



the eastern cape
historical legacies & new challenges
conference: 27 - 30 August 2003



**CONTAINING THE CHIEFS: THE ANC AND TRADITIONAL LEADERS IN THE EASTERN
CAPE, SOUTH AFRICA**

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Working Paper No. 39

ISBN: 1-86810-105-3

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Introduction

In 1998, Nelson Mandela declared:

Traditional leadership in our country has lived for centuries and will continue to do so. It is our pride as the people of South Africa, and a tradition that cannot be divorced from us ... traditional leaders now occupy a critical place in the great partnership of all sectors whose joint effort will make our country just and prosperous.¹

This "joint effort" suggests not just a "democracy with African characteristics"² but Sklar's notion of "mixed government" in which the state and traditional authority constitute relatively autonomous spheres that do not compete but "complement, sustain and legitimise" each other (1993). Such a comfortable vision has clearly commended itself to the African National Congress-led government of South Africa, which in its contemporary efforts to redefine the relationship between the state and traditional leaders has articulated a vision of "co-operative governance" whereby the two spheres of authority would co-exist harmoniously (House of Traditional Leaders 2000). However, in practice, such an outcome seems inherently unlikely. First, although chieftaincy has demonstrated remarkable resilience in Africa, it has often survived only in face of attempts by governments to either replace it or subject it to strict controls (Keulder 1998). Second, this scenario seems to be borne out by the ANC government's concerted efforts to contain fissiparous tendencies within the state by a contrary attempt to centralise power.

This article will illustrate this argument by reference to the Eastern Cape, the province which has re-incorporated the formerly "independent" homelands of Transkei and Ciskei. It will be suggested that "cooperative governance" is being conducted largely upon the state's terms and that -- as under apartheid -- the autonomy of the chieftaincy is being eroded by ANC rule (De Sas Kropiwnicki 2001).

The Historical Legacy of Chieftaincy in the Eastern Cape

The imposition of direct colonial rule upon the African peoples of the Eastern Cape, mainly the southern Nguni, was a process which began with the annexation of British Kaffraria (roughly, latter day Ciskei) in 1847 but which took almost fifty years to complete. Broadly speaking, southern Nguni society, which was politically fragmented, was composed of three, loosely defined, groupings. In the south-west (of what became the later homelands), were the Xhosa; in the north-east were the Pondo; and in somewhat uneasy possession of the central region, subject to cattle raids particularly by the Sotho, were the Thembu, who were on strained

relations with the Gcakela, a Xhosa chieftaincy. Meanwhile, the Mfengu, composed of refugees from the *difaqane* drawn mainly from the Bhele, Hlubi and Zizi chiefdoms, had become either fully absorbed into southern Nguni communities, or lived in a semi-autonomous, tributary relationship to local chiefs. With the Thembu subject to insecurity and with the Mfengu becoming in time increasingly resentful of servitude and exactions demanded of them, it is not surprising that these two peoples, in particular, should look to the colonial authorities for protection. Yet in so doing, they were not alone, for the colonial authorities were to prove adept at exploiting and creating divisions among the African peoples of the Eastern Cape, who were far from united (Maylam 1995, 96-110).

Ultimately, therefore, although the Eastern Cape was only to be subjugated after a series of frontier wars in which chiefs had led the resistance to colonial intrusion, the pattern of chiefly resistance was uneven, with some chiefs gaining in power and influence through collaboration with the British, others -- like Faku, the principal chief of the Pondo -- retaining a high degree of autonomy for some decades by remaining "a zealous neutral in the quarrels between colony and Xhosa" (Mostert 1992, 1106). Indeed, the Pondo retained their independence until 1894, British Kaffraria having been annexed in 1866, and those areas which became western and central Transkei in 1877 after the ninth -- and last -- frontier war. The conclusion to this war saw the determination of the British to break the power of the chiefs by establishing a system of direct, magisterial rule, thereby securing peace and "civilisation." The Transkei was divided into twenty-seven districts, each headed by a white magistrate who served as both a judicial and administrative officer responsible for collecting taxes and for reporting to a Chief Magistrate in Umtata. The districts were divided into locations, over each of which was appointed a headman, who in some cases were pliant chiefs and in some others individuals who had no traditional authority whatsoever. "The effect of this system was to curtail drastically the powers of the chiefs, especially in the judicial sphere" (Maylam 1995, 102). Their jurisdiction in criminal cases was removed, and their judicial responsibility was reduced merely to arbitrating in civil cases according to civil law (and even then, ultimate authority lay with the magistrate).

Following the Glen Grey Act of 1894, this administrative system was accompanied by the introduction of a Council system which, while initially restricted to the Glen Grey district, was from 1895 gradually extended throughout the Transkei. These councils were by no means representative bodies, as four members of each council were nominated by the district headmen and two were appointed by the Governor of the Cape Colony, and meetings were chaired by the magistrate. Even if virtually powerless, the objectives of the councils were to give the impression of local self-government; yet critically, they served to block further black admission to the Cape's non-racial franchise (which admitted males of any race who either earned .50 per annum or occupied property to the value of .25). While the Glen Grey Act provided for the division of unalienated land into lots held under individual tenure, this was to count as communal tenure for electoral purposes. Although

the Act represented a further stage in the process of African disenfranchisement, the system of indirect nomination to councils that it introduced was to provide opportunities for an emerging African elite to play a limited role in local administrative affairs and to provide one basis for the formation of an African intermediary class which, because it centred primarily around access to stock ownership and land, overlapped significantly with the chiefs. The council system was subsequently extended after Union, when after the proclamation of certain territories as Native Reserves in 1913, the state established the United Transkeian Territories General Council in 1932 and its equivalent in the Ciskei in 1934, these serving at the apex of the lower tiers.³ Meanwhile, only headmen remained officially recognised. They were generally selected by the men in the villages (subject to the approval of the local magistrate); they gained considerable legitimacy as they customarily deferred to public opinion; and they had no right to exact services or tributes from the people (Wilson *et al.* 1952).

Some commentators argue that the headman system became so rooted in the Eastern Cape that it rendered chiefs redundant (Groenewald 1981; Manona 1985). Yet this is a serious overstatement, for two reasons. First, while the influence of the chieftaincy was being eroded by headmen, it was simultaneously being preserved by the entrenchment of communal land tenure in the reserves. Traditionally, when land had been plentiful, chiefs had been restricted to a consultative role in the allocation of sites for homesteads. However, as the reserves became increasingly crowded, they began to play a more central role in the disbursement of land. Such control facilitated their own access to wealth and increasingly differentiated them from the mass of the population. Even so, they continued to enjoy much popular respect, for without the chiefs, without communal tenure, the people of the reserves would have been reduced to the landless condition of Africans in "white" South Africa. Meanwhile, and second, the position of the chiefs was to be sustained, albeit ambiguously, by the "re-tribalisation" strategy introduced by the Native Administration Act of 1927.

Prior to this time, "native administration" had been conducted under legislation deriving from the four pre-Union colonies. Hence, for instance, whereas the Cape had worked towards breaking the tribal system and the chiefs' authority, the tribal structure was deliberately preserved in Natal. The new administrative policy introduced by Prime Minister Hertzog in 1927 cut across the assimilationist, "liberal" trends in the Cape, by attempting to bring "native administration" under one uniform system across the country which was based upon "Natal traditionalism." Basically, the Native Affairs Department was concerned to prevent the tribal system breaking up and to find a more efficient way of running the reserves while continuing to provide an ample supply of migrant labour to the mines and other employers. Hence, through the Native Administration Act the Governor-General was given vast powers through his appointment as Supreme Chief of all Africans in Natal, Transvaal, and the Orange Free State. Cape exceptionalism continued to be recognised in the sense that, under colonial legislation, the Governor-General's powers to rule by proclamation were not completely

arbitrary, for all laws to do with African administration had to be laid before both Houses of Parliament within fourteen days, and the right of assent was reserved for the crown. Nonetheless, with the Governor-General being enabled to delegate his authority to the Minister of Native Affairs, this meant virtual total control for the government, and even Cape Africans escaped few of the NAD's all embracing powers (Lacey 1981, 94-119; De Kiewet 1975, 235-40).

The thrust of the new policy shift was towards retribalisation, involving the restoration of the chieftaincy and the government of Africans through "native law and custom," yet this occurring under the bureaucratic control of the NAD, which -- rather than being prepared to recognise cultural variety -- sought to codify everything into one rigid scheme. What this meant for the chiefs was that while they could hope to bring benefits to their peoples by cooperating with government, they were simultaneously elevated in stature and as a class and co-opted as agents of state control. With a chief's tribute calculated on how many people he had in his district, this encouraged chiefs to work for closer settlement which in time forced people of the land and into wage labour. Yet in practice, chiefs had little room for manoeuvre and were reduced to puppets of the administration, while trying to put up a show of independence and "tradition." (This was most manifest in Zululand, where the reconstitution of the Inkatha movement after 1927 sought to promote Zulu "nationalism" in a manner designed to prescribe social discipline while entrenching segregation through a devolution of "self-government" to tribal authority) (Cope 1993, 201-20). At the same time, in both Ciskei and Transkei, the NAD continued to make much use of the headmen in each location (Lacey 1995, 107-11).

"Re-tribalisation" was rejected with scorn by urban Africans and caused widespread confusion in the reserves, not least in the Cape, where any revival of tribal authority worked to erode whatever potential the council system had for local-self-government and autonomy. Even so, with the NAD continuing to work extensively through the headmen, the chiefs in the Cape were shielded to a considerable extent from popular disaffection. As a result, the integrity of traditional leadership remained remarkably resilient (Beinart 1982, 126).

Upon this enduring, albeit contested, legitimacy of the chiefs, the National Party (NP) government which assumed power in 1948 erected its system of Bantu Authorities.

The Bantustan System and the Consolidation of Chiefly Power

Apartheid was promoted by the NP to deflect demands for enfranchisement by an increasingly assertive African majority. South Africa, where blacks were subject to white minority rule, was now presented as a conglomerate of nations, each of which wanted to preserve their own separate identity. In particular, each of the eight (later ten) officially defined "Bantu" peoples was supposedly tied by history to their specific

reserves, which from 1951 were reconceptualised as "homelands." Although, under the Land Acts of 1913 and 1936, these territories were restricted to a maximum of 13.7 percent of the country's total land area, the government determined (over time) to devolve increased constitutional responsibilities upon these ethnic states under a programme of internal decolonisation. "Self-government" was granted to the Transkei in 1963 and to the other homelands in the 1970s. The claims of the African majority to political rights in South Africa were thereby supposedly eliminated, as even urban Africans were deemed to be citizens of their homelands. This process culminated in the granting of "independence" to Transkei in 1976, to Bophuthatswana and Venda in 1979, and to Ciskei in 1981 before the bantustan project crashed against black political challenge internally and mounting pressure internationally (Southall 1982, chapter 2).

The bantustan system was founded upon the Bantu Authorities Act of 1951. Implemented first in Transkei in 1956, this attached a reinvigoration of the chieftaincy to "constitutional development." The council system was abolished, and chiefs and their councillors were appointed to Tribal Authorities, and the heads of these to Regional Authorities, with the system headed by a Territorial Authority, normally comprising all chiefs plus certain of their councillors. By extending to chiefs certain executive responsibilities, and greater powers than they had enjoyed under "traditional" forms of government, and with headmen now subordinated to the Tribal Authorities, the chieftaincy became assimilated into the architecture of "Separate Development." This became explicit from 1963, in which year the first bantustan election in Transkei saw forty-five elected members of a new Legislative Assembly (which replaced the Territorial Authority) outnumbered by sixty-four *ex officio* chiefs. Similarly, in Ciskei's first election in 1973, chiefs outnumbered elected members by twenty-nine to twenty. Implementation of this model elsewhere ensured that the chiefs were never outnumbered in bantustan legislatures (Southall 1983, 88-102; Charton 1981, 149-84). As a result, homeland governments and political parties were overwhelmingly constructed around the chiefs, who increasingly became functionaries of apartheid.

The Bantustan System and the Erosion of Chiefly Legitimacy

These developments led inexorably to the erosion of the legitimacy of chieftaincy. First, whereas the NP was attempting to revive chieftaincy, the intrusions of colonial rule had undermined its "traditional" foundations. Patriarchy had been weakened by mission education and the increased economic functions assumed by women in societies deprived of working age men by the system of migrant labour. Second, the delineation of tribal authorities often exacerbated ethnic conflict as the administrative units often failed to coincide with

chiefly allegiance. In Transkei, the Thembuland Paramountcy was divided into two to undermine Paramount Chief Sabata Dalindyebo (who did not easily lend himself to manipulation from above) while allowing for the recognition of Kaiser Matanzima, who was from a minor house yet earmarked for leadership under the Bantu Authorities system, as Paramount of Emigrant Thembuland (Southall 1983, 105). Jeff Peires (1989) provides similar detail as to how, in his struggle to secure control of the state machinery of the Ciskei Bantustan, Lennox Sebe invented a bogus claim to chieftaincy for himself, fanned the flames of Rharhabe Xhosa hostility towards the more "progressive" and historically advantaged Mfengu, and subsequently attempted to obscure Rharhabe-Mfengu rivalry under the mantle of an invented Ciskeian "nationality." Third, the payment of chiefs decreased their need for local legitimacy, while the bureaucratisation of their authority over matters such as labour recruitment, pension applications, and the allocation of trading licences extended their scope for misappropriation. Finally, legislation such as the Transkei Authorities Act of 1965, which granted chiefs powers of arrest, search and seizure, led to their systematic incorporation into the repressive apparatus (police, military, and intelligence) of the apartheid state and provoked popular opposition.⁴

Nonetheless, these patterns were uneven. Whereas the majority of chiefs were drawn fairly unambiguously into collaboration with the bantustan project, an alternative tradition of chiefly resistance to colonial oppression never completely died. Chiefs had participated in the foundation of the ANC in 1912, and this tradition of engagement with protest culminated in Chief Albert Luthuli's election to the movement's presidency in 1952. Similarly, chiefs often led resistance to "betterment" and "rehabilitation" in the reserves as late as the 1960s, while figures like Paramount Chief Victor Poto Ndamase of Western Pondoland led the campaign in the Transkei's first election against the imposition of Separate Development. Yet as the chiefs became more dependent upon their position as state functionaries for both their authority and material well-being, the more their relationship with the ANC wavered, especially after the latter had been forced into exile. To be sure, there were a few individuals who retained covert connections. The most notable of these was Paramount Chief Sabata Dalindyebo of Thembuland, who after leading a succession of political parties in opposition to the Transkei National Independence Party (TNIP) fled to Lusaka in 1980 and declared in favour of the ANC. Although other chiefly figures, most particularly Chief Mangosutho Buthelezi, Chief Minister of Kwazulu, thereafter claimed to be using the platforms provided for the homelands for fighting apartheid "from within," their role was constantly controversial, often self-serving and always ambiguous. In short, although the tradition of the "good" chief was never entirely extinguished, the chieftaincy became very largely caught up in the machinery of control.

These entanglements drew the chieftaincy into inevitable conflict with popular movements as the resistance to apartheid intensified. The forerunner of all later struggles was the Pondo revolt of 1960, which saw the Mpondo engage in mass rebellion against their chiefs and their incorporation into the Bantu Authorities

system (Mbeki 1964; Southall 1983, 104-14). Subsequently, in the Eastern Cape, the most intense clashes occurred in Ciskei, where opposition to Chief Minister Lennox Sebe's move to "independence" was mobilised by the South African Allied Workers' Union (SAAWU), which was centred around worker support in Mdantsane, the large township serving East London. SAAWU was eventually banned in Ciskei in 1983 (Friedman 1987, 217-23; Maree 1982). However, by this time, militancy had been transported by youths and migrant labourers to far flung rural areas, where communities had already begun to form a plethora of residents' associations, in some cases to combat Sebe's attempts to impose tribal authorities upon areas where they had not existed previously (as within Border Corridor areas newly absorbed into Ciskei), and in others, to resist the authorities' plans for removals or arbitrary resettlement of local populations (Kenyon and Du Toit 1989). Clashes between residents' associations and chiefs became frequent and were often violent. Chiefs and their advisors were driven away from their villages, their huts burnt, and their stock killed,⁵ as resistance to Sebe's regime became more widespread, peaking in early 1990, when it was estimated that some two thirds of the homeland's rural population had either burnt or returned their membership cards of the ruling Ciskei National Independence Party.⁶ Sebe responded by declaring a State of Emergency, ironically on the same day (2 February) as President Willem De Kerk made his historic speech unbanning the ANC.

Sebe's attempted clampdown prompted his overthrow by the Ciskei Defence Force in a coup, led by Brigadier Oupa Gqozo, on 4 March 1990. Popular enthusiasm was further fired by Gqozo's sharing of his platform with the mass based United Democratic Front (UDF) at his inauguration as the new Head of State, when he also stood under a banner of the ANC and declared that he would run a "people's government" (National Lands Committee 1990). This would entail the dismantling of the tribal authority system and the opportunity for democratic representation.

Three weeks after the coup, Gqozo announced that all headmen had to resign. The chiefs were retained, yet simultaneously he encouraged the formation of Residents' Associations. The challenge was taken up immediately by militant youth, who went from village to village, persuading their elders to form new associations, which spread like wildfire. It was not long before the chieftaincy system itself was nearing collapse. This prompted a rapid re-think by Gqozo, and in early 1991, in an astonishing turn-around, he announced the restoration of the tribal system and the banning of the associations, whose popularity he now feared. In the months that followed, violence flared (Manona 1985): 198 headmen were re-instated, but by 1992, thirty-six of them had lost their homes due to arson, six had been killed and thirty-nine had resigned out of fear (*Daily Dispatch* 5 December 1992). Imposition of a State of Emergency in October 1991 was then followed by Gqozo's creation of the Ciskei Traditional Leaders' Association (CTLA) to offer chiefs and headmen material and moral support. However, following the notorious Bisho massacre in September 1992 (when twenty-nine pro-ANC demonstrators were killed and two hundred injured by the CDF), Gqozo's

regime was increasingly isolated. By 1993, violence had become widespread throughout Ciskei, and as democracy loomed, Gqozo's support base fell away. After a doomed attempt to resist re-incorporation into South Africa, his regime was eventually displaced by a caretaker administration operating under the auspices of the Transitional Executive Council, which worked in parallel to the outgoing South African government during the months preceding the first democratic election in April 1994 (Peires 1992; Magyar 1989-90).

Conflicts between popular forces and the chiefs in Transkei were far less intense, even though the coup of 1987, which saw the regime of the Matanzimas replaced by a military government led by Major-General Bantu Holomisa, unleashed similar hopes of radical change.⁷ Yet unlike, Gqozo, he never moved to undermine traditional authorities, who were themselves far less exposed than their counterparts in Ciskei to challenge by residents' associations, which took considerably longer to develop in this more rural bantustan. Indeed, drawn from a chiefly background himself, he attempted a more shrewd strategy of constructing a rapprochement between potentially opposing forces, this symbolised most potently by his decision to allow the public reburial in 1989 of Sabata Dalindyebo, who had died in exile and subsequently been allowed no more than an undignified interment by the Matanzimas in a pauper's grave in 1986. Indeed, apart from using the funeral to "separate himself from the politics of Matanzima and link himself to the politics of Dalindyebo" (not least by allowing the ANC to conduct the ceremony), Holomisa simultaneously asserted the legitimacy of chieftaincy by emphasising its connection to the politics of liberation (Dennie 1992). However, as the drama of the transition unfolded, civic associations began to develop in and around the small towns of Transkei; and after the formation of the South African National Civics Organisation (SANCO) in March 1992, mass action spread to the areas of Mount Ayliff, Tabankulu, Ngqeleni, Cala, Lusikisiki, Mount Frere, Ezebleni, Mqanduli, Port St. Johns, Qumbu, and Butterworth (*Daily Dispatch* 7 and 8 October 1992). Sustained by Holomisa's tacit support, the large body of chiefs proved reluctant to consider sharing power with these new bodies and responded by forming the Transkei Traditional Leaders Association (TTLA). This claimed to be politically non-aligned, yet that it was hostile to the ANC became increasingly evident during the run up to the election (Bank and Southall 1996, 416).

The ANC and Chiefs during the Transition

Traditional leaders were excluded from participation in the fora that negotiated South Africa's transition to democracy. This was limited to political parties, the liberation movements and the governments of the "independent" homelands. However, during this period, the ANC increasingly felt the need to find an accommodation with traditional leaders, largely for pragmatic yet also to some extent, for attitudinal reasons.

Certain members of the ANC's senior leadership, notably Mandela, himself of aristocratic birth, continued to

hold the institution of chieftaincy in high regard. Their perspective argued that while apartheid had eroded the loyalty between traditional leaders and their subjects, it was probable that large numbers of rural dwellers in the homelands continued to accord the institution of chieftaincy considerable respect. It followed from this that traditional leaders could become a vehicle through which the ANC could establish supportive constituencies in rural areas in the run up to the forthcoming "liberation" elections. It was also felt that traditional leaders could play a pivotal role in ensuring peace in the countryside and that to alienate them would pose a danger. Indeed, the ANC was only too well aware that FRELIMO's (Frente de Libertacao de Mocambique) alienation of the chiefs had done much to stoke support for the rebel movement in neighbouring Mozambique. Critically, too, the ANC was concerned to contain the threat posed by Chief Buthelezi's Inkatha Freedom Party, which complemented its mobilisation around Zulu traditionalism by an appeal to conservatives more generally, not least by stressing the continuing political centrality of traditional leadership in rural areas (Maloka 1995; Rutsch 1995).

The principal instrument adopted by the ANC to win over the chiefs was the Congress of Traditional Leaders of South Africa (CONTRALESA). This had its origins in KwaNdebele, where key figures in the Royal House had played a prominent role in the successful campaign in 1986-87 against that homeland government's drive for "independence." After consultation with the UDF, CONTRALESA had emerged as dedicated to uniting traditional leaders around a rejection of the homeland system and the pursuit of a "unitary, non-racial and democratic South Africa" (Bank and Southall 1996, 415; Van Kessel 2000, 42-43).

By August 1990, the presidency had been captured by a cousin of Bantu Holomisa, Chief Patekile Holomisa of Transkei. This appears to have been manoeuvred by the ANC prior to CONTRALESA's first national congress, when their new leader urged the chiefs to restore their dignity by shedding their image as collaborators with apartheid and to work cooperatively with popular organisations. In any event, the ANC warmly endorsed CONTRALESA's stand, with Mandela going out of his way to welcome chiefs as potential members of the liberation movement.

As the negotiation process progressed, increasing numbers of chiefs climbed aboard the liberation bandwagon. In Transkei, chiefs who had joined the TTLA hedged their bets by also joining CONTRALESA, while in Ciskei, there was a marked movement away from the CTLA towards CONTRALESA after the Bisho massacre as it became increasingly evident that Gqozo was losing power. Only in KwaZulu, where the large majority of chiefs remained loyal to Buthelezi, was the impact of CONTRALESA blunted (Bank and Southall 1996, 415-18).

Despite this landslide towards the ANC, the chiefs failed to make any significant impact upon the transitional

settlement. Despite its efforts to project a progressive image, CONTRALESA's arguments in favour of traditional leaders being directly represented in the proposed upper house of parliament (Senate), or for the formation of a National House of Chiefs as an integral part of parliament, were rejected. Instead, although the transitional constitution provided for the formation of Houses of Traditional Leaders within those new provinces which incorporated "traditional" communities, and for the subsequent election from these Houses of a similarly advisory Council of Traditional Leaders at national level, these bodies were restricted to a largely advisory role on matters pertaining to "traditional affairs" (although the constitution did give them powers to delay relevant legislation at both levels for thirty days).⁸ For the large body of chiefs, this exclusion from significant influence came as a major disappointment and, as in the Eastern Cape, led to early threats that they would withdraw their cooperation from the newly-established constitutional structures unless they were granted greater powers.

The ANC in Power in the Eastern Cape: The Chiefs Marginalised

When the ANC took power in the newly-established province of the Eastern Cape following the 1994 election, the provincial government, headed by former Robben Island prisoner and long-time party stalwart Raymond Mhlaba, was faced with enormous challenges. Combining the Transkei and Ciskei bantustans with a large segment of the former (white) Cape, Eastern Province was characterised by highly uneven development, desperate poverty in the former homelands, rampant unemployment, and miserable levels of service delivery in historically black areas. Furthermore, it was required to form a unified administration out of some 131 000 civil servants, composed of an awkward mix of (largely African and inexperienced) recruits and bureaucrats inherited from the three predecessor administrations. This task was rendered considerably harder because the centring of the new government in Bisho (the former capital of Ciskei) evoked considerable resentment from former Transkeians (who resented Umtata's loss of status). Indeed, whereas previously the Matanzimas had advocated a united Xhosaland (which would, in effect, have rendered Ciskei subordinate to the larger Transkei), many traditional leaders in Transkei had campaigned for their homeland to become the basis for a separate province and against the idea of a united Eastern Province physically centred around the former Ciskei. Peculiar difficulties were also raised by the need for the new government to reduce the size of the new administration via retrenchments, as well as the urgency of its confronting an inheritance of corruption from the bantustans. Not surprisingly, the new government found it difficult to cope, and Bisho soon became the butt of widespread tales of woeful inefficiency and a high level of graft (Southall 1998a).

Faced by a creeping crisis, the national leadership of the ANC opted to intervene. First, in 1995, it "redeployed" senior personnel to the Eastern Cape in order to restructure the provincial administration. Second, in 1997, it orchestrated the replacement of the ageing Mhlaba as Premier with the younger

Makhenkesi Arnold Stofile. Third, also from 1997, it subjected the Eastern Cape (and all the other provinces) to the increasingly harsh imposition of financial disciplines. If, at one level, these moves represented an increasingly vigorous assertion of national controls over the provinces, it was also reflective of an emergent trend whereby the leadership of the ANC was attempting to bring about a centralisation of power by imposing its authority upon diverse institutions throughout state and society (Hawker 2000; Southall 1998b). It was in this context, which was politically fraught at both national and provincial levels of power, that the ANC sought in addition to contain the aspirations of the chieftaincy.

Meeting the Challenge of the Chiefs

In the Eastern Cape, the chiefs' discontent with the constitutional settlement was to be greatly compounded by serious conflict with the new provincial government, which led to considerable delay in the establishment of the House of Traditional Leaders (HTL).

The ANC had attempted to neutralise chiefly suspicion by its absorption of certain key individuals. Most notably, this entailed the appointment of Stella Sigau, a former Prime Minister of Transkei (who was also the sister of Mpondombini Sigau, Paramount Chief of Pondoland) to the cabinet and Bantu Holomisa to a post of Deputy Minister, as well as the selection of Phatakile Holomisa, CONTRALESA's President, as a Member of Parliament. In addition, the new government ensured that the chiefs were well paid: some R17 million was spent on the former Transkei's 138 chiefs and 832 headmen during 1994, with its five paramounts earning R281 246 (compared to an MP's basic salary of around R150 000) annually (Maloka 1995). Yet these were national initiatives and insufficient to prevent clashes between the government and traditional leaders at provincial level.

Conflict between the provincial government and the chieftaincy could scarcely be avoided. For a start, the transition had seen a continuation of violent struggles between residents' associations, which the ANC regarded as expressing democratic sentiments, and chiefs and headmen. Indeed, when SANCO had issued a call for the headman system to be abolished, CONTRALESA had (successfully) resorted to court action (citing the Transkei Traditional Authorities Act of 1965) in its defence. With further resentment provoked by the government's bypassing the chiefs to implement development projects in rural areas, conflict peaked over a dispute over the number of seats which should be allocated to the provincial HTL and the salaries that should be attached. When this deadlocked, chiefs resolved to deny access to the rural areas to SANCO activists wanting to campaign for the ANC in the forthcoming local government elections, which were scheduled for November 1995. Meanwhile, relations were further inflamed by the (national) Amendment of Local Government Transition Act in June 1995, for not only did this define traditional leaders as but one of

four interest groups in rural areas (the others were women, farmers, and farm-workers), but also the Eastern Cape Government chose to adopt one of the models of reform put forward which made no provision for participation in rural governance by the chiefs. This led, in turn, to an unsuccessful attempt by CONTRALESA to have the decision put aside, calls for national government intervention, and eventually a decision by the provincial chapter of the organisation to mount a boycott of the local elections. This, CONTRALESA predicted, would lead to a massive stay away of voters falling under traditional leaders from the polls, and the subsequent delegitimation of the new structures (Maloka 1996).

In the event, the ANC called CONTRALESA's bluff, and the elections ran smoothly, with rural people casting their votes in defiance of the chiefs. When CONTRALESA subsequently declared the local government elections null and void, the ANC cracked the whip. Phatekile Holomisa and Nonkonyana were threatened with disciplinary action for consorting with the "enemies of democracy." Subsequently, too, following initiatives by the Eastern Cape chiefs to work more closely with Inkatha, they were also suspended from the CONTRALESA executive upon the prompting of the latter's Kwazulu-Natal branch, which threatened to leave the organisation if it collaborated with Buthelezi. Holomisa responded by blaming the ANC for causing divisions within CONTRALESA and vowed to ignore the suspension. Indeed, he had sufficiently reasserted his influence to work with Nonkonyana and Winnie Madikizela-Mandela to issue an official new year's message on behalf of CONTRALESA for 1997 (Maloka 1996, 188-91). (Madikizela-Mandela is related to the royal family of East Pondoland and had utilised CONTRALESA to mobilise personal support following her expulsion from the cabinet for indiscipline earlier in the year.) However, this comeback did little to change the situation in the Eastern Cape, where in 1996 the HTL had been founded very much upon the provincial government's terms.

Dependent and Divided: The Eastern Cape House of Traditional Leaders

Chiefs had boycotted public hearings on the establishment of the provincial HTL in protest against their being held in urban areas and the alleged failure of the provincial government to consult them (*Daily Dispatch* 20 January 1995). Nonetheless, the provincial government had proceeded to make provision for the establishment of an HTL composed of twenty members nominated by traditional leaders. In line with the interim constitution, its principal function was to be advisory, although it was granted power to delay passage of a bill concerning traditional authorities or customary law by the provincial legislature by up to thirty days. The House subsequently met for the first time in October 1996, after consultations between traditional leaders and the premier had drawn up rules for the nomination of the twenty members, who it was agreed would be drawn from ten separate regions. Originally, apparently on the ANC's prompting, it was decided that the membership should exclude the six paramounts, on the grounds that the latter should remain unambiguously

"above politics." However, once established, the House made a successful plea they should be included, thereby increasing its membership to twenty-six.

Not all such requests were accepted. Initially, the government had asked that the HTL meet in the Bunga (which had housed the Transkeian legislature) as it had insufficient money to build a new structure next to the Eastern Cape assembly building in Bisho. The chiefs accepted this with some reluctance. However, they were then to be angered by news that, following intervention by SANCO, the EC government had changed its mind, and had decided to provide the House with a temporary structure in Bisho. (The Bunga subsequently became a museum dedicated to Nelson Mandela.) Despite the chiefs' objections, these plans went ahead. As a result, although the chiefs had aspired to construction of a brand new building, they were soon to find themselves meeting in the agricultural hall of the former Ciskei, following renovations which had cost a very un princely sum of R250 000. The House has subsequently had to make do with very limited resources, despite numerous requests for better facilities.⁹ Indeed, although supposedly autonomous, the HTL remains dependent upon a financial vote from the provincial Department of Local Government and Housing, which must agree with any expenditure proposed.

Despite these tribulations, the House claims to have made a constructive contribution to governance. Since its establishment, it has attempted to meet three or four days each month, and has considered a variety of matters, and in particular, has responded to numerous requests for advice and information from the South African Law Commission. Yet members complain that the provincial government has failed to refer legislation to it, with the result that the House has taken to providing its comments upon relevant Bills on its own accord. However, the chiefs lament that such advice has been systematically ignored.

The chiefs have not helped their cause by trumpeting their divisions. Indeed, for all that traditional leaders have depicted the provincial House as lacking influence, competition to belong to it has precipitated a number of bitter struggles, which doubtless reflect previous squabbles and jealousies. For instance, Mweliso Nonkonyana, CONTRALESA's provincial leader and Chairperson of the House, has been involved in a public spat with the AmaRharhabe paramount Mxhoba Sandile over alleged irregularities in the election to the HTL of AmaRharhabe's Prince Langa Muvuso to replace Chief Mphulo Jongilanga, who had resigned (*Daily Dispatch* 2 November 2000). Similarly, the Deputy Chair of the House, Dumisana Gwadiso has made allegations that an outspoken member of the House, Prince Zolile Burns-Ncamashe, is an "illegitimate prince" because he is only a nephew of the Burns-Ncamashe family, and should therefore be disqualified from membership.¹⁰ (The conflict over the legitimacy of Burns-Ncamashe almost undoubtedly reflects widespread acknowledgement that his particular chieftaincy is based upon a highly dubious claim to the headship of the Ciskeian AmaGwali fabricated by the late S.M Burns-Ncamashe during Sebe's drive to manufacture Rharhabe

support) (Peires 1989, 400-01). These various tensions have even led to a call from Prince Xhanti Sigcawu of the Xhosa Royal Council for the government to disband the House on the grounds that its members are only using it to air their personal grievances (*Daily Dispatch* 27 January 2001). Within this context, Premier Stofile announced his government's intention of conducting an audit of the chiefs with the supposed purpose of examining the legitimacy of their claims to their positions (*Daily Dispatch* 10 March 2001). If carried through, such a process would be hugely destructive of the coherence of the province's traditional leaders as a political community, for as under apartheid, rights to succession and incumbency might become directly dependent upon approval by government. This would further neutralise the chiefs, whose challenge the ANC has in large measure now managed to sweep aside.

The ANC's Containment of Traditional Leaders as an Electoral Threat

The ANC had swept to power in the Eastern Cape by securing 84.4 percent of the vote in the provincial election of 1994. Although its re-election to office was guaranteed, it was faced by a significant challenge in the subsequent election in June 1999 by the United Democratic Movement (UDM), which had been founded after his expulsion from the ANC in 1997 by Bantu Holomisa. Whereas nationally the UDM projected itself as the sole opposition party capable of presenting a non-racial challenge to the ANC, in the Eastern Cape it campaigned around the youthful Holomisa's personal popularity within the former Transkei and the alleged failings of the provincial government. More particularly, it sought to compete with the ANC for the loyalties of the chiefs.

For all that its relationships with CONTRALESA had deteriorated since 1994, the ANC had remained convinced of the importance of aligning the traditional leaders to its cause.

This conviction was based upon two major grounds. The first was that, although the chiefs' attempt to promote a boycott of the 1995 local elections had failed miserably, their more organised opposition could yet impose serious costs upon the ruling party. Second, although unproven, there was a presumption that the support of the chiefs as a bloc, or as individuals, would translate into an increased popular vote for the party they favoured on the ground. Hence, that competition for the affection of the chiefs which the UDM now presented was interpreted as a peculiar threat to the ANC's provincial hegemony, not least because CONTRALESA had proved unable to resolve whether it should align openly with the ANC or declare its independence. Its ambiguous decision was that, although its members would be allowed to stand as party candidates, it would remain a non-partisan body.¹¹

CONTRALESAs stance enabled Phatakile Holomisa and Mwelo Nonkonyana to receive high ranking on the

ANC's national list, despite their having been sharply critical of the party's treatment of traditional leaders. Meanwhile, although Mandela regularly appealed for chiefs to stay above politics, the ANC launched a major offensive in the Eastern Cape to counter the UDM. The large body of chiefs responded by playing safe. In short, while ostensibly following Mandela's advice by declining to state their preferences, they provided opportunity for both parties to campaign in their areas of authority.

The immediate outcome seemed to favour the UDM, which recognised that the relationship between the majority of chiefs and Bisho had developed into a primarily antagonistic one. There were serious discontents with the minimal influence accorded to the HTL; major concerns about how the ANC intended to shift power away from chiefs and headmen at local level to popularly elected Transitional Local Councils; and there had been major conflict over the refusal of the provincial government to remunerate headmen in Ciskei. The result was that the UDM was able to claim early success, issuing a claim in March 1999 that it had already captured the support of twenty of the province's twenty-five most senior traditional leaders. Against this, there were clearly tensions amongst the chiefs, most notably the fact that the Ciskei-based Rharhabe chiefs had begun to feel increasingly uncomfortable within CONTRALESA since that body had incorporated the TTLA, the body whose members' interests had previously been so strongly identified with the rule of the Matanzimas. Indeed, former TTLA members had been so strongly critical of ANC rule from Bisho, and who -- led by Dumisane Gwadiso (now the UDM's provincial leader and candidate for premier) -- had begun to join the UDM in considerable numbers.

These dynamics were strongly reinforced by the UDM's strategy of seeking to mobilise support among those who had lost out with the demise of Transkei. During extensive tours throughout his former domain, Bantu Holomisa stressed how constant his government had been to the chiefs and how it had delivered benefits to their people. In contrast, he harped upon the alleged corruption of the ANC in power and the dismal failure of Bisho in delivering services. The ANC responded in kind, notably by bringing in a succession of political heavyweights (notably Mandela) who not only depicted Holomisa as a product of apartheid but also stressed the benefits which the ANC had brought to the people and how chiefs could play a constructive role in nation-building. Nor did the ANC refrain from flattery, increasingly adopting the UDM's practice of referring to the Transkei's five paramounts as "kings." However, even more persuasive was the provincial government's surprise announcement at the end of March of an unscheduled pay rise for its 227 traditional leaders: paramounts would now receive R322 800 and chiefs R77 472 per annum. Although the ANC rejected suggestions of bribery, its excuses wore thin when, after initially having insisted that headmen would not share in the bonanza, it backtracked and announced a R5 million package for the Transkei's 997 headmen. However much Holomisa had captured chiefly sympathies, he had proved unable to prevent the ANC delivering a sharp reminder to the chiefs of the benefits of playing along with their material interests.

The wisdom of the ANC in mounting an energetic response to the UDM was demonstrated by the result of the election which saw the latter secure a very respectable result. Coming from nowhere, it attained 13.6 percent of the vote in the provincial election, allowing it to assume status as the official Opposition in the legislature. However, more particularly significant was the fact that the bulk of its vote came from the areas surrounding Umtata, where it won fifty-six percent of the vote cast in the rural areas and fifty-three percent in the town itself. Hence, although the ANC was returned to power in Bisho, it was with a significantly reduced vote of 73.8 percent (compared to 84.4 percent in 1994) and apparently without the support of significant segments of the population of former Transkei.

In the event, the UDM's potential threat to the ANC's provincial dominance has not materialised. Serious divisions within the party nationally and a poor performance as opposition in Bisho have resulted in the UDM's failure to capitalise upon its relatively bright start. As a result, whereas during the 1999 election campaign, there had been some indications that it might prove capable of mobilising provincial-wide discontents against the ANC, by the time of the 2000 local election campaigns its support had fallen back almost wholly upon Umtata. Although there was something of a re-run of the struggle between the ANC and the UDM for the support of the chiefs during that latter campaign, and although there was an initial effort by the UDM and CONTRALESA to discourage people from registering as voters in support of traditional leaders' objections to the new structures of local government which were being introduced (*Daily Dispatch* 14 September 2000; *Business Day* 3 October 2000), the majority of chiefs were reduced to sullen inactivity. The new council in Umtata fell to the UDM, but elsewhere the latter performed poorly. Indeed, it had by now become little more than "the TNIP in disguise," with few prospects in sight of its being able to move beyond the confines of its post-homeland localism (Southall 2000b).¹² Even so, although the UDM had failed to assume status as their vehicle, the chiefs beyond Umtata had already indicated their deep concerns over the ANC's plans for restructuring local government.

Traditional Leaders and the Restructuring of Local Government

As noted above, CONTRALESA's objections to the alleged undermining of traditional leaders by the early efforts to restructure local government along non-racial lines had led to an unsuccessful attempt to organise a boycott of the first democratic local elections in 1995. Subsequent experience with the new Transitional Rural Councils had confirmed their antipathies, with, for instance, chiefs in the former Transkei working uneasily with the new structures, with whose authority they had to compete or by which they had often felt sidelined (Peires 2000). Hence, traditional leaders proved determined to assert their interests during the negotiations

around the further reform of local government, culminating in a major battle with national government during the run up to, and indeed, after the second democratic local elections, held in November 2000.

The basis for a sweeping restructuring of local government was laid by the Municipal Structures Act of 1998, which called for the introduction of three types of municipality: Metropolitan Councils (category A), local councils (category B), and district councils (category C). While the new "metros" would have exclusive authority within their areas of jurisdiction, local and district authorities would share powers and responsibilities, with the particular responsibility of the latter (which would cover wider geographic areas and areas of lower population density) would be to facilitate better regional planning and bulk delivery of infrastructure. Category A and B councils would be directly elected, in contrast to category C councils, sixty percent of whose membership would be appointed by local councils, and only forty percent of which would be directly elected (by proportional representation). However, in addition, the Act made provision for the participation in councils of traditional leaders of communities within their areas which observe a system of customary law, although this was to be on a non-voting basis and was not to exceed ten percent of the total membership (EISA 2000). Subsequently, a specially created Municipal Demarcation Board provided for the 834 existent local councils to be replaced by six metropolitan councils, 241 local councils and fifty-two district councils, one of these metros (Port Elizabeth / Uitenhage), thirty-eight category B municipalities and six district (category C) councils being identified in the Eastern Cape (Southall 2000a).

These proposals aroused the intense hostility of the chiefs both nationally and within the Eastern Cape. The national government had attempted to head off such a reaction by its dressing up of chiefs' participation in local government in an advisory capacity as a "cooperative model for rural governance." "There is no reason," argued the White Paper on Local Government in 1998:

... why African customs and traditions should be seen to be in conflict with the demands of democracy. What is required is an innovative institutional arrangement, which combines the natural capacities of both traditional and elected local government to advance development or rural areas and communities ... [and accord] a constructive role for traditional leadership at local level in the governance and development of rural communities (Ministry for Provincial Affairs and Constitutional Development 1998, 75-79).

Indeed, from the government's point of view, the establishment of HTLs at both national and provincial levels combined with its proposals for traditional leaders to serve on local authorities to provide for what the 1996 constitution termed "cooperative governance," whereby all spheres of government cooperate with each other in a spirit of mutual trust and joint interest (DPLG 2000).

In the Eastern Cape, the chiefs' reaction to the government's plans found expression in a submission of the HTL to the draft discussion document which was intended to precede a White Paper on traditional leadership. After welcoming the government's suggestion that traditional leadership and democracy should be complementary, the paper condemned the Final Constitution for having entrenched westernised values at the expense of African culture. What was worse, the Municipal Structures Act of 1998 had not given effect to cooperative governance, for the views of traditional leaders had been ignored. The Act was therefore "unconstitutional" and entrenched an alien system of governance. To overcome this, the envisaged role for traditional authorities should be transformed. They should not have to share powers with local councils, and should become the *de jure* as well as the *de facto* primary spheres of government in rural areas of traditional jurisdiction. In order to provide for democratisation and gender sensitivity, the majority of members of such transformed traditional authorities should be elected, but all traditional leaders would sit by right, so enabling an (appropriately resourced) traditional community to be run "without having to fall under the control of a town council," although heads of such traditional authorities would sit on district councils. Furthermore, after stressing that all levels of traditional leadership (including sub-headmen) should be properly remunerated, the paper went on to assert that its proposals should be accepted with minimal delay in order to ensure an atmosphere that would be "conducive to free and fair local government elections."¹³

Similar sentiments were expressed by traditional leaders nationally in a submission to President Thabo Mbeki on 28 June 2000. This stressed two underlying principles. First, traditional communities were entitled to regulate their affairs in terms of their own laws and customs, and therefore wished to be work directly with district (category C) councils that had jurisdiction in their areas. And second, traditional authorities (which as proposed by the Eastern Cape HTL should be composed of a majority of elected members) should have the same status as category B municipalities (Seiler 2000).

Mbeki rejected the traditional leaders' bid for a central role in rural local government. Nonetheless, he did offer a number of marginal concessions. First, he made a commitment to increasing the level of participation of (non-voting) traditional leaders on category B councils from ten to twenty percent. Second, he agreed that the demarcation process would be examined (to meet chiefs' objections that the proposals often split traditional jurisdictions). Third, national and provincial governments would look again at what functions might be assigned to traditional authorities, and those provincial governments who had not hitherto provided for the appointment of traditional leaders to relevant local councils would be "advised" to do so. Fourth, the roles of HTLs would be reviewed with a view to strengthening their participation in national and provincial legislative processes. And fifth, he indicated that the much heralded White Paper on Traditional Authorities should be approved by March 2001 and resultant national legislation enacted by July (Seiler 2000).

Traditional leaders rejected these concessions as wholly inadequate, and relations with the government deteriorated accordingly. Chiefs mobilised against the demarcation proposals, with which the Demarcation Board pressed ahead, stressing that there would be no distinct institutions for rural areas (*Daily Dispatch* 4 September 2000). Rumours that the incorporation of rural areas into new municipalities would mean increased taxes for services meant that some chiefs gained considerable support. Chief Jongita Ngubo complained: "To us this new arrangement looks like another form of colonialism which could result in our kings and chiefs losing their powers over people they have ruled for decades" (*Daily Dispatch* 14 September 2000). When the Independent Electoral Commission conducted voter registration on the weekend of 16-17 September, popular protests forced the closure of seven voting districts in Qumbu (*Daily Dispatch* 19 September 2000; *Eastern Province Herald* 26 September 2000). These and similar incidents elsewhere (beyond the Eastern Cape) elicited a warning from former President Mandela, who stated with reference to kings in Europe that "all those who did not respect democracy are gone. Those who have survived are the ones who have respected democracy" (*Daily Dispatch* 19 September 2000). Nonetheless, the government continued to woo the traditional leaders by pushing two measures through parliament in September. The first, the Municipal Systems Act, required municipalities to consult communities when making decisions concerning local development; and the second, the Municipal Structures Amendment Bill, implemented the promised increase in the proportion of non-voting traditional leaders on a municipality to up to twenty percent (*Eastern Province Herald* 26 September 2000). This move was followed by further negotiations in October, which again saw the chiefs arguing that the new municipalities would erode their powers and government arguing that they would enhance democracy and delivery. The meeting ended in a deadlock as a result of which the government decided to postpone the elections to 5 December. Again, the chiefs came back with new proposals, this time that traditional authorities be reconstituted as Regional Authorities which would enjoy equal status with category B municipalities. Again the government refused to grant the chiefs' demands (*Daily Dispatch* 26 October 2000; *Business Day* 9 October 2000).

Faced by a threat by the chiefs that they would challenge the state in the constitutional court and discourage voting in the elections, the government tried one more throw of the die by presenting a Municipal Structures Second Amendment Bill to parliament in November. This would empower municipalities to delegate tasks to traditional leaders. It would also have granted them powers concerning witchcraft and divination, burials and "facilitating the gathering of firewood" (*Daily Dispatch* 18 November and 2 December 2000). Subsequently, however, the Bill was withdrawn, as following public consultations, it encountered procedural problems which might have rendered a resultant Act open to challenge as being unconstitutional. Even so, the traditional leaders were not happy, for they had rejected the content of the Bill as "insulting" (*Mail and Guardian* 19-25

November 2000). Keen to prevent the traditional leaders from disrupting the elections, the government therefore established a ministerial task team, headed by Deputy President Jacob Zuma, to work on a revised Bill to be passed sometime in the new year. It followed this by issuing a Statement of Intent with the traditional leaders' representatives which indicated their joint commitment to recognising the crucial role played by chiefs in the system of governance (*Daily Dispatch* 2 December 2000). This uneasy truce enabled the government to press ahead with the local elections, which traditional leaders promised not to disrupt. Against this, they declared that they would not participate in the new municipalities until both the constitution and the Municipal Structures Act had been amended to meet their demands (*Daily Dispatch* 4 December 2000).

In retrospect, it appears that the chiefs have lost out. The new system of local government is now in place, yet traditional leaders have failed to participate in the new municipalities' founding procedures. And with the elections having passed, the government's sense of urgency to find an accommodation with the chiefs has also gone. Hence, claims by Sydney Mufamadi in early May 2001 that major progress had been made in solving the problems of traditional leaders were rejected by the latter with contempt. However, what the chiefs particularly objected to was that Mufamadi had chosen to discuss a revised Municipal Structures Bill with the Congress of South African Trade Unions, SANCO, the South African Local Government Association, the Municipal Demarcation Board and the Commission on Gender Equality before he had met them. Mwelo Nonkonyane announced that traditional leaders in the Eastern Cape might commence a "programme of action" and IFP councillors warned that municipal structures in areas under the jurisdiction of the *amakhosi* would cease to operate (*Sunday Independent* 6 May 2001). Yet similar threats had been issued before, and not been carried through. But even more significant was the fact that by this time the National Land Committee (NLC) was mobilising amongst rural people countrywide, declaring the debate on traditional leadership as "elitist" and as having been "hi-jacked" by the chiefs. It therefore called upon government to engage in nationwide consultations with "ordinary rural people" in order to ensure that any further legislation did not "compromise their rights to democracy and protection under the constitution" (*Business Day* 10 and 14 May 2001). Theirs was a voice that the government seemed rather more inclined to hear.

Conclusion: The Chiefs Contained?

Since its assumption of state power in 1994, the ANC has demonstrated its determination to exert its power over the countryside by containing the powers and ambitions of the chiefs. At one level, the ANC has sought to realise its nationalist mission by recapturing the institution of traditional leadership from its ambiguous past. For both the party and the chiefs alike, it has become convenient to invent an Africanist myth of an ahistorical,

pre-colonial chieftaincy whose legitimacy was based upon popular consent and which was corrupted by apartheid. The defeat of the latter has therefore provided opportunity for a restoration of a "virtuous chieftaincy" which can live in harmony with a truly indigenous, and sympathetic government nationally. Crucially, for the moment at least, this strategy is premised upon a recognition of chieftainships as they existed at the time of the collapse of the homelands, with no attempt (despite Stofile's threat) to confront the claims of those many chiefs of doubtful lineage who secured recognition or distinctly untraditional elevation through their (or their predecessors') willingness to align themselves with separate development. However, whereas such bodies as CONTRALESA have viewed such a return to a virtuous chieftaincy as implying the state's concession of a separate sphere of power to traditional leaders, the ANC has denied any such grant of autonomy on the grounds that traditional authority can only secure legitimacy by drawing its sustenance from the modern state, most notably by working as a complement to democratic local government. To be sure, the ANC's concern to head off any disruption of rural peace and good order has seen it make pragmatic accommodations to the traditional leaders, yet it has not devolved, nor does it show any signs of devolving, significant powers upon them. Chiefs are to be subject to constraints imposed by the three democratically elected spheres of government as defined by the constitution. In turn, the latter will be subject either to the disciplines of the ruling party, or (if they are opposition run) by fiscal and other policies pursued by the ANC as the national government.

The diversity of traditional leadership around the country will almost certainly have meant that the dynamics of this broad process will have played themselves out differently within the individual provinces. Only time and further detailed research will demonstrate how salient these variations might prove to be. However, within the Eastern Cape, the chiefs have been given fairly short shrift, despite the lingering respect accorded to them by "the elders" of the ANC. The reasons are not difficult to fathom. For a start, of course, the overwhelming majority of the chiefs are severely compromised by their past entanglements with the oppressive state structures of the bantustans, their collective guilt only marginally leavened by a minority progressive tradition. Yet more particularly, the chiefs are seriously disadvantaged relative to the "forces of democracy" (such as residents' associations and civics) which developed out of the "struggle politics" directed against apartheid, and which provided the base upon which the ANC was subsequently to erect its provincial structures. Indeed, the majority of the very personnel who have assumed office within the provincial government have been recruited from such bodies as SANCO, whose past encounters have regularly brought them into direct conflict with the chieftaincy and which expressly favour the assumed benefits of "modernity" over the costs of "tradition," which is associated with material deprivation. Hence while the provincial government has pursued its constitutional obligation of establishing a House for the traditional leaders, the latter is manifestly a talking-shop, denied significant influence. This helps explain the initial flight of many of the chieftaincy into the UDM. However, the more the latter has become a vehicle for expressing "Transkeian" discontents, the more it

has become an instrument for advertising rather than overcoming divisions.

Increasingly, therefore, the chiefs in the Eastern Cape have been "contained" in the sense that rings have been set around their authority, which as under apartheid is overwhelmingly dependent upon the state rather than any sustenance which is drawn from below. Indeed, developments in the Eastern Cape suggest that what is driving the politics of chieftaincy more than anything else is a struggle for resources and status. Their collaboration with the homeland system saw the chiefs rewarded with wealth and local power, providing them with the opportunity of merging into the petty bourgeoisie which came to dominate those formations. The politics of the transition set all that at risk, propelling the chieftaincy into adopting a strategically rebellious mode of behaviour which has proved sufficiently threatening to persuade the ANC to play safe. Salaries have been increased, and the local status of chiefs (and "kings") confirmed. Indeed, under the new dispensation, the chieftaincy seems set fair to continue its rise into the middle class, with official incomes clearly serving as supplementary (rather than only) sources of wealth for at least those chiefs sufficiently prominent to be elected to the HTL, whose membership is overwhelmingly drawn from men with middle class occupations.¹⁴ However much such elements may choose to rage against the new system of local governance, they seem unlikely to risk the considerable gains they have secured under the ANC by too robust a show of defiance. Reluctant acceptance (perhaps sweetened by a few more concessions) seems a much more likely option.

There is little doubt that the ANC, and the chiefs themselves, will continue to employ the rhetoric of "mixed government," for it is a convenient rhetoric which implies partnership while obscuring the relations of power which render traditional leaders subordinate to government. To be sure, the latter sees chiefs as filling a vacuum where the authority of the modern state does not yet penetrate. Yet the ANC is intent upon filling that vacuum with the new structures of local government, which are intended to work via "modern" democratic politics and bureaucratic rules, leaving very limited space for "yesterday's men." In such circumstances, if they do not join the bandwagon, the traditional leaders may feel compelled to compete against the new men of power by providing better local services than the latter can offer. Indeed, comparative research conducted by the Traditional Authorities Applied Research Network in South Africa indicates precisely that chiefs, for all their faults, are regaining respect because of the failures of "modern" politicians and government to deliver services. Chiefs who can and do provide land for the poor, even if that is only a residential site, garner a constituency at the expense of elected politicians and officials (Quinlan 2002). And even if chiefs are unable, or fail, to provide services, they none the less often earn respect simply because they are resident and share the miseries of poverty, in contrast to the politicians who are notorious for only making appearances at election times (Thornton 2002). Ironically, therefore, it is precisely because they usually lack the resources to enforce their will that chiefs may only be able to offer "delivery" by "mobilising consent" (McIntosh 1994). In short, if chiefs are to recover their legitimacy, it is less likely to be as a result of mixed government, than -- as after

Union and before 1927 -- because of their formal exclusion from power.

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Notes

¹ Issued by the Office of the President, 28 November 1998.

² A phrase used by Chief Mopeli of the Basotho, cited in Singer (2000).

³ Cape Colony, alongside the Orange Free State, Natal, and Transvaal was incorporated into the Union of South Africa in 1910. For the development of the Glen Grey system in Transkei, see Southall (1982). For Ciskei, see Groenewald (1981).

⁴ On the erosion of the social basis of chieftaincy, see for instance: Manona (1995), Ntsebeza (2000), Southall and Wood (1999).

⁵ For instance, in the community of Volumnga, residents associations

... were met by the chief (Goxani) and the headman's council who were all armed with guns. The tribal council ran away, two huts of the headman, three huts of the chief and the chief's kraal and goats were burnt. That evening, two hippos, nineteen police vans and a helicopter arrived. Goxani loaded up his bed and table and went to his farm near Mount Coke (Grahamstown Rural Committee, records of Volumnga Meeting, 5 February 1990. Cory Library, Rhodes University).

⁶ The estimate was made by the Black Sash (*Daily Dispatch* 1 March 1990).

⁷ Actually, Holomisa replaced a TNIP government led by Stella Sigau, who had recently replaced the disgraced George Matanzima. The leadership had changed, but not the regime. For a review of the chronology and meanings of the period, see Southall (1992).

⁸ Constitution of the Republic of South Africa Act 1993, *Government Gazette* 343, no. 15466, 28 January 1994, paragraphs 181-84. The Act also provided for the representation of traditional leaders on elected local councils.

⁹ *Annual Report on House of Traditional Leaders (Eastern Cape Province) 1999/2000*, 5-6. Although a work study report from the office of the Premier recommended that it have a staff complement of thirty-four, the HTL was in February 2001 managing (without electricity) with just seven. Interview (Southall with Gerhard Van Der Ryst, House of Traditional Leaders), 6 February 2001.

¹⁰ Burns-Ncamashe was suspended from the HTL in July 1999 but was reinstated after he challenged his suspension in the High Court. However, the provincial government subsequently established a tribunal to investigate his membership of the House following a complaint lodged by the AmaGwali Tribal Authority and Ama-Ntinde Community. The latter were subsequently found not to have been properly consulted about Burns-Ncamashe's election to the HTL by a tribunal appointed by the government to examine his membership, which it recommended should be revoked. *Annual Report on House of Traditional Leaders 1999/2000*, 15; *Daily Dispatch* 25 January and 13 March 2001.

¹¹ The account of "the struggle for the chiefs" during the 1999 provincial election that follows is summarised

from Southall (1999).

¹² For complete reports upon the Eastern Cape, see Pottie and Ford (2001).

¹³ Submission of the House of Traditional Leaders (Eastern Cape) to the Draft Discussion Document Towards a White Paper on Traditional Leadership and Institutions. June 2000.

¹⁴ In 2000, the twenty members of the Eastern Cape HTL included two advocates (Nonkonyana and Patrick Holomisa) who were also members of parliament, another lawyer (and businessman) (G. Gwadiso) who was also a member of the provincial assembly, eight known businessmen / shopowners (the majority of whom probably launched their careers with homeland development loans), a medical doctor, two schoolteachers and a least two former homeland ministers. In addition, two members were described as simply "farmers," one as a pensioner, and one as "just a traditional leader."

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[first page footnote]

The authors wish to acknowledge financial support for the research for this article provided by the Traditional Authorities Applied Research Network (TAARN), a project funded by the International Development Research Centre.