized that: Unless the roles of the institution of African traditional leadership and those of municipalities are differentiated or defined to acceptable levels of both parties at the local government level, where these two inherently different forms of governance co-exist, provisioning of services to members of these traditional communities would never be without problems.

The study further assumed that members of the institution of African traditional leadership would always be skeptical of the new government's aims with regard to this institution. These skepticisms would never make service provisioning a smooth sailing process in these traditional communities where the institution of African traditional leadership is entrenched.

5. 5. 3. Aims and research objectives

Objectives: to explore the roles of African traditional leadership in service provisioning during the pre-colonial, colonial and modern western democratic South Africa.

Selected aims:

- to investigate possibilities for clear role differentiations between members of the institution of African traditional leadership and municipalities at the local government level.
- to explore possibilities for partnerships between the institution of African traditional leadership and municipalities.
- to investigate skepticisms that are allegedly badly influencing cooperation between members of the two institutions on service delivery

5. 5. 4. Assumptions

The study assumes that unless the roles of African traditional leadership and those of municipalities are well defined to acceptable levels of both parties at local government

level (rural areas), provisioning of services to members of traditional communities would never be without problems. On the other hand unless the institution of African traditional leadership is adapted to the modern democratic principles its legitimacy to most politically conscious youth of these traditional communities would always remain doubtful. It is for the traditional leadership to accept adaptation, so that it could be transformed in line with western democratic imperatives for it to can be well resourced and its members be capacitated to carry out their constitutional obligations well. Where there is contention between these two parties, the decision of the South African government would always prevail over that of the institution of African traditional leadership. Should the institution of African traditional leadership not be ready to adapt as so planned by the present government in South Africa possibilities are that it may even face disestablishment as the decision of the government would always prevail over that of the institution of African traditional leadership. This institution may be completely disestablished as in Spain and Norway or just exist in symbolic form as in U.K.

5. 5. 5. Key questions for the research

The key questions for this research are:

- are there really well differentiated roles in place for members of the institution of African traditional leadership and municipalities in rural areas?
- are there skepticisms on the part of members of the institution of African traditional leadership with regard to the aims of the western democratic government in South Africa regarding this institution?
- will the alleged conflicts between members of these two institutions be established and resolved for cooperative partnerships in service delivery to be possible?
- are members of the institution of African traditional leadership ready for adaptation to western democratic principles of the new South Africa as contained in the Bill on traditional leadership of 2003?
- what conclusions could one arrive at from the research conducted regarding the future of the institution of African traditional leadership in western democratic S.A. particularly with regard to service provisioning in rural areas?

5. 5. 6. Research methodology

Hence here the research was to investigate a social phenomenon that concerns provisioning of services to traditional communities a qualitative research method was used. Interviews were conducted with members of the two institutions in question. Closed and open-ended questions were also used in the research. Closed questions were for gathering basic biographical data such as age and gender. Questions such as “Why do you say yes or no?” were also used for the respondents to motivate their views. The interviews were dominated by probing questions in order to engage respondents in debates. Face to face interviews were conducted whereas in some instances telephonic interviews had to be conducted particularly with officials of the municipalities who on several occasions were not easy to access for face to face interviews.

5. 5. 7. Population and the research group

The population for this study is municipal officials and members of the institution of African traditional leadership as they occur in rural areas in South Africa. Because it would be utterly impossible to apply the instrument to the total of all people that would meet the criteria, one thus had to apply the instrument to a sample from rural municipalities in the Capricorn district of the Limpopo province. The variables tested in this study were: municipal officials and members of the institution of African traditional leadership and their views on service provisioning in rural areas in this western democratic era where these two institutions co-exist. Though the study had earmarked to interview 70 members of each institution, logistical factors did not make this possible.

5. 5. 8. Data gathering / Analysis and interpretation of results

One had to gather data by making notes as respondents were responding to questions during the interview. These notes were then kept in files for safe keeping. Analysis of data was done by hand. Significant or information valid and relevant for the research purpose was separated from the invalid or the irrelevant one. Relevant information

gathered was then synthesized and codified. Careful scrutinies were used to establish patterns with regard to data generated from the interviews. Categories or themes were then used to cluster related information data together e. g. al data indicating expressions of suspicions by the respondents were clustered under scepticisms etc. This clustering of all sets of data enabled one to represent those responses in tables with frequencies that one had to use in interpreting the interview results. The tables with frequencies of occurrences of data under established categories are indicated below.

Here are the results of the empirical research conducted. The same questionnaire was used for interviewing members of the institution of African traditional leadership and officials of the municipalities. The questionnaire that was used in this research consisted of two parts. Those are Section A and Section B. The tables, which are in Section A of this report, summarize biographical data and tables that follow under Section B contain information on responses of the interviewees. Biographical data of the members of the two institutions are reflected apart under Section A, and the responses to the questions are also reflected under Section B.

SECTION A

5. 5. 9. 1. Gender

Table 1. Shows the gender of members of the two institutions that were interviewed.

Gender	Traditional leaders	Municipal officials	Totals
Males	57	39	96
Females	6	33	39
Totals	63	72	135

This table shows that of a total of 63 members of the institution of African traditional leadership that were interviewed, 57 were males and 6 females. This great disparity in terms of gender of the members of the institution of African traditional leadership interviewed could be attributable to the fact that leadership in this institution is still

predominantly a domain of males as it was historically patriarchal. On the other hand interviewees from the municipality indicate a nearly equitable distribution along the gender line, the possible reason for that being the gender sensitivity of the present western democratic government in S.A.

5. 5. 9. 2. Educational level

Table 2. This table shows the educational level of all the interviewees from the two institutions.

Educational level	Traditional leaders	Municipal officials	Totals
Primary	51	0	51
Secondary	12	15	27
Tertiary	0	57	57
Totals	63	72	135

This table shows that of the 63 members of the institution of African traditional leadership interviewed 51 had gone only up to the primary school level of education, 12 had secondary school education and none had gone to tertiary level. With regard to municipal officials' educational levels the inverse of what happened with regard to the members of the institution of African traditional leadership occurred. None had gone only up to primary education level, 27 had secondary school education and the majority, which is 57, had tertiary education.

SECTION B

5. 5. 9. 3. How would you comment on the alleged scepticisms held by the members of the institution of African traditional leadership with regard to the aims of the present western democratic government regarding this institution?

Interviewees had to indicate as to whether these scepticisms do exist or not. The

responses were thus as contained in the table below.

Table 3. This table shows the responses of members of the two institutions with regard to the existence of scepticisms.

Scepticisms	Traditional leaders	Municipal officials	Totals
Yes	54	60	114
No	9	12	21
Totals	63	72	135

From the above table one could read that, of the total of 135 interviewees from both African traditional leadership and municipal officials, 114 of them which is 84% of all the interviewees had shown that scepticisms on the aims of the new S.A. government with regard to the institution of traditional leadership do exist. Municipal officials do concur that scepticisms exist, but they believe that these would fade away with time. A very small percentage of interviewees do say that there are no scepticisms. This group accounts only for 21 interviewees out of a total of 135 interviewees, which is only 16%.

5. 5. 9. 4 Are you aware of the proposed plan for the adaptation of the institution of African traditional to the democratic principles of the new democratic S.A. as contained in the Bill on traditional leadership of 2003?

Table 4. This table shows the responses by members of the two institutions interviewed on whether they are aware of the Bill on traditional leadership of 2003.

Are you aware	Traditional leaders	Municipal officials	Totals
Yes	3	69	72
No	60	3	63
Totals	63	72	135

Responses to this question evidenced alarmingly sharp contrasts between members of the two institutions. Of the total of 63 members of the institution of African traditional leadership interviewed, only 3 (5%) had shown awareness of the proposed legislation

with regard to the institution of African traditional leadership and 60 (95%) had indicated that they are not aware of this legislation. Those that had shown awareness of this legislation had shown not to have any knowledge of the contents of the document, and they had even complained about it being in English and thus not understandable to them. Headmen, who are traditional leaders at the lowest level of this leadership structure complained about been overlooked by the government. They complain that the government has set up provincial and national structures with the aim of bringing these on board with regard to the transformation of this institution along the western democratic lines, but has overlooked the traditional leaders at the grassroots level where service delivery is to take place and where partnerships between members of these two inherently different governance institutions are to be formed. They allege that information from the higher structures is not cascaded well to them. 69 members out of a total of 72 municipal officials interviewed (96%) had on the other hand indicated that they are aware of legislation regarding the institution of African traditional leadership and that they also understand the implications of these legislations very well. Only 3 municipal officials (4%) had shown no awareness of such legislation.

5. 5. 9. 5 Are the members of the institution of African traditional leadership ready to adapt to the democratic principles of the new South African government?

Table 5. This table contains the scores representing the preparedness or unpreparedness of the members of the institution of African traditional leadership to be adapted to the democratic principles as so perceived by members of the two institutions under study.

Ready to adapt	Traditional leaders	Municipal officials	Totals
Yes	51	69	120
No	12	3	15
Totals	63	72	135

From a total of 135 interviewees interviewed, 120 interviewees (which is comprised of 51 members of African traditional leadership and 69 municipal officials) which is 89% of all interviewees, had shown that members of the institution of African traditional leadership

are ready to be adapted to the western democratic order of the country. Only 15 of all interviewees (11%), 12 of which are members of the institution of African traditional leadership and 3 municipal officials had shown that members of the institution of African traditional leadership are not ready to adapt.

5. 5. 9. 6. How could you comment on the success of the adaptation plan?

Table 6. This table contains the responses of the members of the two institutions on the success of the government' adaptation plan.

How adapted?	Traditional leaders	Municipal officials	Totals
Well	6	12	18
Not well	57	60	60
Total	63	72	135

Of the total of 135 municipal officials and traditional leadership members interviewed in the study only 18 (13%) had reported that adaptation of the members of the institution of traditional leadership progresses very well, whereas 117 (87%) of members of both institutions from a pool of 135 interviewees reported that adaptation of the institution of African traditional leadership to the western democratic principles does not progress well.

5. 5. 9. 7. Do you regard the state as encroaching on the terrains of the institution of African traditional leadership by adapting this institution to the western democratic principles?

Table 7. This table then contains the responses of the members of the two institutions under study on this question.

Is the state encroaching?	Traditional leaders	Municipal officials	Totals
Yes	42	0	42
No	21	72	93
Totals	63	72	135

42 of the 63 members of the institution of African traditional leadership, which makes up 67% of all interviewed members of this institution had indicated that the new government is encroaching on the terrains of this institution by attempting to adapt this institution to the democratic principles. On the other hand 21 members that is 33% of the interviewed members of this institution of African traditional leadership do not see any encroachments. None of the 72 municipal officials had seen any encroachments by the state on the terrains of the institution of African traditional leadership.

5. 5. 9. 8. Can the institution of African traditional leadership have any role to play in service provisioning during this western democratic era in South Africa?

Table 8. This table then contains responses by the members of the two institutions on possibilities for the institution of African traditional leadership to can play a role in service provisioning in the rural areas.

Role possibilities	Traditional leaders	Municipal officials	Totals
Yes	57	72	129
No	6	0	6
Totals	63	72	135

All municipal officials believe that the members of the institution of African traditional leadership are to have a role to play in service provisioning in rural areas. 57 of the 63 (84%) members of the institution of African traditional leadership that had been interviewed had shown that they can have a role to play in service provisioning in their traditional communities. This shows a significant unanimous agreement by all parties that members of the institution of African traditional leadership could have a role to play in service provisioning in rural areas.

5. 5. 9. 9. Do you consider the new western democratic government in South Africa to have spelt out clearly the roles of African traditional leaders vice versa those of municipal officials with regard to the provisioning of services in rural areas?

Table 9. In this table we then find responses by members of this two institutions on whether the South African government has spelt out clearly the roles of the members of the two institutions with regard to service provisioning in the rural areas.

Are roles clear?	Traditional leaders	Municipal officials	Totals
Yes	9	6	15
No	54	66	120
Totals	63	72	135

54 members of the institution of African traditional leadership (Which is 86 %) and 66 officials of the municipality (which is 92 % of the interviewed members of the institution of African traditional leadership) do agree that roles of members of the two institutions with regard to their roles on service provisioning in the rural areas are not well spelt out. This has been seen to be creating very serious confusion of roles between members of the two institutions. This is another area of unanimous agreement by members of the two institutions.

5. 5. 9. 10 If clear and unambiguous roles could be spelt out for members of the institution of African traditional leadership, would this make their adaptation to the western democratic imperatives of the new government facile, and thus facilitate cooperation in service provisioning?

Table 10. This table contains responses with regard to whether clarification of roles for traditional leaders would make their adaptation to the western democratic political order easy.

Would role clarification facilitate adaptation?	Traditional leadership members	Municipal officials	Totals
Yes	57	72	129
No	6	0	6
Totals	63	72	135

57 of the 63 members of the institution of African traditional leadership which is 97% of these members agree that once their roles are well clarified they would be apt to cooperate with municipal councillors in service provisioning . The same sentiments are echoed by municipal officials . They also see unclear role differentiation as stumbling all prospects for cooperation in view of service provisioning. All 72 municipal officials which is 100% do agree

5. 5. 9. 11. Are the members of the African traditional communities still loyal to the institution of African traditional leadership as before 1994?

Table. 11. This table shows responses of the members of the two institutions on whether members of African traditional communities are still loyal to this institution as it was before 1994.

Loyalty to traditional leadership	Traditional leaders	Municipal officials	Totals
Yes	48	12	60
No	15	60	75
Totals	63	72	135

44 % of all interviewees had said that members of traditional communities are still loyal to their traditional leaders as before 1994, whereas 56 % of all interviewees said that the loyalty that traditional leaders had enjoyed before 1994 had disappeared.

5. 5. 9. 12 In this western democratic S. A, who do you think between members of the institution of African traditional leadership and municipal councillors should take a leading role in service provisioning?

Table 12. In this table are responses by all interviewees from the two institutions on who they think should take the leading role with regard to service provisioning.

Responses on leading role	Traditional leaders	Municipal officials	Totals
Traditional leaders	0	63	63
Municipal officials	0	72	72
Totals	0	135	135

All respondents did unanimously agree that municipalities should take a leading role in providing services to rural communities with traditional leadership members cooperating.

5. 5. 9. 13. Are you aware that service provisioning in rural areas in this western democratic S.A. is the competency of the local government and members of the institution of African traditional leadership should cooperate?

Table 13. Contained herein are the responses are the 135 respondents to the above question.

Competency of municipal officials.	Traditional leaders	Municipal officials	Totals
Yes	60	72	132
No	3	0	3
Totals	63	72	135

132 respondents from a total of 135 interviewees (both from traditional leadership and municipalities) are aware that in rural areas service provisioning is the competency of the local government and members of the institution of African traditional leadership are to cooperate. This represents 98% of the interviewee population. Only 3 members (which is 5 %) of all interviewed members of the institution of African traditional leadership indicated that they are not aware.

5. 5. 9. 14. How could you as of now comment on the state or extent of this cooperation that is a precondition for efficient service delivery in rural areas between members of these two institutions?.

Table 14. This table contains responses by the members of the two institutions on the state of cooperation between these two institutions.

State of cooperation	Traditional leaders	Municipal officials	Totals
No cooperation	57	30	87
Cooperation is well	6	42	48
Totals	63	72	135

87 respondents (which is 64 %) of all interviewees from the two institutions had indicated that cooperation between members of the two institutions with regard to service provisioning in the rural areas is non-existent 57 members of the institution of African traditional leadership (which is 91 %) indicated that there is no cooperation, whilst 42 municipal officials (which is 58 % of their interviewed members) had indicated that cooperation between members of this two institutions with regard to service provisioning is well. Further probing of municipal officials' claims of cooperation could fit the description of compliance.

5. 5. 9. 15. Do you regard members of the institution of African traditional leadership as at present as having the capacities to can handle or cope with the demands for efficient service provisioning in rural areas?

Table 15. The table below represents the responses by members of the two institutions under study on the capacities of the members of traditional leadership to can cope with demands for efficient service provisioning in their areas.

Do traditional leaders have capacity	Traditional leaders	Municipal officials	Totals
Yes	9	6	15
No	54	66	120
Totals	63	72	135

Here respondents do agree on the lack of capacity by members of the institution of African traditional leadership. Of the 63 members of the institution of African traditional leadership interviewed 54 (which represents 86% of these members) do agree that members of this institution do not have the needed capacities to cope with the demands for efficient service delivery in their traditional communities. Equally so, the same sentiments of lack of capacity on the part of members of the institution of African traditional leadership with regard to service provisioning in their communities are echoed by municipal officials. 66 out of 72 municipal officials interviewed (which makes 92 %) do agree that members of the institution of African traditional leadership do not have the needed capacities to cope with demands for efficient service provisioning in their traditional communities.

5. 5. 9. 16. Would capacitation of the members of the institution of African traditional leadership make them more receptive to the adaptation plan, and thus cooperate with municipal officials in service delivery?

Table 16. Contained in this table are responses from members of the two institutions under study as to whether capacity building in the members of the institution of African traditional leadership would of necessity imply receptivity to the adaptation plan and also cooperation

Would capacity building imply cooperation?	Traditional leaders	Municipal officials	Totals
Yes	63	72	135
No	0	0	0
Totals	63	72	135

To this question, all respondents from the two institutions do unanimously agree that capacity building in the members of the institution of African traditional leadership would enhance their receptivity to the government's adaptation plan and this would also imply cooperation by members of the two institutions for efficient service delivery.

5. 6. Conclusion

This chapter had aimed at looking at service delivery from a historical perspective. This implies how African traditional leaders had delivered services to their traditional communities in pre-colonial times. It was shown in this chapter that African traditional leaders through their leadership structures had during the pre-colonial era been able to deliver services to their people. The king or chief through the employment of various specialists had provided for the welfare of their community members in all aspects of human existence.

During the colonial era, the colonialists interfered enormously with the African traditional system of delivering services. They started by changing the pre-colonial African traditional leadership structure. They added new levels to the African traditional leadership structure e. g. the independent headmen, sub-chiefs etc. African traditional leaders had to be agents of the state and instead of delivering services to their people, they delivered their people to the state and were paid for that. In this chapter we also looked at how the present western democratic South African government had attempted to redeem the dented image of the institution of African traditional leadership and also restoring its dignity.

An empirical research was also conducted in this chapter to investigate if ever the government's plan of making the African traditional leaders partners with local government officials in service delivery in rural areas does work as so planned by the new government. We also looked for successes of the plan if any, or the stumbling blocks that could be hindering the plan to unfold well.

In chapter 6 which is the last chapter or concluding chapter, one would thus arrive at sound conclusions based on the results of our investigations and put forth a way forward towards the resolution of the service delivery impasse. . One would also make recommendations to efficient service delivery in rural areas where traditional leaders are to form partnerships with municipal officials.

CHAPTER 6

Conclusion and way forward

6. 1. Introduction

The problem formulated for this research is: the absence of well differentiated roles for members of the institution of African traditional leadership and those of municipal officials in rural areas or traditional communities affects service provisioning in those areas adversely. It was further hypothesized that this lack of clear roles for members of the institution of African traditional leadership vice versa those of municipal officials creates scepticisms on the part of the members of this institution with regard to the aims and objectives of the S.A. government with regard to this institution . Scepticisms are also hypothesized to give rise to lack of cooperation by traditional leaders and failure or refusal by traditional leaders to adapt to the western democratic imperatives. According to the 2003 Bill on African traditional leadership, service delivery in rural areas should be the competency of the local government or municipalities and the institution of African traditional leadership was to adapt to the democratic order and also to cooperate with municipal officials.

6. 2. Conclusions with regard to the first hypothesis that: members of the institution of African traditional leadership are sceptical about the aims of the present democratic government with regard to this institution.

Out of 135 interviewees (from the two institutions) interviewed on this alleged presence of scepticisms, 114 of them which is 84% of all the interviewees had said “yes” to the presence of the alleged scepticisms. Some officials of municipalities do believe that these scepticisms would wane with the passage of time, as the roles of these traditional leaders could be made clearer. These officials allege that scepticisms were rife in 1994 and appear to be subsiding now. These research findings therefore argue well for the presence of these scepticisms by members of the institution of African traditional leadership with regard to the aims of the new western democratic

government regarding this institution. Although age and the literacy levels of African traditional leaders were not for considerations in this study, they appeared to be contributors to the sceptical nature of African traditional leaders to the aims of the new S.A. government. Most of the interviewed traditional leaders were around 70 years of age and had never gone beyond primary school education and some had never been at school.

The real source of scepticisms harboured by African traditional leaders could therefore be ascribable to the lack of well-differentiated roles for traditional leaders and municipal officials. Though the aims of the new government might have been well communicated to the national and provincial structures of the institution of African traditional leadership, they were not communicated well to the members at the lowest level where service delivery is to take effect. Some headmen were found blaming their chiefs for not cascading information down to them. They had even alleged that some chiefs just refused to attend meetings organized by mayors, and some after attending those meetings would never report back to headmen.

Another vivid manifestation of scepticisms of traditional leaders about the aims of the government was with regard to the payment of levies. Levies were historically been paid to traditional leaders. Once the new government had come into being confusions emerged among headmen and the community members as to whom between chiefs and municipalities these levies should be paid. It was discovered that the municipalities were claiming to have agreed with traditional leaders that all levies be paid to the municipalities, and after collection of those monies, municipalities would pay back to the traditional leaders amounts equivalent to the same total of what the traditional leaders could have collected from every household, and what remains after those payouts would belong to the municipality, as for example, in some instances traditional leaders required R10-00 per annum and on the other hand the municipalities demand R10-00 every month.

Headman complained that in agreements like that, i.e. that had been agreed upon by the chiefs and municipalities, many chiefs gave headman distorted information or direct opposites of what was agreed upon. When this study was conducted, headmen were submerged in a sea of misinformation having nobody to rescue them. Some chiefs had shown mistrust of the new government, and had all indicated that this new government cites a lot of human rights at the expense of traditional authority. These excessive human rights are said to result in the escalation of the rate of crime in the usually tranquil traditional communities.

Chiefs also complained about being given orders by municipalities instead of reaching consensus through discussions. Of the 63 members of the institution of African traditional leaderships interviewed, only 3 had shown to be aware of the new legislation governing their institution. 129 interviewees do agree that really these members of the institution of traditional leadership could have major roles to play in service delivery, and interviewees also agree that once roles are well spelt out service delivery would be enhanced. Service delivery is infested with problems, some communities had been without water for over 4 months, and not been given any good reports of what could be the reason. Provision of electricity had also divided members falling under one traditional leader into two groups, some having landed in police cells for skirmishes resultantly ensued.

6. 3. Conclusions with regard to the second hypothesis were that: clear role differentiation for members of the two institutions would make traditional leaders to adapt to the western democratic order with ease. Evidence from the study revealed that members of the institution of African traditional leadership are ready to adapt, and that an obstacle to this is unclear roles for members of this institution. Of all the 135 interviewees, 17 had shown that at the time of the study the process of adaptation had not gone well although 120 interviewees had also shown that traditional leaders are ready to adapt, and once the present obstacle of confusion of roles is removed, despite other things, they would adapt.

Another interesting revelation made from the 51 traditional leaders that had just said “yes” to the adaptation plan was that, they had no option but just to adapt, because of their state of powerlessness in all respects in relation to the overwhelmingly powerful new government in S.A. They see the economic system of the government as having completely eroded theirs that pivoted on land and they too, like their subjects had become the servants of their master (government). All interviewees do agree that by capacitating members of the institution of African traditional leadership whom they all agree do lack capacity, would be a plus factor for the adaptation plan.

6. 4. Conclusions with regard to the third hypothesis were that: Lack of well-differentiated roles for members of the institution of African traditional leadership vice versa those of municipalities would impede co-operation needed for efficient service delivery.

132 interviewees out of 135 do agree that traditional leaders are to cooperate with municipalities in service delivery. 60 out of 63 traditional leaders, that is 95% of the interviewed traditional leaders do agree that they are to cooperate with municipalities in service provisioning. 57 of the 63 interviewed traditional leaders that makes 91% of these traditional leaders interviewed say up to the time of this study there was no co-operation. We had seen 58% of municipal officials saying there is co-operation. On closer scrutiny and deeper probings that which municipality officials had deemed co-operation could very well fit the description of compliance.

Cooperation by these historically and inherently divergent government systems was deemed in these studies as the pivot around which efficient service provisioning in rural areas would revolve. The study further assumed that for this cooperation to exist, the alleged scepticisms that this current study has now proved to be in existence among members of the institution of African traditional leadership should first be cleared. Evidence from the research had shown lack of cooperation between members of these two institutions in service provisioning. Traditional leaders complained about councillors who communicate directly with their subjects bypassing them. Councillors

are alleged to meet community members at schools without the knowledge of traditional leaders. At such meetings it is alleged that agreements are made for community members to pay certain amounts to councillors before they could be provided with certain services e. g. provision of electricity. The headmen or chiefs only come to know of all these when community members come to report to him about the councillor who had vanished with their monies. Some traditional leaders had also alleged that they are not informed when projects are to start in their communities. They claim to have just seen materials for new projects being dumped at the sites for these projects, community members been hired and later some projects been left unfinished and hired community members not been paid, with no report to the traditional leader neither from the contractor nor from the ward councillor on what could have happened.

6. 5. Recommendations

For the members of the institution of African traditional leadership to can play an effective role in service provisioning the following recommendations are made:

- ❖ the government should define the roles of the members of the institution of African traditional leadership very well in relation to those of the municipal officials.
- ❖ roles for traditional leaders should be in their own language or own language and English.
- ❖ the government should take it up on itself to make sure that traditional leaders and heirs to traditional leadership positions are well educated
- ❖ traditional leaders should be capacitated in line with their expected roles.
- ❖ MEC's for local governments should see to it that all chiefs and headmen are brought into the fold, and attend all meetings planned for members of this institution.
- ❖ traditional leadership structures should also be established at local government levels.

- ❖ forums like the Mayor-chiefs and -headmen forum should be set up, so as to harmonise relations.
- ❖ the ward councilors-headmen forums should also be set up so that traditional leaders at this lowest level could always be informed about developments in their communities and wards. These forums would help in resolving problems at ward levels before they could develop into epidemic proportions.
- ❖ a schedule for meetings of Mayor-councillors and traditional leaders should be drawn and attendance be enforced.
- ❖ the issue of payment of levies and services should be attended to as a matter of extreme urgency.
- ❖ municipal or government officials should stop adopting a domineering, a master-servant or the sighted leading the blind approach, when dealing with issues of the institution of African traditional leadership.
- ❖ Councillors should liaise and cooperate fully with traditional leaders when the projects are to be kick started and be co-accountable to all project related activities.

6. 6. Way forward

The present government in South Africa has adopted a Eurocentric approach in dealing with issues of the institution of African traditional leadership. Eurocentricity is a philosophy that puts Europe at the centre of the world of thought. This is a tendency to adopt European, white or western perspective (Asante 2006: 38). This government uses European mechanisms in resolving matters of African traditional leadership. It thus imposes western democratic principles on the institution of African traditional leadership. This present South African government uses this Eurocentric approach in its attempts to resolve the problems that the traditional leaders are currently experiencing in rural areas. This is an approach that one stands to oppose vehemently as it grossly undermines the competency of Africans.

One would recommend for the adoption of an Afrocentric perspective by the South African government in addressing the problems of traditional leadership in rural areas with regard to service provisioning. “The Afrocentric perspective is a revolutionary shift in thinking proposed as a structural adjustment to African disorientation, decenteredness, and lack of agency (Asante 2006 : 38). Afrocentrist asks the question “what would African people do if there were no white people (Asante 2006: 38).”

Asante (2006) asks:

What natural responses would occur in the relationships, attitudes towards the environment, kinship patterns, religious, and historical reference points for Africans if there had not been any intervention of Arab or European colonialism or enslavement? (Asante 2006: 38).

Afro centricity answers this question by asserting the central role of African subject within the context of African History (Asante 2006: 38). In this way Afrocentricity becomes a revolutionary idea because it studies ideas, concepts, events, personalities and political and economic processes from a standpoint of black African people as subjects and not as objects on the fringe of Europe. This perspective also asks all Africans as to when will they stop being a beggar people and do what they know they must and can do.

According to Asante (2006)

When Africans view themselves as central to their own history then they see themselves as agents, actors and participants rather than as marginal, on the periphery of the political or economic experience of others. Africans should thus see the world through their own eyes, and Africans must understand that they are central to their own history, not someone else (Asante 2006:38).

Asante (2006) further argues that “if we can in the process of materializing our consciousness, claim space as agents of progressive change, then we can change our condition and the world.” The colonizers through their ideologies and policies had justified their superiority and the inferiority of the colonized Africans (Martin &

O'Meara 1995:140). The colonialists had argued that it was the right, indeed the duty, of the "higher" civilization to conquer the "lower" civilization in order to bring prosperity and progress to all parts of the world (Martin and O'Meara 1995:141). Colonialists preferred to use the concept of "the native" implying that Africans as inferior creatures, were not fit to rule themselves (Martin and O'Meara 1995:141). When colonialists later offered education to a few Africans, they had to be taught that European culture and civilization were superior and Africans were taught to reject their former religious practices and cultural traditions (Martin and O'Meara 1995: 141).

Service delivery according to the new South African government should at the local government level be the competency of the municipalities and traditional leaders should cooperate. One would recommend that this delivery of services should be the competency of the institution of African traditional leadership as an indigenous system of governance that had in pre-colonial era delivered services to its indigenous communities efficiently. This is therefore the institution that should spearhead development and municipal councillors could then be drawn in to partner traditional leaders in this process. It is uncalled for, for the new western democratic state in South Africa to try to prevail over the indigenous institutions of governance which practiced their African democracies. By allowing the basic western democratic principles to prevail over the indigenous African systems of governance, would put African traditional leadership in jeopardy (Sithole 2005:103). Western democratic systems should be adapted for use into the indigenous African system of governance, because African systems are never in any way inferior to western democratic systems. The popular western view regards traditional Africa not only as isolated from the outside world but also as static, and emphasizes an unchanging lifestyle and value system (Martin & O'Meara 1995:7). Contrasted with this is the popular view of modern Africa as much more progressive and dynamic, due largely to the impetus of western ideas and technology.

Implicit in the concept of traditional and modern is the idea of evolution or progress over centuries (Martin & O'Meara 1995: 7). Martin and O'Meara (1995) argue that traditional is seen as anachronistic and inadequate, inevitably to be superseded by modern, and since traditional is thought to be incapable of adapting to either or external forces, its decline is often seen as inevitable (Martin and O'Meara 1995:7). A tendency to see a sharp dichotomy between the traditional and the moderate portrays individuals who try to bridge the "gap" as caught between two worlds (Martin & O'Meara 1995:7). Martin and O'Meara (1995) see "traditional" and "modern" as clearly invalid and as not reflecting reality if they are used to describe separable parts of individual or group experience. They see these as not absolute categories into which individuals, situations, and societies can be neatly fitted (Martin & O'Meara 1995:7). They see the division of the African experience into dichotomies of "traditional" and "modern" as misleading and proposed if these terms are used they should not be seen as counterbalancing or opposing forces but rather as interdependent. They see these terms as a useful way of identifying relative differences in values and lifestyles.

Martin and O'Meara (1995) argue that:

Tradition implies time depth, the continuity of ideals, values, and institutions transmitted over generations, but the process also involves continuous borrowing, invention, rejection, and adaptation on all levels, individual, local and regional. The emphasis is always on continuity and change for all societies, although change in traditional societies was less rapid than in the twentieth century (Martin & O'Meara 1995:8).

The colonialists and imperialists on whom the present democracy of S.A. modeled made a grievous mistake of believing that, it was the right, indeed the duty of the higher civilization to conquer the "lower" civilization in order to bring prosperity and "progress" to all parts of the world (Martin & O'Meara 1995:141). These claims were reinforced by racial theories which asserted the "white race" (Martin & O'Meara 1995: 141). The colonialists' use of the term "native" with reference to Africans implied that Africans as inferior creatures were not fit to rule themselves (Martin & O'Meara 1995:141). Africans that received colonial education had to learn that

European culture and civilization were superior and were taught to reject their former religious practices and cultural traditions (Martin and O'Meara 1995:141).

Martin and O'Meara (1995) see the boundaries between rural chiefdoms and industrial urban areas as only conceptual and not practical, and they should thus exist side by side (Martin & O'Meara 1995:176). The western democratic S.A. undermines the competency of African traditional leaders in service delivery to their traditional African communities by letting them to play subsidiary roles to municipal councillors in service provisioning. The modern political leaders in S.A. similarly to colonialists overlook the value of indigenous social institutions to current development concerns in S.A. (Martin & O'Meara 1995:176). They assume that economic development means replacing "traditional" African social systems with "modern" western ones. This assumption led planners to favour the centralized administration of development programs and to ignore the practical efficiency of community based institutions, which can more accurately identify local bureaucratic waste and corruption that have plagued projects designed on a western model (Martin & O'Meara 1995:176). Martin and O'Meara (1995) further argue that "modernization" does not necessarily mean "westernization" (Martin & O'Meara 1995:176). This confusion of terms is largely a product of the fact that the period of global industrialization began at precisely that point in history when the continent of Africa became an object of European colonial domination (Martin & O'Meara 1995: 146). The fact of colonialism makes it impossible to know how Africa with its indigenous systems would have developed if its social and political institutions had been left intact and if Africa had been able to interact and exchange with the rest of the world on equal terms during the crucial period of global industrialization. It is a fallacy to associate the processes of modernization with western dominance.

African social organization is dynamic, adaptive and historically situated. African people and communities appraise, incorporate, modify, or reject non-African practices on their own terms. In doing so, they redefine these practices in terms of an African idiom of meaning (Martin and O'Meara 1995:188).

While African social organization can be shown to be changing and is demonstrably influenced by the west, it also remains distinctly African in character (Martin & O'Meara 1995: 188). Despite the indelible marks left by the colonial era on the institution of African traditional leadership, it needs to re-establish itself on stable social grounds (Martin & O'Meara 1995:188).

According to Martin and O'Meara:

As the world becomes increasingly international, it is vital for those western agents involved in negotiating the political and economic future of African nations to recognize that the culturally specific character of African social organization is not an artifact of the past but a vital cultural resource that has the power to consolidate community identity and mobilize community action in modern Africa (Martin & O'Meara 1995:188).

Western imperialism, colonialism and ethnocentrism prevented recognition of the capabilities of the African people. European imperialists and colonialists generally held African culture in contempt, contenting that the savages of Africa had no viable institutions and were incapable of developing themselves. Africans were thought not to be having valued systems, were barbaric and chaotic. The claim that Africa can only save herself by adopting western institutions and thoughts is not only absurd but illogical when one considers the pre-colonial African kingdoms that existed and thrived well by their indigenous systems. Colonialists really never introduced anything new in S.A. but they only introduced advanced and efficient forms of already existing institutions. The institution of African traditional leadership as an aspect of African culture was also not static, it kept on changing as it came into contact with various cultures. According to Ayittey (1991) the tragedy of Africans after colonialism, is that despite their rhetoric most African leaders did not value their own cultural heritage and the significance of their indigenous political systems. The same fate is currently facing the new political leaders of the post apartheid S.A. which is a government of black (African) majority rule. These leaders instead copied foreign political systems of their colonial countries (Ayittey 1991:111). Like their colonial masters, the new African leaders stripped the traditional chiefs of their authority and actually set out to destroy

indigenous systems through their policies, and in addition they recruited foreign ideologies and revolutionaries.

As George Ayittey wrote:

The same African leader who railed against western denial of intellectual capabilities of Africans placed more faith in expatriates and foreign systems than in own African peoples (Ayittey 1991:111).

By imposing municipalities on traditional African communities in rural areas is indicative of the extent to which this new political system in S.A. similarly to the oppressive colonial regimes is still placing more faith in foreign systems than in their own African people (Ayittey 1991: 111). Modern African leaders quite often distort realities to justify the imposition of foreign systems in Africa. They would even blame African traditional systems as undemocratic and accountable, though historical evidence has proven traditional African leaders to had been more democratic along the lines of African democracy than colonialists along their western democracy. Democracy is not a western intellectual product. Africans have always had their own democracy to which one could refer to as African consensus. African democracy is not based on the principle of majority's will whereas in African traditional thought the will of the people is reached by African consensus. This African consensus is based on the principle of ubuntu and mutual caring. Reasons to justify the relegation of the institution of African traditional leadership to ignominy and near total obscurity levels by the people masquerading as saviours of this institution are baseless.

The new South Africa's African leaders should be reconscientised that African institutions of governance are part of African culture and need to be preserved. Africans despite their alleged backwardness and lack of education were capable of great achievements and even economic miracles. To the extent that African social institutions, like the institution of African traditional leadership are traditional, they are nevertheless part of a dynamic modern South Africa. These institutions like the institution of African traditional leadership can be transformed by traditionalists themselves to meet modern

or present day challenges. But these transformations on African social institutions should not be brought by foreigners or colonialists but should be brought by traditionalists themselves on their own institutions.

The present western democratic government of S.A. has played foul to its aim of salvaging the dented image of the institution of African traditional leadership by imposing western systems of governance on indigenous systems. Traditional leaders are let to play secondary roles to municipalities in service delivery to their traditional communities. Africans need African solutions to African problems. It is so uncalled for that the modern day state wants the institution of African traditional leadership to prove its worth to it, and communicate in terms that would suit the government protocols and procedures (Sithole 2005: 104). Patekile Holomisa has seen it as ironical for the post colonial Africa's new rulers to find comfort within the governance systems of their former oppressors while they all invariably seem not to know what to do with indigenous systems that have somehow managed to survive the colonial onslaught.

The institution of African traditional leadership should thus be let to spearhead development in rural areas. The government should resource this institution and its members be capacitated and chiefs' kraals should be service delivery points. Molotlegi of Bafokeng and Otumfuo of Ghana had at the African traditional leadership conference held in Addis Ababa demonstrated how their traditional kingdoms had thrived in the face of threatening western democratic governance. The two leaders had reasoned that western democratic governance could be well adapted for use in African traditional governance as this is in no way inferior to the western democratic governance (Molotlegi 2004:1). Otumfuo and Molotlegi called for the convergence of the two systems of governance. This they had argued would facilitate the formation of partnerships needed for efficient social and economic development. No principles of the two governance systems should be let to prevail over those of the other (Molotlegi 2004:3). But if the principles of the state are let to prevail as so apparently intended by the present western democratic government in South Africa that would be jeopardizing

those of traditional leadership. The state would also at the same time be defeating its aim of restoring the dignity and salvaging the dented image of this institution.

Dualism in African governance system as so claimed by king Osei Tutu of Ghana has benefited the people of Ghana enormously. Molotlegi and Otumfou argued that fusion of the two systems of governance would be to the immense benefit of rural communities and guarantee sustainable development and life long mutual understanding and cooperation (Molotlegi 2004:3). Molotlegi called for the promotion of local problem solving mechanisms rather than adhering to prescriptive guidelines from western countries (Molotlegi 2004:3).

The fate of the institution of African traditional leadership in S.A. is in a precarious position. Its self-proclaimed saviours are holding it hostage. Westernized Africans who apparently deem it highly ignominious to remain Africans in the face of the image threatening western influences are leading the country. These leaders seem to be concurring with the idea that western civilization is higher and it should therefore conquer African civilization that some had seen as lower. At present, African leaders are influenced by the growing pressure from the west for political accommodation (Hyslop 1999). This is cited as a possible reason as to why they find comfort with western systems but unable to accommodate their African systems (Hyslop 1999:43).

If the present government in S.A. was not just paying lip service to its aim of resuscitating the institution of African traditional leadership, it should just let this institution spearhead development in rural areas with elected government officials being allowed to partner members of this institution. In the field of health and related services, traditional leaders would deliver very well as they did this through their medicine men in pre-colonial era. As the social organization of the Africans had been shown to be dynamic, adaptive and historically situated, the institution of African traditional leadership would be able to adapt new and useful health systems for use by Africans (Martin & O'Meara 1995:176). Ever since the coming into being of this new political order in S.A., the government has been making great noises about the integration of

traditional medicine men into the new health systems, but up to now very little if any progress is made along this line. This clearly shows lack of commitment by the self-imposing political order on indigenous traditional systems. In the pre-colonial era the institution of traditional leadership had programmes to help widows and orphans, and this is cited as a reason why in pre-colonial Africa there were no street kids which have now become dominant features of the present major cities. The institution of African traditional leadership in pre-colonial era also had programmes to address the plight of the poor. The Basotho's and the Ngwato's had the "mafisa" and the "batlhanka" systems through which the king loaned out cattle to poor men in order to use their milk and sometimes keep a proportion of the off-springs for themselves (Omer-Cooper 1994:11).

With regard to the justice and security systems the institution of African traditional leadership in pre-colonial era did very well. The justice system was hierarchical. The elder of the family group at the lowest level of this hierarchy was to head minor cases, serious cases were then forwarded to the next higher level until they reach the king. The pre-colonial African societies were thus characterized by high moral values, rare cases of murder and rape that dominate the present day society. Tshela (2005) in his research that was conducted in the Limpopo province on the role of traditional leaders in crime prevention discovered that traditional leaders felt marginalized by the government on crime prevention. He also discovered that in townships like Seshego where traditional systems do not prevail the wave of crime was very high as compared to rural areas under the jurisdictions of traditional leaders. For traditional leaders to play a role in crime prevention it was then proposed that satellite police stations be set up at chiefs' kraals, traditional leaders be given powers to prosecute minor cases such as petty theft, common assault etc. (Tshela 2005:3). As long as the government could give traditional leaders powers to spearhead development in their areas and provide them with the needed infrastructure they would deliver in all spheres of human needs.

The Bafokeng tribe in this study has been offered as a model of a successful African traditional kingdom in the present political dispensation. King Molotlegi has indicated that in his kingdom their courts adjudicate cases under the supervision of an admitted

attorney with national qualifications. Cases in the Bafokeng courts are decided with reference to customary laws, but never in contravention of the S.A. constitution or the Bill of Rights. These argue well for the adoption of the Afrocentric perspective to the resolution of problems plaguing service delivery in traditional communities where the traditional governance system and the new western democratic system co-exist.

RESEARCH INSTRUMENT (QUESTIONNAIRE)

SECTION A

BIOGRAPHICAL DATA

1.1. GENDER

MALE	1
FEMALE	2

1.2. OCCUPATION

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1.3. ETHNICITY

NORTH SOTHO	1
SOUTH SOTHO	2
ZULU	3
XHOSA	4
TSWANA	5
SWAZI	6
NDEBELE	7
SHANGANI	8
VENDA	9
OTHER	

1.4. EDUCATIONAL QUALIFICATIONS

PRIMARY EDUCATION	1
SECONDARY EDUCATION	2
TERTIARY EDUCATION	3

1.5. INSTITUTIONAL AFFILIATION

AFRICAN TRADITIONAL	1
MUNICIPALITY OFFICIAL	2
OTHER	

SECTION B

1. How could you comment on the alleged skepticisms by the members of the institution of African traditional leadership on the aims of the present democratic government regarding this institution?

2. Are you aware of the proposed plan for the adaptation of the institution of African Traditional leadership to the democratic principles of the new S.A. as so contained in the Bill on Traditional leadership of 2003?

Yes----/ No-----

3. Are the members of the institution of African traditional leadership ready to adapt to the democratic principles of the new South African government?

Yes----/ No-----.

3.1 If No, what could be the hurdles towards adaptation?

4. How could you comment on the success of the adaptation plan?

5. Do you regard the state as encroaching on the terrains of the institution of African Traditional leadership by adapting this institution to the democratic principles?

Yes----/ No-----.

6. Can the institution of African traditional leadership have any role to play in service provisioning during this democratic era in South Africa?

Yes----/ No-----

7. Do you consider the new democratic government in S.A. to have spelt out clearly the roles of African traditional leaders vis-a-vis those of municipal councilors in rural areas with regard to the provision of services?

Yes---/ No----

7.1. If No, what do you think still needs to be clarified regarding role differentiation?

8. If clear and unambiguous roles could be spelt out for members of the African Traditional leadership in this democratic S.A, would this make their adaptation to democratic imperatives facile, and thus facilitate cooperation in service provisioning?
Yes---/ No----

9. Are members of the African traditional communities still loyal to the institution of African traditional leadership as before 1994?
Yes.../ No-----

10. In this democratic S.A., who do think between members of the African traditional leadership and municipal councilors should take a leading role in service provisioning?

10. Are you aware that service provisioning in rural areas in this democratic S.A is the responsibility of the local government and that members of the African traditional leadership should cooperate with councilors?
Yes---/ No----

11. How could you as of now comment on the state or extent of this cooperation that is a precondition for efficient service delivery in rural areas?

12. Do you regard members of the institution of African traditional leadership as at present having the capacities to handle or cope with the demands for efficient service provisioning in rural areas?
Yes----/ No----

13. Would capacitation of the members of the institution of African traditional leadership make them more receptive to the adaptation plan, and thus cooperate with municipal councilors in service delivery?
Yes-----/ No-----

14. If capacity is still to be fostered among members of the institution of African traditional leadership, how could you elaborate on the areas in which capacity is to be built?

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