THREE

Traditional leadership and the African National Congress in South Africa

Reflections on a symbiotic relationship

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Chieftaincy has a chequered history in South Africa. Apartheid and colonial rule were accomplished in some part through traditional leadership, producing interesting speculations about the sustainability of this leadership in a post-apartheid era. Democracy's requirement to determine leadership through elections seemed incompatible with traditional leadership's ascendency through heredity lines. One of the more remarkable features of South Africa's transition to democracy was the crafting of a political structure that incorporated traditional leadership into the post-apartheid, democratic state. In this way, traditional leadership proved itself resilient and flexible.

Research has insightfully explored the dynamics described above. Two schools of thought have emerged. The one argues that chieftainship should not be given recognition within a democratic system because it undermines the values and principles espoused in the South African Constitution No. 108 of 1996. The second view is

presented by scholars who believe that certain aspects of traditional leadership are not as contradictory to democratic principles as conventionally comprehended. Therefore, there is an opportunity for the coexistence of both institutions.

I am particularly interested in the first school of thought, because the argument to do away with traditional leaders is often premised on the notion that they are parasites to the African National Congress (ANC)-led, democratic government. In this chapter, I suggest that, contrary to popular belief, traditional leaders and the ANC-led government are co-dependent. This symbiosis has historical roots that reach back to the time of the formation of the African liberation movement. The ANC and its antecedent organisation, the South African Native National Congress, needed to draw support from the rural parts of South Africa and chiefs needed a relatively organised structure to challenge the land dispossession that took place soon after the formation of the Congress. This chapter highlights the complexities of this historically interdependent relationship. In this analysis I introduce into current debates about traditional leadership elements that have not been sufficiently considered in scholarship to date, namely the intricacies of the relationship between the government and chiefs, and how this relationship is historically grounded. In order to highlight these dimensions, this chapter draws from two different case studies.

I therefore review a normative assumption among scholars that the relationship between traditional leaders and government is parasitic; that traditional leadership survived because of its historical dependence on colonial and apartheid administrations (Ntsebeza, 2005). There is a further assumption that, post-1994, traditional leaders continue to benefit from a relationship with the ANC-led government, because the legitimacy conferred on them by the state brings with it socio-economic and political benefits (Skosana, 2012). Although the latter is accurate, I suggest, on the contrary, that the relationship between the ANC and traditional leaders was historically – and remains – symbiotic. The two institutions rely on each other for much of their political legitimacy. The interdependence of traditional leaders and the ANC government was partly evident in the years leading to the

formation of the Congress and, more so, after the enactment of a series of notorious pieces of land legislation, which was a concern for both the new liberation movement and for traditional leaders.

Drawing on case studies of the Eastern Cape district of Xhalanga and the Vaaltyn area of Mokopane, Limpopo, this chapter highlights the complex yet interdependent relationship between traditional leaders and the ANC-controlled government. My case study of Vaaltyn, located within the Mogalakwena municipality of Limpopo province, illustrates the intricate relationships between traditional leadership, local government and capital. This is evidenced in relation to municipal and provincial government, as well as to the Platreef mine (operating provincially) and the Kekana royal family. In this case study, government officials legitimised the Kekana claim to chieftaincy, while the recognised *kgosi*,[1] Kekana, made material gains from being the middleman between Platreef mine, the Mogalakwena local government and the Limpopo provincial government. With the help of Kgosi Kekana, the municipality was able to shift some of its service delivery responsibilities and costs to the mine.

My contention about this symbiotic relationship between the ANC government and traditional leaders deviates from Lungisile Ntsebeza's analysis, which perceives this relationship as one sided and beneficial only to the institution of traditional leadership. In his study, Ntsebeza (2005) investigates the survival of traditional leaders pre- and post-1994, through a case study of Xhalanga district in the Eastern Cape province. He focuses on questions about how traditional leaders historically obtained their legitimacy and authority. He submits that land is fundamental to understanding how traditional leaders have remained relevant throughout the colonial, apartheid and democratic dispensations.

Drawing from Mamdani's (1996) ideas, Ntsebeza maintains that 'the powers that traditional leaders possessed during the colonial and the apartheid era forced communities to abide by tyrannical chiefs, otherwise, they would stand little chance to acquire land' (Ntsebeza, 2005: 20). He argues that, as a result, traditional leadership throughout its existence has been dependent on the state for survival and that 'chiefs derived their authority from being involved in the land

allocation process rather than support from their subjects' (Ntsebeza, 2005: 20–22). In Xhalanga, he argues, land issues such as 'the struggle of landholders against apartheid's engineered "re-tribalisation" gave traditional leadership in this area a specific trajectory' (Ntsebeza, 2005: 22).

Additionally, he argues that the ability of people to choose their own leaders is central to the concept of liberal democracy. For this reason, and those above, Ntsebeza argues against the continuance of chieftainship in a democratic dispensation. Even so, Ntsebeza's suggestion to do away with chiefs is, in my opinion, overstated. His argument is based on a case study in which traditional leaders have never been favoured by people (Ntsebeza, 2005). In contrast, Barbra Oomen's study (2003) in Sekhukhune illustrates a long-standing relationship between the communities in the area and traditional leaders. I draw from both Ntsebeza's and Oomen's arguments, and my case study of Vaaltyn, to show the varying complexities of the relationship between traditional leaders and the state. In doing so, I aim to establish a platform for scholars to begin to think about a comparative history of rural communities under the authority of traditional leaders. In Sekhukhune, for example, some traditional leaders did not collaborate with the colonial and apartheid governments but formed part of the broader national liberation struggle to challenge the colonial and apartheid policies. I elaborate on this later in the chapter.

To make the point about the interdependence of the institution of traditional leadership and the ANC, this chapter first traces this relationship in the context of the Union of South Africa. This is followed by a consideration of colonial land policies and legislation and the effect of these on the nature of rural society, traditional leadership and ANC leadership. A close look at historical developments at the time of the formation of the ANC reveals that traditional leaders were a major component of the opposition to the creation of the Union of South Africa, as well as land dispossession. For these reasons, traditional leaders worked closely with the liberation movement. Traditional leaders maintained a relationship with the ANC, a connection that stretches to the post-1994 political dispensation, in

which the ANC-led government became more sympathetic to the institution of traditional leadership. The ANC's 'empathy' towards traditional leaders is evident in recent laws, namely, the Traditional Leadership and Governance Framework Act No. 41 of 2003; the Communal Land Rights Act of 2004 and the Traditional Courts Bill of 2012. These were passed to define and strengthen the role of the institution of traditional leadership.

Traditional leaders and the formation of the ANC

In 1909, the British parliament drafted a new constitution for its colonies in South Africa that facilitated the formation of the Union of South Africa in 1910. The Constitution paved the way for what Thompson (1971: 325) describes as 'the institutionalisation of white supremacy', defending, among other things, the colour bar, while denying suffrage and membership to Parliament to the majority of South Africans. To provide an overview of this context, Francis Meli (1998: 34) notes that:

> When translated into practice, [the South Africa Act 1909], meant the repression of all blacks in every conceivable form; it was used to curtail African freedom of movement; to deny blacks the rights of trading in their (or any other) areas; to cripple their education and generally to deny them basic human rights and chances of equality of opportunity in economic development, cultural welfare, and social advancement.

Although resistance began in the early days of the conquest, the draft constitution and later the Union of South Africa was met with intensified resistance and mobilisation. Groups of urban-based Africans and coloureds, as well as chiefs and their rural constituencies, sought ways to protect their interests. As a result, the period was marked by an increase in national and international delegations to oppose the imminent Union. This resistance was paved by intellectuals, activists and organisations from the 1860s onwards

(Odendaal, 2012). Most notable from the activists of this era, and the early 1900s, are chiefly families who 'articulated a new model for "race relations" and political participation in South Africa' (Odendaal, 2012: 10). Despite its intent to break African paganism, or 'uncivilised tribes', by subjecting the children of chiefs to British education, elite missionary education gave rise to a cohort of militant black intellectuals. The unintended social consequence of the mission schools was that they 'became the breeding grounds for twentieth-century African nationalism' (Odendaal, 2012: 13). This was the beginning of a complex relationship between the embryonic ANC and chiefs, in which members of chiefly families straddled traditional and national politics, and where nationalism flowed into chiefly realms.[2]

To challenge the proposed Union of South Africa, members of different chiefly families, such as the Soga, Kama and Ntsikana, joined the South African Native Congress (SANC),[3] which called for unity and a more organised political structure. The Congress and traditional leaders opposed the discriminatory provisions of the South Africa Act of 1909 and Britain's position regarding its protectorates by various methods. For example, Paramount Letsie Moshoeshoe of the Sotho, Sebele Sechele of Bechuanaland and the Queen Regent of Swaziland raised their apprehensions with the British government and Letsie sent a delegation that would convey the grievances to King Edward VII (Odendaal, 2012: 370). Also concerned about the implications of the impending union on chiefly authority, the *kgosi* of the Rolong appointed a delegation to attend an upcoming Bloemfontein convention. The delegation consisted of Kgosi Lekoko Montsioa, Silas Molema and Stephen Lefenya (Odendaal, 2012: 386). In the wake of several failed attempts to negotiate with the British government at conventions, Pixley ka Isaka Seme (recognised founder of the ANC) sent circulars to African leaders, communities and newspapers, outlining the need for unity and for a South African Native Congress to be formalised (Odendaal, 2012: 139–144). A large number of traditional leaders, their representatives and the leaders of local and regional political organisations converged on Bloemfontein on 8 January 1912 to attend the historic conference convened by Pixley Seme to witness the formation of a new national organisation

for the African people. Traditional leaders who could not attend, such as Dalindyebo of the abaThembu, sent donations – a herd of 100 oxen – to the founding conference (Odendaal, 2012: 467).

At the launch of the South African Native National Congress (SANNC) in 1912, Seme (1912) made a call for unity when he said:

> Chiefs of royal blood and gentlemen of our race, we have … discovered that in the land of their birth, Africans are treated as hewers of wood and drawers of water. The white people of this country have formed what is known as the Union of South Africa – a union in which we have no voice in the making of laws and no part in their administration. We have called you, therefore, to this Conference so that we can together devise ways and means of forming our national union for the purpose of creating national unity and defending our rights and privileges (cited in Rive & Couzens, 1993: 89).

Seme therefore declared the Congress's intention of honouring traditional leaders and of establishing them in the upper house. George Montsioa, grandson of the Barolong chief and in charge of setting up an ANC office in Pietersburg, suggested that

> … seven paramount chiefs and the Zulu king, Dinizulu, be adopted as honorary presidents of the ANC. These included Dalindyebo of the Tembus, Montsioa of the Barolong, Lewanika of Barotseland (Zambia), and Letsie II of Basutholand who were elected 'Leaders of the Nobles' of what was to be an upper house in which membership was to be for life (Meli, 1988: 38).

When the upper house of the new native Parliament was formed, 22 traditional leaders served as an advisory body of the 'Executive Commoners'. The 'elected' honorary presidents (traditional leaders) represented the rural masses that would later be affected by land dispossession.

This is evidence that, prior to the formation of the Union of South Africa and the subsequent founding of the ANC, there was already

an intricate coalition between traditional leaders and members of the ANC – who, if not born within chiefly families, worked and served these families. The Congress, during this time, was arguably an elitist organisation which – in collaboration with traditional leaders – was gradually able to draw membership from the countryside. While it may seem that the oppression of African people was the common enemy and a uniting factor for traditional leaders and the Congress, the major concern for traditional leaders was in fact the threat that the British government posed to their authority. The Congress was more concerned about the unjust exclusion of African people in national politics, whereas traditional leaders were apprehensive about a possible loss of power and independence in the rural parts of South Africa. However, the existence of a common enemy allowed for all the concerns to be encompassed under the banner of a struggle for African emancipation. This alliance would also be apparent in the struggle against land dispossession.

Chiefs, the ANC and the Natives Land Act of 1913

Another issue that brought the newly formed Congress, traditional leaders and different communities together was the passing of the Natives Land Act of 1913 and its effects on the rural and urban populations. This by no means implies that land dispossession only began in this period. In fact, scholars emphasise that the alienation of land from KhoiSan and Africans has a long history pre-dating 1913 (Beinart & Delius, 2014). The authors point out that alienation 'resulted from conquests between the seventeenth and nineteenth centuries, as settlers and colonial states expanded their authority into the interior' through violence and legal measures (Beinart & Delius, 2014: 669). In addition, Beinart and Delius argue that the impact of the Natives Land Act of 1913 as an instrument of land dispossession and agrarian transformation has been exaggerated, and that the Act was primarily the result of a long-term drive towards agrarian capitalism, executed through the extension of legislative measures already in place in the Cape, Natal and the Boer republics.

However, the catastrophic results of the Act – the first uniform law facilitating land expropriation across the Union of South Africa – should not be understated. It must be emphasised that the Land Act paved the way for various atrocious forms of dispossession. The Act, as Beinart and Delius (2014) identify, was passed to curtail the growing number of Africans in the Cape and Natal who had been able to purchase land through both legal and unlawful measures. The now-legalised land expropriation forced many Africans into towns, suppressing the emerging African peasantry and creating the proletarianisation of Africans. For this reason, land dispossession once more became a burning issue for Congress and traditional leaders, alongside the problem of segregation.

To challenge the 1913 Act, the Congress, which then comprised religious ministers, traditional leaders and lawyers, mounted a national campaign against native administration. Recording the history of the ANC, Meli notes that although the Congress leadership was rurally based it was not yet popular among the working class and, as a result, the movement lacked the necessary strength to challenge white power directly. Meli says this is why it opted to use tactics such as deputations and appeals (Meli, 1988). In March 1913, the Annual Conference of the SANNC appointed a deputation to present African objections to the proposed Act to the government in London (Meli, 1988). While the great challenge for the ANC was the broad struggle for equal citizenship rights – including the right to own property – for traditional leaders, the Land Act undermined their authority, which had always been asserted through their role in land administration.

The changing nature of chieftaincy

Retribalisation[4] in the 1920s and 1930s changed the dynamics of the relationship between traditional leaders, their followers and the ways in which they engaged with politics. In this period, there was a discourse shift in the state's practice of indirect rule: this was now articulated as the governance of cultural difference, rather than a practice of exclusion (Mamdani, 2013: 44). The management

of difference was done through the race-tribe divide, where non-natives were labelled 'races' and natives were classified as 'tribes' (Mamdani, 2013: 44). Mamdani observes that the race-tribe divide determined the law that people would be subject to: races were governed through civil law, whereas tribes were subject to different kinds of customary law. Parts of South Africa were divided into tribal homelands, and each homeland was identified with a tribe, which was given the administrative tag of 'native' (Mamdani, 2013: 51). The administration of the homelands (indirect rule) was employed through the anthropological model of chiefs. In cases where British authorities could not find a ready-made traditional leader they manufactured one, creating a chieftaincy where none had existed before. In other instances where hereditary elites actually appeared to exist, deeper problems arose. Here, the difficulty was not in locating a traditional leader, but controlling the institution of chieftaincy. This began to taint the relationship between traditional leaders and the ANC (now renamed from the SANNC), while fostering a connection between some traditional leaders and the native administration. In other words, the handpicked chiefs who were prepared to collaborate with the native administration's governor general began to detach from the liberation movement's vision of a free South Africa.

The manufacturing and manipulation of traditional leaders had, however, already been common in the 1840s (Meyers, 2008: 2). Meyers's observation is that traditional leaders in this period assumed economic functions. For example, in Natal the British Colony established hut taxes, which were meant to be collected by chiefs, and later forced labour was also organised through chiefs. Traditional leaders who disobeyed the British authorities were expelled (Meyers, 2008: 2). As such, traditional leaders lay at the centre of the segregationist state's strategy for gaining legitimacy. State authorities and traditional leaders existed side by side, with the latter in an unresolved oscillation between being the leaders of their people and of the broader liberation struggle and being an extension of the native administration.

The extension of chieftaincy's legal foundation during the 1920s makes clear the presumption on the part of South Africa's

segregationist leaders that indirect rule was far more than a temporary colonial expedient. The segregationist strategy of differentiation became law with the 1927 Native Administration Act No. 38. The Act gave traditional leaders the responsibility of carrying out all orders and instructions given to them by the local native commissioner. The legislation also made them responsible for the registration of taxpayers, the collection of taxes and population statistics, the allocation of land, the prevention of illegal occupation and squatting, the detection and punishment of offences and the supply of labour when required (Meyers, 2008: 17).

Traditional leaders and the ANC post-1948: A growing but chequered relationship

At the time of its formation, the ANC represented the concerns of a small professional middle class that maintained close links with the African aristocracy, namely the rural chieftaincy.[5] However, Ntsebeza (2005: 258–259) notes that from the 1940s onwards, the ANC became a radical movement and that, under pressure from its Youth League as well as its communist allies, it began to bifurcate between those who supported traditional leadership and those who argued that the institution of traditional leadership belonged to a feudal era. In their work about the survival of traditional leaders in post-apartheid South Africa, Van Kessel and Oomen (1997: 562) observe that South Africa's industrial revolution of the 1940s and 1950s transformed the ANC into a mass movement, with a following located mainly in the industrial centres. They further argue that the National Party's rearrangement of the countryside in the 1950s fundamentally altered the relationship between the ANC and the rural aristocracy, with the reserves being the centres of labour supply for the government (Van Kessel & Oomen, 1997: 562).

One of the central features of apartheid policies in the 1950s and 1960s was the restructuring of segregation. This entailed ending the oscillation between liberalism and traditionalism with regard to black South Africans and fusing the two tendencies into

a new paradigm of so-called 'separate development'. Traditionalist ideological apparatuses were enhanced and revitalised. The 1950s saw the reinforcement of tribal tradition. The Bantu Authorities Act No. 68 of 1951 introduced the homelands system, in which Africans were to 'develop separately' under tribal authorities. The Act made provision for the establishment of regional and territorial authorities for each specific ethnic group in the homelands. This did not mean that chieftaincy was exercised in isolation from the state. Rather chieftaincy became a subordinate function of the apartheid state.

Traditional leaders were given the powers to administer the affairs of a 'tribe', to assist the government in its administration of areas and to maintain a treasury into which judicial fines collected by the chief – or fees taken in accordance with 'recognised customs' – were paid (Davenport, 1977). Similar to the native administration, traditional authorities were appointed from above and were protected by the apartheid government so long as they continued to be cooperative. Davenport (1977: 383) maintains that appointed chiefs were 'well rewarded for their preparedness to enforce government policy at the expense of their own popularity'. Copelyn elaborates on the concessions granted to those chiefs who were willing to collaborate. His research reveals that:

> Paramount Botha Sigcau had his salary increased from 700 pounds to 1 500 pounds per annum upon accepting the Bantu Authorities system. Whatever the price, it remained a fact that chiefs could not be relied upon to represent Mpondo interests to the government, but rather had turned around in their stools and were prepared to implement state interests independently of general Mpondo sentiments (Copelyn, 1974: 10).

The dual loyalty that traditional leaders held towards their subjects and to the colonial and subsequently the apartheid state has led some scholars such as Mamdani (1996), Ntsebeza (2005) and Van Kessel and Oomen (1997) to conclude that chiefs were accomplices in the oppression of their rural subjects. Although this argument is to some extent accurate, it falls short because in some areas, such

as Sekhukhune, chieftaincy survived in part because of its historical and cultural legitimacy and popularity within communities. This is evidenced by the fact that while the colonial administrations attempted in various ways to influence the polity of Sekhukhune, their efforts were counteracted by resistance from Sekhukhune leaders and their subjects (Delius, 1983).[6] For example, to defend his chiefdom from European colonisation, Chief Sekhukhune sent young men to work on white farms and on diamond mines (Delius, 1983). The money earned by the young men was used to buy guns from the Portuguese and cattle to increase the wealth of the Marota people. For the chiefs of Sekhukhune and their subjects, the 1800s were years of war and resistance, against the Boers and later the British. This resistance would continue into the 20th century in the area of Sekhukhune. In the 1950s, following the passing of the Bantu Authorities Act, people in Sekhukhune resisted the authorities through organisations such as Fetakgomo – a predominantly migrant worker organisation aligned to the ANC (Delius, 1983).

However, Sekhukhune should not be romanticised as a chiefdom that has been without internal disputes, nor has it been without those who collaborated with the colonial administration. Certainly, there were individuals who were prepared to accept disputed pieces of legislation and proposals such as the so-called 'Betterment' schemes.[7] What is striking about the area of Sekhukhune is that, despite the inducements offered by colonial administrations, chiefs in the area resisted becoming part of the colonial administration, and later of the apartheid government, in one form or another.

However, the legitimacy of chiefs, as perceived by the general population, waned in many parts of the former homelands, particularly over the 1950s and 1960s. The changing nature of traditional leadership kindled resistance in various parts of rural South Africa, including Sekhukhune, Tembu and Mpondoland (Delius, 1983; Mbeki, 1964). Van Kessel (1993: 562) concludes that the rural struggles over this period indicate that 'the ANC, although now a banned organisation, was finally establishing an effective presence amongst the peasants'. She observes that for nearly 25 years subsequently, 'the bantustans would remain largely quiescent, while

African urban areas exploded periodically in waves of open protest' (Van Kessel, 1993: 562). Oomen (2002: 6) suggests that traditional leaders initiated their comeback from the late 1980s as a result of broader global developments, including the fragmentation of nation states; the emergence of alternative politics that operated locally, transnationally and internationally; and a reliance on group rights and culture as a means of engaging with modernity. Van Kessel and Oomen (2002: 565) submit that in the late 1980s, those traditional leaders – including those who were an appendage of the colonial state – who were seeking to secure their future in a post-apartheid South Africa also evoked the history of resistance. In doing so, they drew on examples of resistance, rather than the mainstream pattern of chiefly compliance (Van Kessel and Oomen: ibid). Notably, by the late 1980s the formation of the Congress of Traditional Leaders of South Africa (Contralesa) was an instance of the resuscitation of the relationship between traditional leaders and the ANC (Oomen, 1996: 49). Contralesa 'emerged on the political scene couched in the discourse of liberation politics' (Oomen, 1996: 49).[8] This has not yet been the subject of serious study. However, at a minimum, it suggests the growing connection between traditional leaders and the ANC.

Towards the transition

After the unbanning of the ANC in 1990, Contralesa's membership increased dramatically (Van Kessel & Oomen, 1996: 571). Traditional leaders perceived Contralesa as the best forum to safeguard their interests under a future ANC-led government and the ANC's view was that wooing chiefs made political sense. After the 1994 elections, the ANC government was, for some time, conflicted about the actual role of traditional leaders in a democracy (Oomen, 2002). Following pressure from Contralesa to clarify the role of traditional leaders in the post-apartheid dispensation, the South African parliament finally proposed the Traditional Leadership and Governance Framework of 2003 (Van Kessel & Oomen, 1996). The Framework, like the Bantu Authorities Act passed under apartheid, and the Native Administration

Act passed under colonial rule, established traditional councils that would play an advisory role in the local government.

The continuous pressures from traditional leaders and Contralesa for a clear, active role in a democratic dispensation led, once again, to legislation, this time the Communal Land Rights Act No. 11 of 2004. The Act came about as an attempt to compensate those who were dispossessed of land during the apartheid era, through legalisation of security of tenure in South Africa's former homelands, as proclaimed in Section 25 (6) of the Constitution of South Africa. This Act repositioned traditional leaders as the custodians of land. Thus, scholars such as Meer (1997) and Ntsebeza (2005) argue that the responsibility for land administration given to traditional leaders (mostly men) reinforced inequalities and hindered the development of the conditions necessary for a transformation in the socio-economic position of women.

Another attempt to redefine and enhance the role of traditional leaders was the recent, notorious Traditional Courts Bill (B1 of 2017). This was originally submitted to parliament in 2008 and later withdrawn after uproar from civil society organisations and the rural populace (Land and Accountability Research Centre, 2012). Towards the end of 2011 the bill was reintroduced with no major amendments. It met with the same public outcry, compelling its instigators to resubmit it to the National Council of Provinces for review. Traditional leaders who favoured the bill supported Phathekile Holomisa's (2011) view that the bill was an extension of South Africa's justice system to the countryside, and that traditional courts are more accessible than those in a more formal judicial system. The opponents of the bill argued that it reinforced old colonial and apartheid divides between urbanised citizens and rural subjects, and that it inhibited the latter from enjoying the same economic, political and legal benefits as the former (Gasa, 2011; Mnisi Weeks, 2011). Feminists argued, in line with Gasa (2011), that the bill would undermine the rights of women, as the institution of traditional leadership does not allow for women to represent themselves in traditional courts. Other critics were concerned that traditional leaders would gain absolute powers should the bill become law (Gasa, 2011; Claassens, 2013). For these

reasons, the bill was deemed unconstitutional.

Many scholars have argued that post-apartheid policies on traditional leadership resemble similar policy frameworks adopted during colonial and apartheid administrations (Claassens & Cousins, 2008; Ntsebeza, 2005; Skosana, 2009). However, an overview of the existing legislation reveals concerted efforts by the democratic government to accommodate traditional leaders. This relationship is not parasitic, as scholars often argue (see Ntsebeza, 2005: 20; Bank & Southall, 1996; Ray, 1996: 37–38), but is rather interdependent, as my case study of Vaaltyn illustrates below. The reasons for this interdependence are complex but they relate as much to the continued salience of traditional leaders as they do to the need of the democratic state to acquire the support of traditional leaders and to integrate chiefdoms into government structures.

Vaaltyn: A case study

To illustrate my argument about the interdependence of traditional leaders and the ANC government, I examine Vaaltyn[9] and surrounding villages under Kgosi Kekana, in the Limpopo province, in the post-apartheid period. My study offers valuable insight into a community with a different composition from the one researched by Ntsebeza. In his case study of Xhalanga in the Eastern Cape, the institution of chieftaincy was never truly embraced by its residents. Vaaltyn also illustrates how the alliance between the state and traditional leaders in the new dispensation is not a new phenomenon, but rather the continuation of a relationship that dates back to colonial and apartheid South Africa.

The Kekana chiefdom is located approximately 280 km northeast of Johannesburg and 8 km northwest of the town of Mokopane[10] (formerly known as Potgietersrus). Vaaltyn is administered under the Mogalakwena local municipality. The municipality is 6 166 km^2 in size and consists of 38 proclaimed townships and 109 villages (Mogalakwena Local Municipality, 2006).[11] The municipal area is mostly rural, consisting of agricultural land with several small

settlements dotted about. Mokopane has been identified as an area for economic development and service provision within the provincial context, as well as at a district and local municipal level (Mogalakwena Local Municipality, 2018/2019).

Like many African chiefdoms, the Kekana chiefdom has been affected by political changes that altered and to some extent fragmented the structure of its chieftaincy.[12] Although there have been turbulent succession conflicts in the pre-colonial era and again throughout the colonial and apartheid eras, the Kekana chieftaincy remained resilient and popular among the northern Ndebele. As Ntsebeza shows, this is not the case in Xhalanga where chieftainship had been challenged and undermined by the state and the people. Ntsebeza points towards the particular nature of his case when he writes that in Xhalanga, 'unlike KwaZulu, Pondoland and Tshezi, chieftainship never entrenched itself' (Ntsebeza, 2005: 37). He gives two reasons behind the failure of traditional leaders to establish themselves in the Xhalanga district. First, Ntsebeza points to the multi-faceted class and ethnic divisions among the educated 'school people' as well as the traditional 'red people' (reference to red earth). Ntsebeza identifies a second factor, namely that 'the colonial state tarnished the institution before abolishing it' in the area. This has not been the case in Vaaltyn; both Esterhuysen's and Hofmeyr's studies demonstrate the resistance of traditional leaders against colonial administrations, which eventually led to the siege of the Kekana northern Ndebele in Makapan's Caves. This does not mean that the Kekana traditional leaders never cooperated with the colonial and apartheid administrations; some leaders after Mokopane's reign did, but the history of resistance by the chiefly institution in the area would, in later years, resurrect the popularity of traditional leadership, unlike in Xhalanga.

The complexity of the relationship between the Kekana royal family and the state is reflected in the negotiations between the Kekana traditional council and one of the biggest platinum mining companies in South Africa, Platreef Resources. Platreef is a subsidiary of the Canadian Ivanplats Limited, which holds 64 per cent ownership of the mine in Mokopane (Ivanhoe Mines, 2015). Platreef began negotiations with the Kekana traditional council in 1988 (Kekana

Traditional Council's minute book, 1993–2007). These negotiations were affected by the constant amendment of mineral rights legislation in South Africa and the dawn of the politically unpredictable democratic era. The mining dialogue between the Kekana chiefly family and Platreef was on hold until 2000, when the Department of Land Affairs enjoined the mine to enter prospecting negotiations with the Kekana (Kekana Traditional Council's minute book, 1993–2007). During this time, the then regent of the Kekana chieftaincy, Chief Alfred Kekana, died. His death ignited a chieftaincy dispute between what I call the Vaaltyn I camp and Vaaltyn II camp, as well as their respective traditional councils. This dispute has profoundly shaped the local politics of the area.

The Mogalakwena local municipality and the Limpopo provincial government arbitrated the dispute and awarded the chieftaincy to Vaaltyn II, son of the late Chief Alfred Kekana's uncle, Molalakgori. Tracing the Kekana genealogy, De Beer (1986) suggests that Molalakgori was not the rightful regent when he stood in briefly in the 1980s for Chief Alfred Kekana, who at the time was declared medically unfit to hold the position of chief. Vaaltyn I's traditional council also reasoned that Molalakgori had relations with the apartheid administration, as well as the Transitional Local Council (TLC), which made it possible for his son, Vaaltyn II, to become chief. Since 2000, the unrecognised traditional council has made several attempts to reverse the ruling which made Vaaltyn II *kgosi,* all in vain. This failure can be attributed mainly to Vaaltyn I's lack of political connections in government, as well as a lack of financial means to challenge the status quo (Mocks, 2014).

On the other hand, Vaaltyn II's relationship with Platreef and the government has matured. A confidential agreement between the *kgosi* and the mine records that he received a monthly sum of R30 000 from the mine during the prospecting phase, which Platreef deemed to be 'reasonable remuneration for time spent on company activities' (Kings, 2014). During this prospecting period, residents of the villages under the authority of *Kgosi* Kekana handed several memorandums to Platreef and the Mogalakwena local municipality. Resistance from the local community was prompted by the mine's tactics of securing

prospecting and mining rights, as well as the chief's failure to include communities in the deals negotiated. Pensioner Margaret Makgabo recounts the mine's as well as one of kgosi Kekana's headmen's scare strategies, when she relates that 'their representatives threatened to withdraw my monthly pension if I didn't sign an agreement to let them prospect on my piece of farm. They also promised to compensate us the amount of R5 250 a year for entering our farms. That is why I signed, I was scared' (Makgabo, 2014).

At the height of these events Kgosi Vaaltyn II encouraged those who were present at a meeting held at the traditional council's offices to welcome the change that mining would bring to the area, saying 'we want development in our area; the mine will bring us water, roads, electricity and many more' (Address by Chief Vaaltyn Kekana, at Vaaltyn traditional offices, 30 July 2014). He said this despite the provision of such infrastructure being the responsibility of the South African government. However, it would seem that if the development of infrastructure is undertaken or financed by a mine instead, it would relieve local government of the burden. Noteworthy are Mogalakwena municipal records from 2000 which record meetings, proposals and agreements to construct grids for water supplies and road constructions, not only on the mining sites but also in the surrounding villages, through various projects involving different mining houses.[13] Municipal and provincial governments, therefore, seem to promote and encourage mining companies seeking to negotiate with traditional leaders. The role of these leaders, according to both local and national law, is not entirely clear (Local Government: Municipal Systems Act No. 32 of 2000). Nonetheless traditional leaders are often positioned at the centre of local economies because of their historical connection to land.[14]

Conclusion

In this chapter, I show that the ANC-led government has always, in some form or another, been sympathetic to traditional leaders. This relationship has its roots in the historic development of the

party. From the early days of the Congress's inception, it realised its limitations resulting from a lack of support in the rural parts of South Africa. Consequently, it turned to traditional leaders to generate support for the party in their constituencies. This resulted in traditional leaders becoming, in effect, a rural extension of the liberation movement, akin to colonial and apartheid conceptions of the role of traditional leaders. For their part, traditional leaders were keen to develop ties with the liberation movement as they sought to challenge threats to their authority from colonial and apartheid powers. Land dispossession further strengthened the relationship between traditional leaders and the ANC because historically land has been central to the legitimacy of traditional leadership. For the Congress, lack of land rights threatened citizenship rights. A coalition between the liberation movement and traditional leaders was relatively unchallenging, as traditional and national politics, as well as membership to traditional institutions and nationalist movements, have always been blended. As a result of the factors described above, traditional leaders became involved in challenging the Natives Land Act of 1913 and subsequent related laws.

The interdependence between the two institutions has continued into post-apartheid South Africa. However, scholars such as Ntsebeza tend to analyse this relationship as one sided, as only beneficial to the institution of traditional leadership. I have argued here, through a review of the case studies of Xhalanga and Vaaltyn, that the relationship between chieftaincy, the ANC and an ANC-led government is more complex than we comprehend. Traditional leaders have positioned themselves at the centre of local economies because of their historical role in land administration. As a result, mining houses who approach municipal government for prospecting and mining permit negotiations are encouraged by the government to avoid sidelining local traditional leaders. The government here assumes the position of a political mediator because if the proposed mining deals go through, then traditional leaders (and not so much their constituencies) stand to benefit. In addition, the municipality benefits from having some of its responsibilities and costs borne by the mine. This mutual dependence is often overlooked by scholars who

tend to focus on the tarnished credibility of traditional leaders and therefore conclude that both systems cannot coexist. Although the case of Vaaltyn, like that of Xhalanga, should not be over-generalised, it provides a lens through which to question the historical role of traditional leaders in South Africa, and in turn to help explain why they remain favoured by post-apartheid laws.

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Notes

1 Setswana term for 'king' or 'chief'

2 Odendaal (2012) identifies, for example, some of the political activists from chiefly families who attended mission schools such as 'the Dubes of Inanda, Luthulis of Groutville, the Kumalos and Msane of Edendale, the Morokas of Thaba Nchu, the Moshoeshoes of Lesotho, the Molemas of Mafikeng, and the Sandiles, Sogas and Umhallas of Mgwali and St Mark's'.

3 Founded in 1891, and later fed into the formation of the South African Native National Congress in 1912.
4 The organisation of black people into 'tribes' under tribal authorities
5 Moreover, further debate emerged in the 1960s among the ANC leadership on Robben Island about whether the Congress should be working with chiefs like Mangosuthu Buthelezi of the Inkatha Freedom Party (IFP) who were operating within the apartheid system.
6 In the Eastern Cape, Ineke van Kessel in '"From Confusion to Lusaka": The youth revolt in Sekhukhuneland' illustrates that 'Paramount Chief Sabata Dalindyebo headed the revolt in Tembu-Iand. He was sidelined and later deposed by his rival Kaiser Matanzima, who as the more compliant chief profited from government patronage to become prime minister and subsequently president of the Transkei. Later Dalindyebo went into exile where he linked up with the ANC. He died in exile, but his reburial in the Transkei in 1989 turned into a massive demonstration of support for the ANC in the countryside' (Van Kessel, 1993: 562).
7 'Betterment' schemes during the apartheid era included the removal of people to homelands under the disguise of 'Rural Development Planning'.
8 According to its Constitution, Contralesa aims to unite all traditional leaders in the country, to fight for the eradication of the bantustan system, to 'school the traditional leaders about the aims of the South African liberation struggle and their role in it', to win back 'the land of our forefathers and share it among those who work it in order to banish famine and land hunger', and to fight for a unitary, non-racial and democratic South Africa (Van Kessel & Oomen, 1997: 574).
9 The area is named after Vaaltyn (Likxhobo) who was chief in 1910. It is also referred to as Moshate, 'the chiefly kraal'. Both the contending chiefs have been named Vaaltyn after the earlier chief. In order to avoid confusion, I have named the contending chiefs Vaaltyn I (born in 1964) and Vaaltyn II (born in 1974). The former is largely recognised by the people as the legitimate chief and the latter is the government-recognised chief. The distinction between the two chiefs as Vaaltyn I and Vaaltyn II is mine and is based on their age differences.
10 Adopted in 2003 in commemoration of the chief Mokopane who is said to have killed Piet Potgieter during the 1854 siege in which the northern Ndebele were besieged by the Boers.
11 During this study, which commenced in 2009 until 2013, the ANC held more seats in the Mogalakwena municipality.
12 Information about the changes in the Kekana polity and the aftermath of the conquest can be found in Esterhuysen's (2010) study about archaeological excavations of Makapan's Caves (named after the early

chief of the Kekana, Mokopane, after the northern Ndebele were besieged in 1854) and in Hofmeyr's (1993) work about the construction of historical narratives in the Kekana chiefdom.

13 See Appendix 1 and 2, Mogalakwena Records, file: January to April 2001 or the Traditional Leadership and Governance Framework Act 41 of 2003, as well as other legislations at a local and national level.

14 This idea is also articulated by Capps, G. 2012. in 'Victim of its own success? The platinum mining industry and the apartheid mineral property system in South Africa's political transition', *Review of African Political Economy*, 39 (131), 63–84, p. 70; Mnwana, S. 2013. 'Are communities benefitting from mining? Bafokeng and Bakgatla cases. South Africa', *Labour Bulletin*, 37 (3), and in Mnwana, S. 2014. 'Chief's Justice? Mining, accountability and the law in the Bakgatla-ba-Kgafela Traditional Authority Area, North West Province'. *South African Crime Quarterly*, 49, 21–29.