

SECTION THREE

Leadership and Legitimacy

This [Traditional and Khoi-San Leadership] Bill says there are traditional leaders who have a geographic area and a territory where they rule and then there are KhoiSan senior leaders who are in charge of branches [...] Five in Manenberg, 10 in Bonteheuwel, and in Vredendal there are a few [...] You have no authority over any geographic territory but the king of the Zulus have! The king of the Xhosas have! The king of the Tswanas have and this government is playing with the people. They rejected the homeland system: Transkei, Bophuthatswana, Venda, Ciskei, KaNgwane, KwaNdebele, Gazankulu, KwaZulu, they rejected independent homelands, but they kept the geographic boundaries and made the chiefs the big boys there [...] We [the KhoiSan] are a first nation, but we are third-class citizens [...]

– MR MARAIS, HIGH-LEVEL PANEL WESTERN CAPE PUBLIC HEARINGS,
5–6 DECEMBER 2016, p. 82

We have the National Traditional House of Leadership, Provincial House of Leadership, and 80% of those who represent us in that leadership are illegal chiefs because SA has not gone and said people were changed and made chief by a certain [apartheid] government.

– KGOMOTSO KHUNOU, HIGH-LEVEL PANEL NORTH WEST PUBLIC HEARINGS, 1–2 MARCH 2017, p. 93

That House of Traditional Leaders is not a house of traditional leaders, it is a house of senior traditional leaders. And senior traditional leaders are those who have been recognised as senior traditional leaders. We've got lots of traditional leaders who are not recognised even when in their birth right [says] they are traditional leaders who were supposed to sit in that house.

– SHIRAMI SHIRINDA, HIGH-LEVEL PANEL LIMPOPO PUBLIC HEARINGS, 14–15 MARCH 2017, p. 22

This set of chapters asks ‘who leads?’. How do traditional leaders gain and maintain legitimacy? And what determines their appointment? Sindiso Mnisi Weeks’s chapter critiques the South African government’s focus on senior traditional leaders (i.e. chiefs), arguing that the bulk of everyday traditional leadership is in fact carried out by headmen and other lower-level tribal authorities. This has not only compromised the efficacy of lower-level leaders, but also those they represent (mostly women). Indeed, Mnisi Weeks’s chapter parallels the experiences of women and headmen, arguing that apartheid distortions of customary law stripped both of their power, thereby eroding bottom-up, decentralised leadership. Fani Ncapayi also reflects on people’s everyday attachments to lower-level traditional leaders. Ncapayi describes struggles over the appointment of headmen by senior traditional leaders in the Cala region of Eastern Cape, where headmen have historically been elected by residents. The contradictions within post-apartheid law play a central role in the narrative harnessed both by senior traditional leaders in Cala and by

the popular movements opposing them.

Questions of legitimacy are similarly central to Tlhabane Motaung's chapter, which describes a century-old chieftaincy dispute in the Hammanskraal region. The chapter is, on the surface, a story about the role of British colonialism, and later the bantustan system, in shaping the course of this chieftaincy dispute. However, it is also about how the dispute has factored in ordinary people's claims to identity and belonging. This leads to the final chapter of the section: William Ellis's contribution explores how the institution of 'traditional leadership' has been mobilised by some contemporary KhoiSan communities as a tool of recognition and a means of making claims on the state. Although history demonstrates a fluid, and largely contingent, set of leadership practices among the KhoiSan, South Africa's new democracy has, ironically, necessitated that some KhoiSan groups assume more fixed forms of 'tradition' in order to reap the benefits of liberation and restitution policies. Amid rallying calls for 'decolonisation', these KhoiSan activists have sought to privilege the political power of 'indigeneity'. There is a recent story of how traditional leadership has been recast and re-imagined – as it has been many times before – to respond to the exigencies of the moment. Motaung's chapter therefore calls on us to ask what South Africa will make of traditional leadership as its democracy matures.