

**STRUCTURES AND STRUGGLES OF RURAL LOCAL GOVERNMENT IN  
SOUTH AFRICA: THE CASE OF TRADITIONAL AUTHORITIES IN THE  
EASTERN CAPE.**

By

**Lungisile Ntsebeza**

Submitted in fulfillment of the requirements  
for the degree of Doctor of Philosophy in the  
Department of Sociology  
Rhodes University  
Grahamstown

November 2002

## **ABSTRACT**

This thesis is about the political implications of the constitutional recognition of the hereditary institution of traditional leadership in post-1994 South Africa for the democratization process in the rural areas of the former Bantustans. The thesis is organized around three related conceptual, historical and political questions. The conceptual question deals with the meaning of democracy in rural areas under the jurisdiction of traditional authorities. The historical question traces how the institution and traditional authorities have survived to the present post-colonial period. Lastly, this study investigates the political issue of why an ANC-led government came to recognize the institution. The focus of the thesis is the sphere of rural local government in the Xhalinga district, where these issues are best illustrated.

The thesis argues that the institution of traditional leadership and its officials survived precisely because they were incorporated into the colonial and apartheid administrative structures in the project of indirect rule. Traditional authorities were central to the apartheid policy of retribalisation, which was essentially a form of control of Africans in the Bantustans. Rural residents engaged in fierce struggles against the imposition of rural local government structures such as the District Council and Tribal Authorities. In so far as traditional authorities were part of government structures, they could not avoid being targets in these struggles.

In explaining the recognition of the institution of traditional leadership, the thesis focuses on the policies of the ANC, the majority party in the Government of National Unity, towards traditional authorities. Organisationally weak on the rural grounds, the ANC operated through what they considered to be “good/progressive/comrade chiefs”. The ANC had hoped that these traditional authorities would accept a non-political ceremonial role. However, traditional authorities have rejected this ceremonial role. Their refusal, coupled with the ANC’s ambivalence in resolving the tension imply, the study concludes, that the (political) citizenship rights of rural people are partial: they are neither citizens nor subjects.

## TABLE OF CONTENTS

<b>ABSTRACT .....</b>	<b>II</b>
<b>FOREWORD.....</b>	<b>VII</b>
<b>BACKGROUND TO THE STUDY .....</b>	<b>VII</b>
<b>TERMINOLOGY AND SPELLING .....</b>	<b>X</b>
<b>THE CHOICE OF CASE STUDY .....</b>	<b>XI</b>
<b>METHODOLOGY .....</b>	<b>XII</b>
<b>THE STRUCTURE OF THE THESIS .....</b>	<b>XIV</b>
<b>ACKNOWLEDGEMENTS .....</b>	<b>XVI</b>
<b>ABBREVIATIONS .....</b>	<b>XVIII</b>
<b>CHAPTER 1 .....</b>	<b>1</b>
<b>SOME CONCEPTUAL AND THEORETICAL CONSIDERATIONS ON THE ‘RESURGENCE’ OF TRADITIONAL AUTHORITIES.....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
<b>CRITICAL CONCEPTS: AUTHORITY, POWER AND LEGITIMACY .....</b>	<b>2</b>
<b>THE RESILIENCE OF TRADITIONAL AUTHORITIES: THE DEBATE.....</b>	<b>5</b>
<b>THE ROLE OF TRADITIONAL AUTHORITIES IN AFRICA’S POST-COLONIAL PERIOD ....</b>	<b>11</b>
<i>The citizenship argument .....</i>	<i>13</i>
<i>Mixed government and the co-existence theses.....</i>	<i>14</i>
<i>The integrated model.....</i>	<i>19</i>
<i>Assessment of the different models proposed for traditional leadership .....</i>	<i>21</i>
<b>CONCLUSION.....</b>	<b>25</b>
<b>CHAPTER 2 .....</b>	<b>28</b>
<b>COLONIALISM AND TRADITIONAL AUTHORITIES IN RURAL SOUTH AFRICA UP TO THE INTRODUCTION OF APARTHEID .....</b>	<b>28</b>
<b>INTRODUCTION .....</b>	<b>28</b>
<b>THE COLONIAL ENCOUNTER UP TO THE UNION OF SOUTH AFRICA IN 1910 .....</b>	<b>29</b>
<i>African communities at the point of colonial contact .....</i>	<i>29</i>
<i>The impact of the colonial encounter.....</i>	<i>33</i>
<i>The Boer Republics .....</i>	<i>35</i>
<i>British Rule.....</i>	<i>36</i>
<i>The Glen Grey Act and the District Council.....</i>	<i>41</i>
<b>FROM UNION TO APARTHEID: THE SEGREGATION PERIOD .....</b>	<b>47</b>
<i>Evolution of policy on rural location government and ‘native administration’ .....</i>	<i>47</i>
<b>FORMS OF RESISTANCE AGAINST IBHUNGA, TRADITIONAL AUTHORITIES AND HEADMEN DURING THE SEGREGATION PERIOD.....</b>	<b>57</b>
<i>Chiefs and headman in the rural struggles of the segregation period.....</i>	<i>59</i>
<b>POLITICAL ORGANISATIONS’ POLICIES ON THE CHIEFTAINSHIP .....</b>	<b>62</b>
<b>CONCLUSION.....</b>	<b>68</b>

<b>CHAPTER 3 .....</b>	<b>72</b>
<b>THE ERA OF TRIBAL AUTHORITIES AND RESISTANCE AGAINST THEM</b>	<b>72</b>
<b>INTRODUCTION .....</b>	<b>72</b>
<b>THE INTRODUCTION OF TRIBAL AUTHORITIES .....</b>	<b>74</b>
<b>RESISTANCE TO TRIBAL AUTHORITIES AND GOVERNMENT’S RESPONSE .....</b>	<b>79</b>
<i>Government response .....</i>	<i>81</i>
<b>TRIBAL AUTHORITIES DURING APARTHEID IN PRACTICE .....</b>	<b>82</b>
<b>THE RE-EMERGENCE OF RURAL RESISTANCE .....</b>	<b>88</b>
<b>TRADITIONAL AUTHORITIES BOUNCE BACK? .....</b>	<b>96</b>
<i>The ANC/SACP policies on traditional authorities, before the establishment of</i>	
<i>CONTRALESA .....</i>	<i>96</i>
<i>The UDF position .....</i>	<i>98</i>
<i>The formation of CONTRALESA and its significance .....</i>	<i>101</i>
<i>The position after the ANC was unbanned in 1990 .....</i>	<i>105</i>
<i>The recognition of “the institution of traditional leadership” in the Interim</i>	
<i>Constitution .....</i>	<i>108</i>
<i>The role of the IFP in the recognition of traditional authorities .....</i>	<i>111</i>
<b>CONDITIONS ON THE GROUND .....</b>	<b>113</b>
<b>CONCLUSION .....</b>	<b>116</b>
<b>PART TWO .....</b>	<b>120</b>
<b>THE CASE STUDY OF XHALANGA .....</b>	<b>120</b>
<b>CHAPTER 4 .....</b>	<b>121</b>
<b>CHIEFTAINSHIP, LAND AND THE PAINFUL BIRTH OF THE DISTRICT</b>	
<b>COUNCIL .....</b>	<b>121</b>
<b>IN THE XHALANGA DISTRICT: 1865-1924 .....</b>	<b>121</b>
<b>INTRODUCTION .....</b>	<b>121</b>
<b>CHIEFTAINSHIP AND ITS DECLINE IN XHALANGA: 1865 – 1881 .....</b>	<b>122</b>
<i>Chieftainship in Xhalanga: The colonial push to undermine Gecelo and Stokwe..</i>	<i>125</i>
<i>The internal dimension .....</i>	<i>131</i>
<b>THE LAND QUESTION IN XHALANGA .....</b>	<b>136</b>
<b>RURAL LOCAL GOVERNMENT IN XHALANGA: THE PAINFUL BIRTH OF THE DISTRICT</b>	
<b>COUNCIL .....</b>	<b>141</b>
<i>Extending the District Council to Xhalanga .....</i>	<i>142</i>
<i>The land tenure debate and the District Council, 1902-1911 .....</i>	<i>146</i>
<i>Resolving the tenure debate: Government on the offensive .....</i>	<i>156</i>
<b>THE PAINFUL BIRTH OF THE DISTRICT COUNCIL IN XHALANGA .....</b>	<b>167</b>
<b>CONCLUSION .....</b>	<b>168</b>

<b>CHAPTER 5 .....</b>	<b>170</b>
<b>THE DISTRICT COUNCIL IN XHALANGA: THE STRUGGLE CONTINUES</b>	<b>170</b>
<b>INTRODUCTION .....</b>	<b>170</b>
<b>THE DISTRICT COUNCIL IN XHALANGA .....</b>	<b>171</b>
<i>Setting up the District Council.....</i>	<i>172</i>
<b>THE XHALANGA DISTRICT COUNCIL IN OPERATION .....</b>	<b>177</b>
<b>THE BETTERMENT/REHABILITATION SCHEME IN XHALANGA.....</b>	<b>180</b>
<b>CHIEFS IN XHALANGA .....</b>	<b>196</b>
<b>CHIEF K.D. MATANZIMA IN XHALANGA .....</b>	<b>202</b>
<b>CONCLUSION.....</b>	<b>209</b>
<b>CHAPTER 6 .....</b>	<b>213</b>
<b>TRIBAL AUTHORITIES AND THE REVIVAL OF CHIEFTAINSHIP IN XHALANGA.....</b>	<b>213</b>
<b>INTRODUCTION .....</b>	<b>213</b>
<b>THE ESTABLISHMENT OF TRIBAL AUTHORITIES IN XHALANGA.....</b>	<b>214</b>
<i>Context .....</i>	<i>214</i>
<i>Preliminary steps to set up Tribal Authorities in Xhalanga.....</i>	<i>216</i>
<b>SETTING UP THE XHALANGA TRIBAL AUTHORITIES.....</b>	<b>221</b>
<b>RE-TRIBALISATION IN XHALANGA.....</b>	<b>230</b>
<i>Paramount Chief Sabata and Chief K.D. Matanzima: the battle for control of Xhalanga .....</i>	<i>231</i>
<i>The re-imposition of chieftainship in Xhalanga.....</i>	<i>238</i>
<i>The government on the offensive: arrests and deportations .....</i>	<i>247</i>
<b>CONCLUSION.....</b>	<b>260</b>
<b>CHAPTER 7 .....</b>	<b>263</b>
<b>'TSHISA, TSHISA' (BURN, BURN) AND THE ROLE OF POLITICAL ORGANISATIONS IN XHALANGA .....</b>	<b>263</b>
<b>INTRODUCTION .....</b>	<b>263</b>
<b>ANC AND AAC POLICIES AND PRACTICE IN THE COUNTRYSIDE.....</b>	<b>264</b>
<b>XHALANGA IN THE LATE 1950S AND THE ROLE OF POLITICAL ORGANISATIONS.....</b>	<b>269</b>
<b>TSHISA, TSHISA: THE CLIMAX OF RESISTANCE IN XHALANGA.....</b>	<b>279</b>
<i>The build-up to the burning of huts in the second half of 1960 .....</i>	<i>279</i>
<i>'Tshisa, tshisa' (burn, burn).....</i>	<i>284</i>
<i>Deportation .....</i>	<i>288</i>
<b>DIVIDE AND RULE – MATANZIMA STYLE .....</b>	<b>292</b>
<b>PROCLAMATION 400, THE COUP DE GRACE.....</b>	<b>296</b>
<b>THE ROLE OF POLITICAL ORGANISATIONS, WOMEN AND YOUTH IN XHALANGA IN THE EARLY 1960S .....</b>	<b>300</b>
<i>Women and youth.....</i>	<i>301</i>
<b>CONCLUSION.....</b>	<b>302</b>

<b>CHAPTER 8 .....</b>	<b>306</b>
<b>THE ERA OF BANTU AUTHORITIES IN THE XHALANGA DISTRICT: A DECENTRALISED DESPOTISM? .....</b>	<b>306</b>
<b>INTRODUCTION .....</b>	<b>306</b>
<b>THE CONSOLIDATION OF TRIBAL AUTHORITIES IN XHALANGA .....</b>	<b>308</b>
<i>The iron fist of Matanzima and its legacy.....</i>	<i>308</i>
<i>Tribal Authorities in action in Xhalanga .....</i>	<i>312</i>
<b>POLITICAL FERMENTATION IN THE XHALANGA DISTRICT.....</b>	<b>316</b>
<b>THE SHIFT TO RURAL AREAS AND THE CRISIS OF TRIBAL AUTHORITIES .....</b>	<b>329</b>
<i>The re-emergence of organised resistance: the case of the landholders .....</i>	<i>331</i>
<i>The plight of the landless .....</i>	<i>334</i>
<b>THE STRUGGLE FOR LAND BECOMES MORE ORGANISED: THE EXAMPLE OF EMNXE .....</b>	<b>336</b>
<i>The demarcation of land at Emnxé .....</i>	<i>343</i>
<b>FROM THE DEMARCATION OF LAND TO THE FIRST DEMOCRATIC ELECTION IN 1994 .....</b>	<b>346</b>
<b>CONCLUSION.....</b>	<b>349</b>
<b>CONCLUSION.....</b>	<b>353</b>
<b>NEITHER CITIZENS NOR SUBJECTS: THE PLIGHT OF RURAL RESIDENTS IN XHALANGA .....</b>	<b>353</b>
<b>NEITHER CITIZENS NOR SUBJECTS: THE POSITION OF POST-1994 RURAL SOUTH AFRICANS .....</b>	<b>363</b>
<b>RESPONSES OF TRADITIONAL AUTHORITIES AND GOVERNMENT .....</b>	<b>365</b>
<b>REFERENCES .....</b>	<b>376</b>

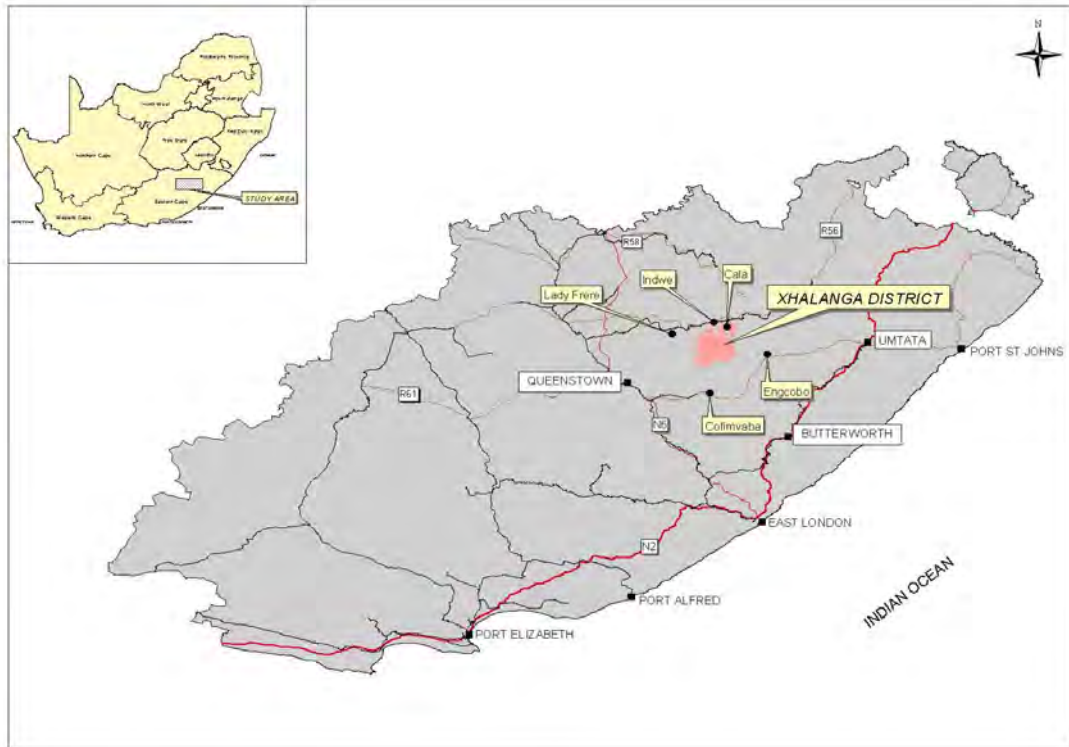
## FOREWORD

### **Background to the study**

Soon after completing my Masters degree at the University of Natal, Durban, in 1993 on “Youth in Urban African Townships ... A Case Study of the East London Townships”, I took up a research position in the Institute of Social and Economic Research (ISER) at Rhodes University. My Masters thesis (Ntsebeza 1993) traced and analysed the changing situation of urban African youth in the East London locations. I argued in the thesis that the youth was not homogeneous; that it divided into various social groups or categories. One of the groups of youths that intrigued me was the “country bumpkins” (*abaxhaka*). These young people were often bullied and looked down upon by their urban born and bred counterparts. However, my thesis found that, over time, *abaxhaka* adapted to their context and urban values were inculcated in them. There were instances where some of them even became gangsters or *tsotsis*; figures who are seen as icons of urban culture. My research agenda at Rhodes University included work in the rural areas where some *abaxhaka* grew up, in order to establish what happened to them when they returned to their rural homes. I had hoped that the research would inform my doctoral studies, which would build on the urban focus of my Masters.

Delays in securing adequate funds for the ISER project and other complications compelled me to accept a secondment, towards the end of 1994, to the Border Rural Committee (BRC), a land-based non-governmental organisation (NGO) in East London. This NGO was, inter alia, involved in a research project that sought to identify a pilot area in the Eastern Cape for the Land Reform Programme led by the Department of Land Affairs (DLA). I became part of a team that conducted research in the Queenstown district, where this pilot Land Reform Programme was later to be located (see Map 1). As this study will show, this area was one of those in which ‘land grabs’ took place in the early 1990s (Wotshela 2001; Beinart 1998).

**Figure 1: Map of the Eastern Cape showing the Queenstown area.**



At this time, Tribal Authorities were often the main targets of land related rural struggles. This was not surprising, given that these structures held a variety of administrative powers, including control over the allocation of land. As the study will show, the apartheid government had imposed the Tribal Authorities on rural inhabitants. Consequently, they lacked popular legitimacy and, by the late 1980s, were thoroughly discredited. Traditional authorities (chiefs and headmen of various ranks), the leading actors in these structures, were also discredited and became the victims of attacks against the system of Tribal Authorities. I witnessed some of these struggles while doing research at Thornhill in the Queenstown area in 1994 and 1995.

At the same time as rural people were resisting Tribal Authorities, the Interim Constitution of 1993 (and the 1996 Final Constitution) recognised the institution of



traditional leadership. These Constitutions, along with emerging post-1994 legislation, advocated a form of democracy that was based on the liberal principles of representation at all levels of government, including local government, while, at the same time, recognising a hereditary institution of traditional leadership for rural residents. This legal situation pointed to a fundamental contradiction in the South African Constitution, and raised, in my mind, questions about the nature of the democracy that was emerging in post-1994 South Africa.

When I registered for my doctoral studies in 1999, I decided to explore, conceptually and empirically, the above tension in our Constitution and laws. The proposal was to focus on rural local government in post-1994 South Africa. It is in this sphere that the tension would be best illustrated. I had intended that much of the thesis would be devoted to post-1994 developments in local government in the rural areas of the former Bantustans.

By 1999, I was working for the Programme for Land and Agrarian Studies (PLAAS) on a project concerned with land tenure reform, traditional authorities and rural local government in post-apartheid South Africa. The main aim of the project was to contribute to the formulation of appropriate and feasible policies at provincial and national level for implementing land tenure and local government reform. Working in this project clearly demonstrated to me that the issue of defining a role for traditional authorities and their institution was, in the South African context, highly controversial and sensitive. Indeed, it was this that was at the heart of the state's recognition of the institution of traditional leadership and its incumbents. I elaborate on this theme in the thesis. The point I will make in this thesis is that, precisely because of the sensitivity mentioned above, policy formulators, politicians and some scholars focusing on policy issues have tended to ignore historical and current empirical evidence when defining a role for traditional authorities. Some have even argued that the institution of traditional leadership is essentially democratic and 'resilient' to changing political contexts, without grounding this claim.

The inclination of policy formulators and certain scholars to play down the importance of history in defining a role for traditional authorities, led me to reformulate my proposal in the course of 2001. The thesis that follows, then, offers an historical analysis of the embattled structures of rural local government in South Africa, with specific reference to the role of traditional authorities in the Eastern Cape. More specifically, the study deals with three related themes. Firstly, it attempts to trace, historically, how it came about that the institution of traditional leadership and its incumbents, traditional authorities, has survived from the colonial period in the nineteenth century to the post-colonial African period. The second theme is that of the political question of why an ANC-led post-1994 South Africa came to recognise the institution of traditional leadership. Thirdly, the study analyses the tension arising out of the simultaneous upholding of democratic principles in the post-1994 South African Constitution, on the one hand, and the recognition, in the same Constitution, of the institution of traditional leadership, on the other. The case study of the Xhalanga district will be used to illustrate some of the complexities in South Africa's rural local government structures.

### **Terminology and spelling**

Two key terms need to be explained in this study: 'landholders' and 'traditional authorities'. 'Landholders', as used in this study, refers to the group of Xhalanga rural residents, mainly loyalists in the colonial 1880-81 Gun War, who, based on the recommendations of the 1883 Thembuland Commission, were granted land on a quitrent title basis. There were two categories of land that were granted for each household - a residential site and a field. The social grouping of 'landholders' must be distinguished from their rural neighbours, who were either tenants on their land, or were allocated unsurveyed residential plots under a permit to occupy (PTO) system, that carried weaker land rights than quitrent.

The term 'traditional authorities' in this study is used broadly to encompass all 'chiefs' of various ranks. The term that is used in government documentation is 'traditional leaders'. Who, precisely, constitutes a 'traditional authority' is highly disputed. This

partly reflects the fact that the practice of the colonial and apartheid governments was to appoint 'chiefs', with the result that individuals who had remote chiefly connections might be appointed as chiefs or paramount chiefs. Furthermore, when Tribal Authorities were established in the 1950s, state-appointed 'headmen' became an integral part of these structures. In areas with a strong tradition of chieftainship, headmen were appointed from the chiefly ranks. These headmen were often uncles, brothers or cousins of chiefs. It is not clear, judging from the manner in which the term is used in post-1994 South Africa, whether those headmen without any chiefly connections later became traditional authorities. In this study, the use of the term excludes those appointed as headmen who had no chiefly connection.

The colonial spelling left out the 'h' in certain Xhosa words, thus presenting the relevant place names as 'Xalanga', 'Pondoland' and 'Tembuland'. Here, the spelling of these names has been changed from that of the colonialists, and presented in the correct Xhosa form of 'Xhalanga', 'Phondoland' and 'Thembuland'.

### **The choice of case study**

The case study for this thesis, Xhalanga, is in the Transkei region of the Eastern Cape (see Figure 1). As is argued in the study, Xhalanga provides a good example of an area where chieftaincy did not manage to entrench itself. This is significant for two related reasons. Firstly, the case study is a reminder, especially for policy formulators and drafters of legislation whose task it is to define a role for traditional authorities in rural local government and development planning that the rural areas of the former Bantustans vary, not only from province to province, but, as in the Eastern Cape, within provinces. The pressure to define a role for traditional authorities runs the potential danger of making hasty generalisations that could result in laws that may well apply to some areas, but not others. It is thus important that any attempts to bring uniformity to the various Bantustans should accommodate the kinds of differences the Xhalanga case study presents.

The second reason for using Xhalanga as a case study is that the history of the area shows that the relationship between traditional authorities and their subjects is dynamic and changeable, a point that is too often neglected in current debates. The population in this district was, from the outset, never homogenous. It was comprised of Africans who came from various clans. Some of these clans, especially those from amaMfengu, no longer had chiefs of their own. The majority of amaMfengu were landholders who were strongly influenced by the colonial notions of landholding based on freehold title.

### **Methodology**

In order to ensure reliability, the methodology of the study has combined a number of techniques. In-depth interviews, life histories and participant observation were the main methods used to gather primary data for the case study area. The choice of interviewees has been selective. The first interviews were conducted with people known to myself. At the end of each interview, I would elicit from the interviewee the names of other people who are knowledgeable, and who could be approached for further interviews. I was quite familiar with some of the issues under discussion, especially as I was born in Cala, the main town of Xhalanga, and was later restricted to the area between 1981 and 1986. Since then, I had visited the area on a quarterly basis at least before embarking on this research in 1999. Apart from the four-month periods that I spent abroad in 2000 and 2001, I visited Xhalanga once a month over the course of these years, and for periods ranging from a week to ten days. It is in these visits that I interviewed people and became a participant observer in a range of community meetings and activities, including festivities, in the rural areas of Xhalanga, and in particular in Emnxé and Lumphasi. During this time, I worked very closely with the Cala University Students' Association (CALUSA), a locally based NGO focusing on land and local government activities in the Xhalanga villages.

The interviewees included a range of men and women, whose ages ranged from about 32 years to some who were as elderly as 94. The majority were ordinary rural residents who observed events as they were unfolding in their areas. I also managed to interview one of

the chiefs in the district, Chief Gecelo and some headmen, sub-headmen and an ex-headman. I was honoured to interview some of the activists of the 1950s, such as the late Mavandla Ntwana, Mbulawa (both in Botswana) and Wycliffe Tsotsi (Durban). Most of the interviews were recorded and conducted in the language that the interviewees were comfortable in, mainly Xhosa, or a mixture of Xhosa and English. The author conducted most of the interviews. Interviews that were conducted by others were recorded, and the author listened to the tapes.

On the whole, interviewees were co-operative and eager to volunteer information. The only exception was when political questions were asked. In this regard, it was mainly headmen and the ex-headman, those who supported the apartheid system who were embarrassed to talk about events around Tribal Authorities in particular. They were never hostile, but were certainly uncomfortable with and evasive of some of the questions.

The history of Xhalanga, for the purposes of this study, goes back to about 1865. Interviews were clearly not sufficient to cover this entire period. In fact, it was striking to discover how little the people of Xhalanga know about their early history. In order to reconstruct this history, I have had to rely heavily on archival records. The Cape Archives has furnished useful records, covering the period from the late nineteenth century to the early 1960s. I also found the ‘headmen files’, in the embarrassingly neglected Umtata Archives, very helpful. The N.G. Kerk Archives in Cape Town offered useful details concerning the early involvement of Chief K.D. Matanzima in the affairs of Xhalanga.

The above techniques were supplemented by government policy and legal documents, secondary literature, including newspapers, and unpublished NGO evaluations and reports.

## **The structure of the thesis**

The main body of the study is divided into two parts. Part One is comprised of three chapters, and Part Two, consists of five chapters and a Conclusion. A brief outline of each of the chapters is presented below.

Chapter One provides the conceptual and theoretical framework of the study. It analyses key concepts such as power, authority, legitimacy and democracy. Against this background, the chapter deals with debates about the possible political role for traditional authorities in post-colonial African democracy.

Chapter Two presents an historical overview of rural local government in South Africa, from the nineteenth century to the introduction of Tribal Authorities in the 1950s. Local government during this period involved a system of District Councils and headmen. Traditional authorities were not central to this system.

In Chapter Three, the focus shifts to the Tribal Authorities, which was a form of rural local government in which traditional authorities (chiefs of various standing) were enlisted into the apartheid system. The chapter traces the implementation of the Tribal Authorities from the late 1950s to the early 1990s, when this system was challenged by the civic organisations that emerged in most rural areas. This chapter also analyses the history of ANC policies on rural areas. As the ANC now leads the post-1994 government, these policies are relevant to the government's current position on the status of traditional authorities.

The remaining five chapters focus on the case study of Xhalanga. The case study, as mentioned, provides empirical grounding for the conceptual and historiographical complexities dealt with in the first three chapters. Chapter Four looks at local government and land dynamics in the rural areas of Xhalanga, and considers the processes, including those of opposition and resistance, which led to the establishment of the Xhalanga District Council in 1924 in terms of the *Glen Grey Act* of 1894.

Chapter Five deals with the era of the District Council in the Xhalanga district, from its establishment in 1925 to the implementation of Tribal Authorities from 1956. The chapter explores how the state's strategy of co-opting some of the opponents of the council system failed, largely as a result of the introduction of the Betterment Scheme. The complexities of chieftainship in Xhalanga, including the emergence of Chief K.D. Matanzima as a local political actor, are also explored here.

In Chapter Six, the processes leading to the establishment of Tribal Authorities, and the re-imposition of chieftainship in Xhalanga, in the period between 1956 and 1960, are investigated. Matanzima's rise to power, especially his victory in the struggle against Paramount Chief Sabata for control of Emigrant Thembuland, is also explored.

Chapter Seven deals with resistance against Tribal Authorities in Xhalanga and how the state crushed it in the early 1960s. The role of political organisations, particularly the AAC and ANC, is also investigated. The chapter concludes with some thoughts about the role of political organisations, migrant workers, women and youth in the resistance in Xhalanga, against the backdrop of resistance in the countryside and South Africa as a whole during this period.

The last chapter of the case study, Chapter Eight, traces and analyses the consolidation and crisis of Tribal Authorities in the period between 1963 and the advent of the first democratic elections in South Africa in 1994. For convenience, this chapter is divided into two broad sections, the period of the consolidation of Tribal Authorities between 1963 and the mid-1980s, on the one hand, and the crisis of Tribal Authorities from the mid-1980s to the advent of the first democratic elections in South Africa in 1994, on the other.

The Conclusion summarises the key issues emerging from the thesis. It also deals, very briefly, with the post-1994 democratic project, with specific reference to the position of rural residents, who may still have to turn to traditional authorities concerning matters of local government and land. The question asked here is whether, under such

circumstances, people live as fully entitled 'citizens', as 'subjects' of traditional authority, or, indeed, as both.

### **Acknowledgements**

This study benefited greatly from the input of the people of Xhalanga, and from their willingness to share information about their experiences and struggles. Without their cooperation, this study would have lost much of its richness. To them I would like to extend my sincerest gratitude. Special thanks are also due to the staff of CALUSA, in particular Fani Ncapayi, who conducted some of the interviews for me when I was abroad. His vast experience in working with the Xhalanga communities for over 15 years, and which he shared with me freely, was invaluable.

The list of the many academics, researchers, post-graduate students and activists who gave me support is too long to include here. My colleagues at PLAAS, especially Moeniba Isaacs and Thembela Kepe, have been very encouraging. To all of these I owe a special debt.

This study would not have been possible without financial support from the Human Sciences Research Council (HSRC), the financial grants to my unit, PLAAS, from the Swiss Agency for Development and Cooperation (SDC) and Ford Foundation. These grants made it possible for me to conduct fieldwork for this study and to visit academic institutions in the USA and UK when writing parts of the thesis. The grants from the Oxford-based Oppenheimer Fund and the Institute for International Studies at the University of California, Berkeley, also made it possible for me to visit these Universities, where I wrote substantial parts of the thesis. Thanks are also due to TAARN and World Resources Institute (WRI) for funding some of the field trips.

Ultimately, it has been my thesis supervisor, Professor Fred Hendricks, who guided me to the completion of this study. To him, I owe a special debt. Not only has he been



supportive as a supervisor, Prof Hendricks' family has been extremely warm in welcoming me whenever I visited Grahamstown.

Lastly, and most importantly, my sincerest gratitude goes to my family. My wife, Zoleka, and children, Lolita, Masha, Mikhail and Batandwa in particular have been a critical source of support. Their patience and sacrifice during my long periods of absence here and abroad is deeply appreciated. To them, and my deceased parents, Bafana and Nozipho, I dedicate this thesis. I remain, however, solely responsible for the interpretation of the data and events.

## ABBREVIATIONS

AAC	All African Convention
ANC	African National Congress
ANCYL	African National Congress Youth League
AZAPO	Azanian People's Organisation
BAD	Bantu Affairs Department
BRC	Border Rural Committee
CALUSA	Cala University Students' Association
CATA	Cape African Teachers Association
CMT	Chief Magistrate of the Transkei Territories
CNIP	Ciskei National Independence Party
CONTRALESA	Congress of Traditional Leaders of South Africa
CODESA	Conference for a Democratic South Africa
COSAG	Concerned South African Group
COSATU	Congress of South African Trade Unions
CPA	Communal Property Association
CPSA	Communist Party of South Africa
CRA	Cala Residents Association
DCs	District Councils
DLA	Department of Land Affairs
DRC	Dutch Reformed Church
EFU	Economic Farming Unit
EMRA	Emnxe Residents Association
GEAR	Growth, Employment and Redistribution
GNU	Government of National Unity
GRC	Grahamstown Rural Committee
HCT	Health Care Trust
HSRC	Human Sciences Research Council
ICU	Industrial and Commercial Workers' Union
IDP	Integrated Development Plan

IFP	Inkatha Freedom Party
IMF	International Monetary Fund
ISER	Institute of Social and Economic Research
MDM	Mass Democratic Movement
MK	uMkhonto weSizwe
MLA	Member of Legislative Assembly
MP	Member of Parliament
MPNP	Multi-Party Negotiation Process
NEUM	Non-European Unity Movement
NGK	Nederduits Gereformeerde Kerk
NGO	Non-Governmental Organisation
NRC	Native Representative Council
NOTPECO	Northern Transvaal People's Congress
NP	National Party
NUM	National Union of Mineworkers
PAC	Pan Africanist Congress
PLAAS	Programme for Land and Agrarian Studies
PTO	Permit to Occupy
RDP	Reconstruction and Development Programme
SACHED	South African Committee of Higher Education
SACP	South African Communist Party
SAAWU	South African Allied Workers' Union
SANAC	South African Native Affairs Commission
SANCO	South African National Civic Organisation
SAYCO	South African Youth Congress
SDC	Swiss Agency for Development and Cooperation
SDIs	Spatial Development Initiatives
SOYA	Society of Young Africans
TAARN	Traditional Authority Applied Research Network
TAVA	Transkei African Voters' Association
TOB	Transkei Organised Bodies

TPC	Transkei Planning Committee
TRC	Truth and Reconciliation Commission
UDF	United Democratic Front
UK	United Kingdom
ULPP	Unemployment Labour Preference Policy
UNISA	University of South Africa
USA	United States of America
USSR	Union of Soviet Socialist Republics
UTTGC	United Transkeian Territories General Council
WRI	World Resources Institute
XAYCO	Xhalanga Youth Congress
XCAC	Xhalanga Campaigns Action Committee
XYC	Xhalanga Youth Club



## **PART ONE**

### **THEORY AND HISTORICAL OVERVIEW**

## CHAPTER 1

### **Some conceptual and theoretical considerations on the `resurgence' of traditional authorities**

#### ***Introduction***

Despite the fact that a large number of traditional authorities became collaborators and stooges in the colonial and apartheid systems, the institution of traditional leadership gained recognition in South Africa's 1993 Interim, and 1996 Final, Constitution. However, in these documents, there was no clarity as to the precise roles, functions, and powers of traditional authorities (that is, chiefs of various ranks). In the various phases of rural resistance in the twentieth century, traditional authorities often played a central and controversial role. Initially marginalized as a result of their heroic role in the fight against colonialism in the nineteenth century, traditional authorities had, by the 1950s largely been drawn into the administrative system of the apartheid regime as the latter's extended arm in the rural areas. Traditional institutions were re-invented in the form of Bantu or Tribal Authorities and Bantustan governments. These institutions played a leading role in the implementation of government conservation programmes and forced removals, especially after the introduction of the *Bantu Authorities Act* of 1951. Once the heroes of the nineteenth and early twentieth centuries, traditional authorities lost the respect they had commanded amongst their people and became feared instruments of the vicious apartheid system. Some of them were state collaborators who were imposed as traditional authorities, despite their dubious chiefly lineage.

The recognition of the institution of traditional authorities raises a host of historical, political and conceptual questions. The historical question that arises is how it is that traditional authorities, despite their collaborative past, have endured when South Africa's democracy was introduced in 1994. Linked to this, is the political question of why, despite the fact that many traditional authorities collaborated in the persecution of leaders of the liberation movement, including those within the ANC, an ANC-led government has recognised this institution and its leaders. This raises the conceptual question of whether an inherently undemocratic, hereditary institution can exist in a South African

democracy, purportedly modelled on the liberal tradition of representative government. Indeed, upholding a Constitution that enshrines democratic principles in the Bill of Rights, whilst acknowledging a political role, or roles, for un-elected and unaccountable traditional authorities, is inconsistent and contradictory. This contradiction also raises questions about the possible resolution of the identity of rural inhabitants in the former Bantustans in post-1994 South Africa. The issue here is whether rural residents will continue to be subjects under the political rule of un-elected traditional authorities, or whether they will enjoy citizenship rights, including the right to choose leaders and representatives, that the South African Constitution confers on all South Africans.

This thesis investigates these questions through a detailed analysis of the nature and history of local government in the rural areas of the former Bantustans of the Eastern Cape, with specific reference to the roles, functions and powers of traditional authorities. This history begins with the colonial late nineteenth century, and covers the period up to the advent of democracy in South Africa in 1994. The former Xhalinga magisterial district will be used as a case study to illustrate some of the complexities of enshrining traditional authority in the Constitution. This chapter considers some of the conceptual and theoretical debates around these issues.

### ***Critical concepts: authority, power and legitimacy***

Central to the debate around the roles, functions and powers of traditional authorities in the post-colonial period is the question of how they derive their authority. This question compels us to define and understand what we mean by authority. For Weber, domination or authority is ‘the probability that certain specific commands (or all commands) will be obeyed by a given group of persons’ (1978:212). According to Weber, the notion of ‘authority’ cannot be viewed in isolation. It belongs to a family of concepts, which also includes ‘legitimacy’ (Weber 1978:212). Following Weber, scholars such as Downie have argued: ‘Authority is invariably and justifiably discussed alongside power’ (1995:68). In other words, for authority to be effective, the person in authority must also



possess power. Although conceding to the complexity of making the distinction, Downie contends that authority and power are distinct. According to him:

(A) government in exile may be legitimate or be in authority or be *de jure*, whereas the *de facto* rulers may have power while lacking the authority. But while that is true as far as it goes, the situation is more complex than that neat distinction suggests. A schoolteacher may be in authority, but have no authority with his pupils. This means not just that he lacks power to influence them; it also means that in some sense they (1996:26)

Ray and van Rouveroy van Nieuwaal have also warned that concepts such as power and authority are so closely interrelated that some authors challenge those who distinguish between them. However, as with Downie, they hold the view that there are nuanced differences. According to them, "... power is commonly conceived as the possibility of a person to impose their will on others using physical or psychological violence or the threat of it. Authority by contrast is seen as based on the shared conviction of the subjects that the state authority imposes its will in a legitimate way" (1996:26).<sup>1</sup> In other words, the main distinction between power and authority, according to these authors, seems to be that between the use of, or threat of violence, on the one hand, and the support the state gets from its subjects for its actions, on the other. Central to this distinction, is the notion of 'legitimacy'. Downie has also argued that for authority to be effective, the person in authority should be seen as legitimate (1995:69). Indeed, Bellamy, too, has made the point that theories of legitimisation attempt to offer reasons why a given state deserves the allegiance of its members (1995: 477). In a similar vein, legitimacy is the basis by which a political order seeks "the allegiance of its members" (Connolly 1987:279), and a "political order's worthiness to be recognized" (Baynes, as quoted in Ray 1996:183).

Habermas has grappled with the notion of legitimacy in class-based societies. In these societies, which he characterised as "... based on the privileged appropriation of socially produced wealth", the challenge, according to Habermas, is to "... resolve the problem of

---

<sup>1</sup> Hardin (1995:709) has distinguished two forms of power: that of the physical and organizational resources produced by an economy (exchange-power), and the simpler but less tangible resource of the power of coordinated individuals (co-ordination-power).

distributing the surplus social product inequitably and yet legitimately” (1976:96). According to Habermas, the manner in which these societies resolve this dilemma is “structural force”, namely, “fixing in a system of observed norms the asymmetrical distribution of legitimate chances to satisfy needs”. Those affected may obey out of “fear of, and submission to, indirectly threatened sanctions ...the individual’s perception of his own powerlessness and the lack of alternatives open to him” (1976:96).<sup>2</sup> For his part, Therborn has suggested that the “force-and-consent dichotomy” is “grossly inadequate for the analysis and understanding of domination” (1980:98). The dichotomy, according to him, “neglects the necessary ideological mediation of ‘force’, or sanctions and fails to see that consent is largely governed by the constellation of force in a given situation” (1980:98).

The question of how traditional authorities derive their authority is central in this study. The issue is whether the continued existence of traditional authorities reflects their legitimacy in the eyes of their subjects, or whether it is a result of other factors, which could include their allegiance to and support for the previous government. The notion of legitimacy raises a number of questions, including the nature of democracy and citizenship in post-colonial Africa. This study goes beyond Weber’s ‘ideal types’ of authority. In his analysis, Weber has asserted that traditional authority exists because those accepting the authority see it as derived from a long and hallowed tradition of obedience to a leader (Weber 1978:215).<sup>3</sup> However, as Bellamy has pointed out, that Weber’s definitions leave out “substantive questions” about the justice of the state and the protection it offers the individuals who belong to it; in other words, they do not address the question of human rights (1995:477). It is with this concern for questions of justice, democracy and human rights in mind, that this study will consider the roles, functions and powers of traditional authorities in modern times.

---

<sup>2</sup> Note Habermas’ use of masculine terminology. This was, of course, until the rise of feminism, standard jargon.

<sup>3</sup> See also Lipset 1996:437; Downie 1995: 69; Smelser 1984:307; Nisbet 1967:142 and Giddens 1982:156.

### *The resilience of traditional authorities: the debate*

Regardless of whether of traditional authorities are perceived as legitimate, what cannot be disputed is that the institution and its incumbents have survived from pre-colonial times right down to the post-colonial African world. This development has led commentators such as Ismail to boldly assert that “the institution has shown an amazing degree of resilience” (1999:1).<sup>4</sup> The introduction of multi-party democracy and decentralisation in Africa in the early 1990s clearly brought the issue of traditional authorities and their roles in post-1994 South Africa, and indeed in post-colonial Africa in general, to the fore (Ribot 2001; see also Agrawal and Ribot 1999). Studies conducted in countries such as Mozambique, for example, reveal that despite attempts by various post-colonial governments to marginalize and even abolish traditional authorities, the latter remained a force that could not be ignored when multi-party democracy and decentralisation were introduced in the early 1990s (Dinerman 2001; Bowen 2000; Libombo 2000; Pitcher 1996). The question that confronts us, then, is how to explain the continued survival of the institution and its incumbents.

There appears to be two broad responses to the above question. On the one hand, there are those who argue that the institution’s survival can be attributed to the colonialist project of indirect rule, followed by British and French governments. . Although, in theory, this policy purported to preserve the pre-colonial structures, in reality, it was established as a means of controlling Africans in the rural areas. As Ribot suggests, the system was created to manage Africans under administrative rule rather than to enfranchise them (2001:4)<sup>5</sup>. A key problem that confronted colonialists, as Mamdani has observed, was how to stabilise “alien rule”, or how to deal with the “native question”. Mamdani poses the problem thus: “How can a tiny and foreign minority rule over an indigenous majority?” (1996:16). Indirect rule, or rule by association, was part of the answer. Arguing in favour of retaining the tribal system in the French Soudan, in order to

---

<sup>4</sup> Others who have commented about this notion of “resilience”, though for different reasons, are Peires 2000, Tapscott (1997) and Hendricks (1992).

<sup>5</sup> See also Alexandre (1970:65-8).

relieve French commandants of ‘little affairs’, the French Governor Colonel articulated his position after the French military conquest in 1896 thus:

Do not get mixed up in the many conflicts without significance, which demand understanding of the morals and traditions of the population. Instead, give additional prestige and authority to the native leaders, who are our indispensable intermediaries (quoted in Ribot 2001:74).

It must be noted that “additional prestige and authority” were granted to those ‘native leaders’ who were collaborators. The ‘native leaders’ included chiefs. In his works, Mamdani (2001, 1996) has revisited the role of chiefs as agents of indirect rule. According to him, the authority of the chief was rooted in the fusion of various powers - judicial, legislative, executive and administrative - within his office, rather than the classic liberal democratic notion of a separation thereof. Mamdani uses the analogy of a ‘clenched fist’ to delineate this concentration of power and ‘administrative coercion’ (1996:23). Native Authorities, according to him, were protected from any external threat. Their officials were appointed from above and never elected. They had no term of office, and remained therein for as long as they enjoyed the confidence of their superiors (1996:53).

Colonialists established segregated institutions. The most common form, especially in settler colonies such as South Africa, Zimbabwe and Namibia, was the establishment of ‘reserves’ for African occupation. Reserves served two basic functions. On the one hand, they acted as a political safety valve to ensure that there was no uncontrollable influx of Africans to urban areas (Hindson 1987; Innes and O’Meara 1976). On the other hand, the rural areas in the reserves were supposed to provide an economic base for the continued reproduction of rural people, thereby justifying a cheap labour policy based on migrancy (Moll 1983:2). While the pre-capitalist social and economic formation was dissolved in some respects, particularly through urbanization, the formation in the rural areas of the reserves was preserved, albeit, as already indicated, in a distorted form. It is in these reserves that traditional authorities were co-opted as an extended arm of the colonial powers. As Mamdani points out “the emphasis on differentiation meant the

forging of specifically 'native' institutions through which to rule subjects" (1996:8). By collaborating with colonialists, traditional authorities ensured for themselves a new lease of life.<sup>6</sup>

On the other hand, there are those who contend that the institution and some of its incumbents have survived despite colonial and post-colonial attempts to marginalize and abolish it. For Ismail, indirect rule, "in some cases" was "an eloquent testimony" to how colonial powers recognised the strength of "indigenous rulers" (1999:7). Specifically, he had Chief Patekile Holomisa in mind.<sup>7</sup> The latter had claimed that colonialism "destroyed the social fabric and the political system of the continent's nations" and that "postcolonial African governments stepped right into the shoes of their masters" (cited in De Villiers 1997:vi-x). Ismail seems to suggest that in the cases that he refers to, colonialists were forced to negotiate with traditional authorities. While this might be the case, especially with regard to places such as Phondoland<sup>8</sup>, traditional authorities were clearly the subordinates in the negotiations and ultimately ended up implementing government policies. Traditional authorities that refused to collaborate with colonialists were dethroned and new ones appointed.

Bank and Southall (1996), following Hammond-Tooke (1975), argue that some traditional authorities retained their legitimacy precisely because the colonial state largely denied them administrative functions and powers. They are referring to the South African situation in the colonial period up to the advent of apartheid in 1948. With the introduction of Bantu Authorities in the 1950s, traditional authorities could not escape being co-opted to the apartheid machinery. Their argument that a minority of traditional authorities continued to exist who opposed apartheid, is contestable, as will become clear in later chapters.

---

<sup>6</sup> See also Bettelheim (1976) on the 'conservation-dissolution' model as it applied in the U.S.S.R. case.

<sup>7</sup> Chief Patekile Holomisa is the president of CONTRALESA, arguably the main association of traditional authorities in South Africa.

<sup>8</sup> See Stapleton (1998); Beinart (1982).

Alexander (1995) and Bourdillon (1987) (cited in Spierenburg 2002) have added their voice to those describing the roles of traditional authorities in the pre-independence period. Drawing from the Zimbabwe experience, they argue that collaboration has not always benefited traditional authorities, and that they were often compelled to comply with government's policy out of fear of losing the government's support. In addition, they argue that some traditional authorities supported the freedom fighters, assuming party positions in some instances (Spierenburg 2002:3-4). Presumably, those traditional authorities who supported freedom fighters, with some becoming members and occupying party positions, did so in pursuit of the cause of the liberation organisations, rather than furthering their own interests.

In sum, the main argument in support of the legitimacy of traditional authorities in the colonial period seems to be that not all of them were collaborators who discredited themselves. This argument, however, does not seem to deny that a large number of traditional authorities were collaborators and that this seriously damaged their legitimacy. Co-operation with colonialists implied that traditional authorities should implement colonial policies, and it is this that undermined them in the eyes of their subjects (von Trotha 1996; Cooper 1996; Hammond-Tooke 1975). In the majority of cases, they were "usually regarded as inefficient, corrupt, undemocratic and excluding of women" (Therkildsen 1993:87)<sup>9</sup>.

A more challenging question is how traditional authorities managed to bounce back after independence from colonial rule, and how they "reasserted their authority in many parts of the African continent" (Ribot 2001:22). Early African nationalists correctly perceived traditional authorities and their institution as a tool at the service of colonialists. Based on this perception, the assumption was that, with the demise of colonialism, traditional authorities would disappear from public life. Indeed, soon after independence in countries such as Ghana (Berry 2001; Rathbone 2000; Ray 1996) and Mozambique, traditional authorities were either marginalized or abolished. However, as indicated

---

<sup>9</sup> See also Geschiere (1993); Alexandre (1970:52-3).

above, with the advent of multi-party democracy and decentralisation, traditional authorities in these countries re-emerged as a force that could not be ignored.

It appears as if the failure to present a better alternative to the rule of traditional authorities in the post-colonial period is at the centre of the apparent resurgence of these authorities. This failure could be seen at the level of service delivery and the methods used to implement policies. For example, post-colonial states did little to improve the living conditions of rural dwellers significantly. In Zimbabwe, for example, councillors lacked expertise to formulate development plans and the resources to implement them, and there were complaints about the lack of support and participation within these structures (Spierenburg 2002:6).

But it is at the level of political reform that there were severe problems. In this regard, Mamdani (1996) has made the point that while the majority of African states de-racialised after independence, they did not detribalise and democratise. In some cases, according to him, they ended up retaining and embracing traditional authorities, along similar lines to those followed by their colonial predecessors. In countries where traditional authorities were marginalised and replaced with alternative institutions, the methods used were often undemocratic and top-heavy. With reference to a survey of ‘chiefly power in the contemporary state’ (in the case of Togo), van Rouveroy van Nieuwaal concludes that ‘chieftaincy has re-emerged as an important vehicle for more or less authentic indigenous political expression’ against the background of the ‘comparative failure of the African state’ to bring about democracy and development. These states were, according to him, often led by ‘greedy and violent political elites within and without Africa’ (Ray and van Rouveroy van Nieuwaal 1996:7).<sup>10</sup> Alexander makes a similar point that the authoritarian and modernising ethic of the development bureaucracies contributed to an increasing local respect for chiefs and headmen (Alexander 1995:187). Traditional authorities in Zimbabwe drew from ‘tradition’ in their

---

<sup>10</sup> See also Van Trotha (1996). He refers to the post-colonial African state as post-colonial despotism.

opposition to new government policies that were imposed from above (Spierenburg 2002:19).<sup>11</sup>

The above is a critical point to bear in mind as it clearly shows that the basis of chiefly power is defined in the negative, as a fallback position given the failure of the post-colonial state. It is as if the rule of traditional authority is seen as the lesser of two evils. There is no suggestion in the literature that the re-emergence of traditional authorities is as a result of their legitimacy, or that they are accountable to and represent their subjects (Ribot 2001).<sup>12</sup>

There seem to be politically expedient reasons as to why traditional authorities remain some kind of a force in post-colonial Africa. According to Ismail, the institution of traditional leaders “cannot be abolished overnight without causing some political disequilibrium among the indigenous people, especially in rural areas” (1999:3). Drawing from his Francophone experience, Ribot takes a similar position, suggesting that, “while chiefs are weak, one cannot achieve anything without consulting them”.<sup>13</sup> As a result, despite initially turning against chiefs, most Francophone states have followed their colonial predecessors and incorporated chiefs in their administration as civil servants, in pursuit of national unity (Ribot 2001:75; van Rouveroy van Nieuwaal 1987:9, 21; Alexandre 1970:24). As already suggested, it appears that where traditional authorities have seemingly revived, the alternative structures which they replaced had been either weak or despotic.

Ray and van Rouveroy van Nieuwaal suggest a degree of adaptability and even opportunism on the part of traditional authorities in their bid to ensure their survival. The term they use is “syncretism”, which requires that the ‘chief’ is able to adapt constantly to

---

<sup>11</sup> Manor (2001:2) has recently argued that studies of democratic decentralization point out three essential conditions for democratic local government: substantial resources (especially financial resources) from higher levels of government; substantial powers to be devolved to local authorities and mechanisms to ensure that bureaucrats are accountable to elected representatives, on the one hand, and mechanisms to ensure that elected representatives are accountable to voters, on the other hand.

<sup>12</sup> Ribot reviewed mainly French literature on the subjects of chiefs in Francophone Africa.

<sup>13</sup> E-mail communication with Jesse Ribot, 10 May 2002. Ribot has spent a number of years doing research in Franco-Africa.



change, and to “subtly but profanely swap his traditional garment for a European outfit, or vice-versa” (1996:25). This, according to Ray and van Rouveroy van Nieuwaal, allows the chief to gain “access to economic resources and politico-legal means of power from separate worlds” (ibid). These separate worlds are presumably the colonial and the “traditional”.

In his review, Ribot asks the question: “Who legitimizes the authority of Chiefs?” (2001:77). According to him, they find support in international donor agencies as well as in national governments. He argues that they are often a construction of the local state and at times administrative auxiliaries of central authorities. Ribot strongly questions the legitimacy of “chiefs”, and the claim that they are “indigenous, traditional, local and accountable representatives of rural populations”. For Ribot, “chiefs are not necessarily representative, legitimate or even liked by local populations” neither are they “necessarily accountable to the local population” (2001:77). Spierenburg echoes Ribot in her observation of the Zimbabwe situation: “Though the re-emergence of traditional leadership seems to be widespread, not everybody may feel that local chiefs and headmen represent their interests” (2002:9).

We shall see in later chapters how the above debates and arguments apply to the South African rural areas in the former Bantustans. In what follows, we shall consider debates around the possible role of traditional authorities in a democracy modelled on liberal democratic principles.

### ***The role of traditional authorities in Africa’s post-colonial period***

The question as to the role of traditional authorities in a post-colonial African democracy has, since the early 1990s, in particular, received attention, without any clear indications as to how the issue would be resolved. A fundamental contradiction exists in attempts to accommodate a role for the institution of traditional leadership and its incumbents, on the one hand, and embracing democratic principles on the other hand. The specific form of democracy that has been propounded since the demise of the Soviet Union is liberal

democracy based on multi-party principles and representative government. This form of democracy entails, amongst other things, the periodic election of representatives. Calls for multi-party democracy coincided with the re-emergence of the notion of decentralisation. Agrawal and Ribot (1999) suggest that “political/democratic decentralization” occurs when powers and resources are transferred to authorities that “can be held downwardly accountable to local constituencies in numerous ways” (1999:478). Advocates of this kind of arrangement believe that representatives, who are locally accountable, and with real public powers and greater community participation, will increase efficiency and equity in the use of public resources. Notions of multi-party democracy and decentralisation are in direct contradiction to the operations of the institution of traditional leadership and its incumbents. In so far as the institution is made up of hereditary leaders, the possibility of people choosing their representatives is automatically eliminated. It is a moot point as to whether traditional authorities can be accountable to their subjects after decades of not being accountable in the colonial (and apartheid) period. It is against this background that debates about the role of traditional authorities in a democracy should be understood.

Albie Sachs, in his preface to Oomen’s pamphlet has warned against “simplified ideological positions” on the vexed issue of the role of traditional authorities in post-apartheid South Africa. Sachs delineates these positions in these terms:

On the one hand, tradition is trivialized as if it were a rather unfortunate relic of the past that stands in the way of progress and is doomed to disappear in a modern democracy. On the other hand, tradition is romanticized in a manner that gives it a pristine, timeless, pure and sovereign character that is completely incompatible with its actual entanglement and functioning in contemporary society (Oomen 2000:6).

Along with Oomen, his position is that conclusions regarding the role of traditional authorities in a democracy should be grounded in a “lived reality” (Oomen 2000:12).

A review of the relevant literature suggests two broad positions. There are those who argue that “dismantling” the institution of traditional leadership, especially viewed from

its role in the colonial period, is a pre-condition for democratic transformation in Africa. On the other hand, there are those who argue that the institution has a role in a multi-party democracy. This position argues that traditional leadership and multi-party democracy can co-exist.

### *The citizenship argument*

Mamdani (2001, 1996) is arguably the foremost proponent of a complete democratic transformation process in Africa in which, above all, “subjects” should become “citizens”. Mamdani’s thesis is that the colonial state in Africa was “bifurcated”, with different modes of rule for urban “citizens” and rural “subjects” (1996). The colonial strategy of “divide and rule” took two related forms: an enforced division of Africans along ethnic lines, on the one hand, and an enforced division between town and countryside. According to Mamdani, the African was “containerised”, not as a native or indigenous African, but as a “tribesperson”. Colonialists justified indirect rule on the basis that “tradition” and “custom” were indigenous forms of social organisation. However, colonialists themselves reinforced these identities and used them to divide and manage rural Africans. In order to enforce their dual policy of “ethnic pluralism” and urban-rural division, colonialists, Mamdani asserts, exercised “force to an unusual degree.” In this way, colonial despotism was highly decentralised (1996:22-4). As already noted, Mamdani vigorously argues that the Chief was cardinal in the colonial project, especially in the local state, the Native Authority.

Mamdani argues that the colonial legacy was reproduced after independence. However, no nationalist government was content to reproduce the colonial legacy uncritically. In attempting to reform the colonial state, nationalist governments in general reproduced a part of that legacy, thereby creating its own variety of despotism. Post-colonial African states, whether conservative or radical, deracialised the colonial state, but, according to him, did not democratise it. On democratic transformation, Mamdani proposes “nothing less than dismantling” the “bifurcated state”. This will entail “an endeavour to link the urban and the rural – and thereby a series of related binary opposites such as rights and

custom, representation and participation, centralisation and decentralisation, civil society and community – in ways that have yet to be done” (1996:34).

*Mixed government and the co-existence theses*

There are those, on the other hand, who argue that it is possible for the institution of traditional authorities and its leaders to co-exist with elected representatives. One of the proponents of this version is Sklar, who uses the term ‘mixed government’ (1994). Sklar describes ‘mixed government’ as ‘one that conserves traditional authority as a political resource without diminishing the authority of the sovereign state’. What Sklar means by this is that ‘traditional political jurisdictions’ would occupy ‘a second dimension of political space – a dimension behind the sovereign state’, assuming a ‘Janus-like, or back-to-back’ arrangement. The political officials of these ‘second’ states, the traditional authorities, ‘hold positions of public trust in accordance with customary rules, although their appointments and functions are normally regulated by statutory law as well’ (Sklar 1994:1). Sklar argues for a unified political system that would contain within it a ‘separate source of political authority, embedded in tradition’. In this arrangement, those who fall under the jurisdiction of traditional authorities would be both citizen and subjects.

Sklar has argued that the ‘traditional’ political authority rarely competes with the first dimension for sovereignty. This, it appears, becomes possible where the roles of the two authorities are clearly demarcated and defined. According to him, traditional authorities ‘often exercise immense moral and political authority’, in particular, the maintenance of ‘civic morale and social order’ (Sklar 1994:2). In addition, the constitutional powers of traditional authorities are ‘severely’ circumscribed, and the role of traditional authorities and their ‘subordinate title-holders’ is reduced to an ‘advisory, ceremonial, and extra-constitutional function’. Sklar does concede, though, that Southern Africa (Botswana, South Africa and Swaziland) has a wide range of ‘mixed governments ... representing a gradation from marginal to maximal constitutional authority for traditional rulers’ (Sklar 1994:3). He provides the extreme examples of Botswana and Swaziland, where in the

former, traditional authorities perform government functions that are not authorised by the prescribed constitutional arrangements, while in Swaziland, traditional authorities have been incorporated into the constitutional system of the state. It is not clear, though, what the nature of this incorporation would be.

Thus it appears, following Sklar, that the main conditions for an effective system of ‘mixed government’ are, firstly, that there are clear roles for ‘traditional’ and ‘democratic’ systems, and, secondly, that it is accepted that the traditional system plays a secondary and subordinate political role. Its functions should be advisory, ceremonial and extra-constitutional. This point is of crucial importance to the South African situation.

Bank and Southall (1996) have questioned Sklar’s thesis on ‘mixed government’. Their critique is based on their understanding of Sklar as suggesting a political, albeit a secondary role for traditional authorities and their institution. According to Bank and Southall, democracy in post-colonial Africa would be compromised if traditional authorities were accorded an active role in politics. They doubt the capacity of traditional authorities in political administration. Bank and Southall base their argument on the historical grounds that a large number of traditional authorities became collaborators with the apartheid regime, and thus discredited themselves in the eyes of many South Africans. These authorities were unaccountable and corrupt when they administered the former Bantustans. Furthermore, these writers argue that there is a conflict between the patriarchal values of traditional leadership and gender equality that is entrenched in the new constitution. While recognising a role for traditional authorities, Bank and Southall strongly argue that traditional authorities be denied a role in state constitutional matters (1996:408, 425-427).

Ray (1996) takes a similar position to that of Bank and Southall. He also does not endorse a political role for traditional authorities. The latter and their institution, according to him, form a parallel power to the contemporary African state. Ray examines power and legitimacy in chief-state relations, drawing particularly on the Ghana experience. His main premise is that ‘chiefs’ and the state draw their legitimacy from

two separate sources. Chiefs, according to him, derive their claims to legitimacy, authority and indeed sovereignty from their pre-colonial roots, while the contemporary African state is a creation of, and a successor to, the imposed colonial state (1996:181). This allows him to argue that chiefs form a parallel power to the post-colonial state. He concedes that this co-existence has raised a number of political, developmental and conceptual problems that have not been adequately addressed, let alone resolved (Ray and van Rouveroy van Nieuwaal 1996:13). One of the problems is the anomalous situation in which people are simultaneously citizens of the state and subjects of the chiefs (Ray and van Rouveroy van Nieuwaal 1996:14).

Despite pointing to problems with the co-existence of the two institutions, Ray argues that colonial and post-colonial states' modifications to traditional authorities have not adversely affected the pre-colonial basis for the legitimacy of the institution (Ray 1996:184). In Ghana, according to him, "sacred authority is constantly used to legitimate the political authority of the 'chiefs'" to such an extent that certain aspects of 'chieftaincy' were not allowed to come under the control of the Ghanaian state in the form of Parliament (1996:184). However, as with Sklar, he concedes that at the practical level, competition and tensions do exist. According to Ray, one could "discover that the relationship of the postcolonial state with traditional authority is marked by ambiguity at the least" (Ray 1996:185), and that there is often "a continuity in state policy over the need to control the determination of the status of chiefs" (Ray 1996:191). But traditional authorities are accorded their role, based on their 'roots' that are supposed to be outside that of the present post-colonial state and of the former colonial state, a role based on "customary law and usage" (Ray 1996:191).<sup>14</sup>

Although Sklar and Ray may differ in terminology and emphasis, there is, however, a critical point of convergence. Both writers indicate that for the two institutions to co-exist, it is crucial that the tasks and functions of each institution be clearly defined and identified. Beyond this, both institutions must be willing to forgo some powers, rather

---

<sup>14</sup> The one example Ray gives is that the Fourth Republic of Ghana's Constitution accords traditional authorities powers in selecting and de-selecting traditional authorities.

than to concentrate all the functions in one authority. Both seem to deny or severely restrict a political role for traditional authorities. As Ray puts it: ‘the Ghanaian state has retained sufficient power in the last resort to close down violations of its sovereignty, authority and legitimacy by those who act within the sphere of traditional authority without regard to the state’ (Ray 1996:197). In this regard, it could be argued that there is very little difference, if any, between these authors and Mamdani. I have shown that Mamdani strongly argues for the democratisation of rural society. The only difference, it seems, is that Mamdani has not defined a role, outside the political sphere, for traditional authorities.

Attempts by Sklar, Ray, and Bank and Southall to define a role for the traditional domain are, however, less clear about the precise content of its authority. Sklar and Bank and Southall define the authority of traditional leaders as based on ‘customary rules’ and ‘tradition’, while for Ray, the authority is ‘sacred’ and based on ‘pre-colonial’ practices. The question that arises, though, is about the meaning of these terms in the post-colonial period. It could well be argued, for example, that the critical issue of land ownership and administration is an integral part of ‘customary law’ in which traditional authorities played a principal role. Indeed, it can be argued that customary rules entailed political control, too, in the sense that chieftainship was a form of political rule. Above all, what is the meaning of ‘custom’ and ‘tradition’ in societies that have been penetrated by Christianity, Western education and capitalism? While some authors have pointed out that tradition provides a sense of security in periods of social transition, they have been quick to add that it is by no means static (Spiegel and McAllister 1991; Spiegel and Boonzaier 1988; Hobsbawm and Ranger 1987). What does ‘sacred’ mean? What counts as ‘pre-colonial’? How homogeneous was the pre-colonial African formation? Mamdani, for example, has argued strongly that there were various, diverse and contradictory models of customary authority at the time of colonial conquest in Africa in the nineteenth century (1996:38-48). Ray’s reference to the ‘pre-colonial’ may easily undermine this diversity and complexity.

Ray and van Rouveroy van Nieuwaal have attempted to provide a possible role for traditional authorities in their observation that “one of the most important characteristics of the chief has continued to be his active involvement in judicial matters in spite of efforts by both the colonial and post-colonial governments to reduce and marginalize this traditional position” (1996:32). Other than this, they are also vague about other possible roles. All they are content to say is that traditional authorities acted “as a unique linkage” between the post-colonial African state and civil society in many areas, including democratisation, development and human rights but, according to them “these linkages were often unrecognised, ignored, or misunderstood” (Ray and Rouveroy van Nieuwaal 1996:1).<sup>15</sup>

Van Trotha premises a role for traditional authorities in the democratisation process in post-colonial Africa on the condition that the institution and its incumbents are transformed from the “administrative institution of colonial and post-colonial despotism” to what he calls “civil chieftaincy”. The latter would be “part of a new order of a more just, responsive, and responsible government on the level of the central state” (1996:103). He adopts a pragmatic approach to chieftainship. Proceeding from the basis “that African polities will not dispense with the institution of chieftaincy in the near future” he proposes that it is necessary to incorporate chieftaincy in the project of “a future and promising African polity” (1996:102). There is a stronger sense of history in Van Trotha that is not evident in Ray, for example. In the Mamdani vein (1996), he singles out the role of the colonial and post-colonial states in incorporating traditional authorities and their institution in the administrative arm of these states.

In line with the various authors cited above in this debate, Van Trotha does not foresee a political role for traditional authorities. But he is more concrete than others on what role traditional authorities ought to play. His idea of a transformed chieftaincy is based on a localised role for traditional authorities. He argues for an active role for traditional

---

<sup>15</sup> Ray and van Nieuwaal were part of a conference in 1995 where participants were asked “to draw up a list of specific policy proposals detailing the ways in which traditional authority has or could contribute to democratisation, development, human rights and environmental protection strategies in Africa (Ray and Rouveroy van Nieuwaal 1996:2).



authorities in judicial and development matters. Van Trotha suggests that the independent legal system of traditional authorities be institutionalised, given powers to deal with local problems and disputes, except cases of violence, and recognised as such, rather than undermined. He suggests a second chamber of chiefs to ensure that the local government is integrated into the central state (1996:102).

### *The integrated model*

The argument in favour of co-existence has come under attack by proponents of a system, which would integrate traditional rule in post-colonial democratic local government. One of the supporters of this approach, Ismail (1999), has been critical of the manner in which post-colonial African states, including Ghana and South Africa, have addressed the role of traditional authorities. He accuses South Africans who addressed this issue before 1994 of making ‘platitudinous statements regarding the future role of chiefs’, without any concrete suggestions.<sup>16</sup> According to him, the general trend ‘has been dramatic marginalisation’ of traditional authorities and their ‘traditional roles’ or ‘a mere symbolic retention of the institution’ (1999:1). He suggests a model that he considers to be ‘effective, yet realistic’, that would engage traditional authorities ‘and some aspects of indigenous governance in liberal democratic governance’ (1999:2). Ismail strongly suggests that ‘indigenous governance’ has its ‘democratic elements’ that ‘can strengthen rather than weaken current efforts to build a democratic culture among the African people’. According to him, this kind of engagement could lead to the democratisation of the ‘institution itself’ (1999:4). He states further:

In political terms it is not possible to talk about African renaissance without detailed and systematic analysis of indigenous political systems on the one hand, and comprehensive prescriptions on how to integrate these into the western model of liberal democracy, on the other (1999:15).

He argues for the ‘incorporation of traditional leaders in local governance’.

---

<sup>16</sup> The South African authors referred to are: Holomisa (1997), Mokgoro (1999), Bekker (1993), Vorster (1991) and McIntosh (1990).

Skalnik had earlier made a similar point, suggesting that “the powerholders of modern African states accept the authority of original African institutions and show willingness to learn from the democratic principles on which these institutions rest” (1996:119)<sup>17</sup>. He was reacting in particular to the assumption that Western-style liberal democracy was an appropriate alternative for post-colonial Africa. According to him, there is value in indigenous African concepts of power:

Various elements of leadership had their roots in different traditions, sectors of population, and localities. That was why power as domination did not exist there. Rather it was a plurality of authority stemming from the traditions of different segments of society which ensured that the whole population of a particular area shared ideas and practices related to public arrangements, and recognized the leaders who in turn respected the rules and accepted the influence of the population on public affairs (Skalnik 1996:111).

He considered indigenous institutions as “elements of direct democracy complementing representative democracy”, which, according to him, “is even absent” in some African states “because of military coups” (1996:119). It is against the violations of democracy on the part of the majority of the post-colonial state in Africa that Skalnik argues for the incorporation of African indigenous institutions (Ray and Rouveroy van Nieuwaal 1996:11).

In contrast to Skalnik’s notion that chieftainship may enhance democracy in post-colonial Africa, Nugent has argued that the colonial regimes have essentially fabricated chieftainship in the colonial project of indirect rule, a legacy the post-colonial state has been unwilling to address decisively. Citing the case of the Volta Region in Ghana, he uncompromisingly concluded that, while chieftaincy in the Volta Region was “arguably indispensable at the village level, the rest of the structure may be too rickety to support anything more elaborate.” (1996:222-3)<sup>18</sup>.

---

<sup>17</sup> See also Karlstrom 1996.

<sup>18</sup> See also Ray and Rouveroy van Nieuwaal (1996:14).

*Assessment of the different models proposed for traditional leadership*

A critical point that proponents of the integration model seem to be making is that although representative government may be a necessary condition for a democratic dispensation in post-colonial Africa, it is certainly not a sufficient condition. Skalnik, as has been shown, is particularly critical of the ‘winner-take-all’ system. The limitations of representative government are also implied in Ismail thesis. More recently, Mamimine and Chinhoyi address this issue as follows: ‘To what extent can we argue that only elected officials guarantee democratic governance? With regard to modern states, are we correct in assuming that in all cases elected governments are automatically democratic states?’ (2001, pages unnumbered). These authors continue by arguing that pre-colonial systems of governance were based on some democratic principles. They pose the question: ‘Is democratic governance a new phenomenon identified only in the ‘modern’ era?’ In pointing out the limitations of liberal democracy, on the one hand, and the strengths of pre-colonial African systems, on the other hand, the integration model puts forward what Mamimine and Chinhoyi refer to as ‘hybrid institutions’, taking what is good from both the West and pre-colonial Africa (2001, pages unnumbered)

What Skalnik and many others are suggesting is that African ‘traditional’ societies practiced a form of direct democracy. However, the extent to which direct democracy is peculiar to the African situation is highly questionable.<sup>19</sup> In this regard, it is worth recalling that the Western roots of the concept of democracy can be traced to ancient Greece. Here democracy meant rule by the *demos*, that is to say, rule by the people. No democracy could have been as direct as this. However, this conception changed with the rise of capitalism and was replaced by ‘representative democracy’. The claim that is often made is that in large states it is ‘not sensible or even possible’ for ‘the people’ to actively participate in the political process. For this reason, Hardin states, ‘participation of all takes place in sequential forms. First, representatives are chosen and then they decide on policies’ (Hardin 1995:183). Thus, in representative democracy, to be a ‘citizen’ entails the right to vote and be voted for.

Africanists are not the only ones to have had problems with representative democracy. Well before Africanists came into the picture, radical Marxist scholars and politicians subjected this notion to searching criticism. Ellen Wood (1995) is arguably the most enduring radical critic of the liberal notion of government in the post-Cold War period. Her central thesis is that, under capitalism, citizenship and democracy are limited in scope. She argues that “representative democracy” distanced itself from the ancient and literal meaning of the term, resulting in a shift in focus “away from the active exercise of popular power to the passive enjoyment of constitutional and procedural safeguards and rights, and away from the collective power of subordinate classes to the privacy and isolation of the individual citizen”. This leads to the domination of liberal principles to do with ‘limited’ government, civil liberties, toleration, the protection of a sphere of privacy against intrusion by the state, together with an emphasis on individuality, diversity and pluralism (Wood 1995:226-7). Thus, by separating ‘the economic and the political’, or the transfer of certain ‘political’ powers to the ‘economy’ and ‘civic society’, capitalism has, according to Wood, created a seemingly anomalous situation where socio-economic inequality and exploitation coexist with civic freedom and equality. In her words:

The separation of civic status and class position in capitalist societies thus has two sides: on the one hand, the right of citizenship is not determined by socio-economic position – and in this sense, capitalism can coexist with formal democracy – on the other hand, civic equality does not directly affect class inequality, and formal democracy leaves class exploitation fundamentally intact (Wood 1995:201).

Wood stresses that capitalist social relations have both advanced and strictly limited democracy. Capitalism, she argues, has advanced democracy in the sense that socio-economic status does not determine the right of citizenship. At the same time, civic equality does not directly affect, or significantly modify, class inequality – and that, according to her, “is what limits democracy in capitalism”. It is in this sense, she emphasises, that “political equality in capitalist democracy not only coexists with socio-

---

<sup>19</sup> Skalnik, though, concedes that indigenous African institutions “could be compared to the institutions which existed in European antiquity or the middle ages” (1996:111).

economic inequality but leaves it fundamentally intact” (Wood 1995:213).<sup>20</sup> see Marshall’s earlier work). More recently, Abrahamsen has echoed Wood’s sentiments in these terms:

(T)he democratic theories of the left often challenge the conventional distinction between the private and the public, arguing that the state is part and parcel of the mechanisms that maintain and reinforce the inequalities of everyday life ... To enjoy liberty is not only to enjoy equality before the law, but also to have the capacities, the material and cultural resources to be able to pursue desired courses of action. Political equality, then, cannot be attained without a measure of economic equality, and without it democracy is likely to become a vehicle for the maintenance of elite dominance (2000:75-6).

Implicit in the integration model is the assumption that while it may not be disputed that traditional authorities discredited themselves in their collaboration with colonial and despotic post-colonial regimes, the institution of traditional leadership has not necessarily been tainted.<sup>21</sup> Consequently, democratic aspects of this institution should not be ignored in the post-colonial project of constructing democracy in Africa. There is also a strong assumption in this model that the institution of traditional leadership can be transformed and democratised.

There is a critical sense in which it is true to say that elements of the institution of traditional leadership, especially as it existed in pre-colonial times, can and should be incorporated in a post-colonial democratic agenda. This is the sense suggested by Skalnik that in African ‘indigenous’ institutions the chief consulted his subjects whenever critical decisions were taken.<sup>22</sup> However, to the extent that indigenous institutions are based on ascribed, hereditary rule, the possibility of rural residents having the freedom to choose which institution and/or individuals should rule them is automatically excluded. Yet, the right to choose one’s representatives has become a fundamental, basic human right in modern, post-colonial democracy. The institution of traditional leadership fulfils

---

<sup>20</sup> For an earlier argument, see Marshall (1963).

<sup>21</sup> James Murombedzi of Ford Foundation often asserts this position. However, he has not responded to my calls for him to develop this position and ground it in the literature.

<sup>22</sup> The limitation with this form of consultation, especially viewed from current demands for equality, was that the ‘subjects’ were only married men. Women and the youth were not allowed to participate in these meetings (*imbizo*, *pitso*) where critical decisions that affected all villagers, including women and the youth, were taken (see Lodge 1995:1; Hunter 1961:395).

one of the elements of the hybrid form of democracy, the participatory requirement, but not the representative aspect, the right of citizens to choose their representatives. Thus, in so far as the institution of traditional leaders is hereditary, it cannot be transformed and democratised.

In sum, it is one thing to say that the values associated with 'indigenous' institutions be incorporated in the post-colonial democratisation project, and another to say that the institution of chieftainship is the sole bearer of these values and should thus be incorporated in post-colonial democratic processes. Skalnik appears to suggest that the two cannot be separated. This approach, as has been argued, risks undermining the representative element of democracy. The only way traditional authorities can be democratic, it seems, would be for them to abandon their hereditary status and subject themselves to election by their people. The participatory and representative elements of democracy are vital in the post-colonial democratic transition.

Unlike Skalnik, Osabu-Kle makes the distinction between pre-colonial African values and the post-colonial institution of traditional leadership. Whilst arguing that "the consensual culture" of African societies "still exists", colonialism has "polluted" chieftainship. This has led him to the conclusion that "the institution of chieftaincy, which does not offer equal opportunity, may have to be discarded, but the cultural values and symbols binding the people together could be preserved, modified, and expressed in nation-state terms" (2000:100).

The introduction of the colonial and post-colonial states in Africa created the idea of the citizen who is free to live anywhere within the state's boundaries. Ray would argue that this aspect of the person-as-citizen came into conflict with their obligations as persons-as-subjects to the chiefs. This tension between 'citizen' and 'subject' continues in various African countries (Ray and Rouveroy van Nieuwaal 1996:11). Africa is still a rural continent but urbanisation is rapidly proceeding. Urban areas now often have large numbers of newcomers from other parts of the country who do not owe traditional allegiance to the local chiefs (Ray and Rouveroy van Nieuwaal 1996:33). Hence, socio-

economic processes such as migration and urbanisation are undermining the traditional basis of the chieftainship in many areas of Africa.

### ***Conclusion***

This chapter has reviewed debates around the two broad questions posed by the traditional authorities' debate: why traditional authorities have survived the post-colonial period in Africa, and what their possible role in a democratic dispensation could be. The literature suggests that traditional authorities survived the colonial period by simply collaborating with their colonial masters in the latter's project of indirect rule. This applies even in those instances where traditional authorities initially resisted incorporation into colonial structures. The chapter has, however, shown that colonialists, too, needed traditional authorities, given that the former did not, being a minority, have the human resources to deal with what the French Colonel referred to as the 'little affairs' (cited in Ribot 2001:74). But this chapter has shown that in this partnership, traditional authorities were, in the last instance, auxiliaries. Colonial administrators always reserved the power of deposing traditional authorities, if they proved uncooperative or failing in their functions.

There are various explanations given for the continued survival of traditional authorities after independence from colonial rule. In some cases, post-colonial regimes embraced traditional authorities in much the same manner that colonialists did. Where traditional authorities were either abolished or undermined, it appears as if failure to provide a solution that would improve the living conditions of rural people and, in some cases, top-heavy despotic decisions made traditional authorities a lesser evil. This should not, as the chapter has shown, be interpreted to mean that traditional authorities became popular. There is no suggestion in the literature that they became legitimate. As Ray and van Rouveroy van Nieuwaal put it, 'although chieftaincy in Africa came back into the spotlight of interest during the recent changes within the African political orders known as democratisation, on the other hand, one cannot deny that this phenomenon came under heavy fire during colonial domination and still is today' (1996:23).

With regard to the role of traditional authorities in a post-colonial democratic dispensation, this chapter has shown that there are broadly three streams to the debate. Mamdani (1996) is the foremost proponent of the stream that argues for the dismantling of native authorities and transforming subjects into citizens. Others have argued that the institution of traditional leadership can co-exist with liberal democratic institutions. However, as has been argued, it is not clear what the role of traditional authorities would be in this arrangement. Apart from one suggestion that they could be involved in settling minor judicial matters, there are vague references to traditional authorities being involved in matters of ‘tradition’, ‘custom’ and so on, without any clarity as to what these terms mean in post-colonial Africa. The one area of agreement seems to be that traditional authorities should not have a role in political matters such as local government and the state. Lastly, the integrated model argues that ‘indigenous institutions were genuinely ‘democratic’. This referred specifically to the notion of ‘direct democracy’ involving the participation of married men in decision-making processes.

Flowing from this, the integrated model theorists argue that these democratic aspects of ‘indigenous’ systems, dating from pre-colonial times, can be incorporated in a post-colonial African society to strengthen liberal democracy. However, that direct democracy is peculiar to Africa has been questioned. The Greek city-states of antiquity have been given as an example. Further, it has been argued that Africanists are not alone in questioning the liberal notion of representative democracy. In this regard, Wood was cited as an example of a radical, Marxist critique of liberal democracy. Finally, it has been argued that incorporating traditional authorities in post-colonial democracy will compromise a critical element of a post-colonial democratic dispensation, the need for citizens to choose who should represent them. The right to choose one’s leaders is, indeed, a necessary condition for democracy. However, as Wood and Abrahamsen suggest, it is by no means a sufficient condition.

The position taken in this study is that the participatory and representative elements of democracy are vital in the post-colonial democratic transition. In this regard, the way in



which traditional authorities could play a public, political role would be for them to abandon their hereditary status and subject themselves to the process of election by their people.

## CHAPTER 2

### **Colonialism and traditional authorities in rural South Africa up to the introduction of apartheid**

#### *Introduction*

Colonialism disrupted prior African political, economical and social systems. These systems revolved around the authority of independent chiefs of various ranks, referred to in this study as traditional authorities. With the advent of colonialism, the power of traditional authorities was gradually eroded. Over time, traditional authorities were incorporated into the colonial system as administrators for the local administrative area in a system widely known in the British world as 'indirect rule', and in the French world as 'association'. As Mamdani has argued, South Africa was no exception to this colonial trend (1996:27-29). Colonialists in South Africa were faced with the same problem others faced, not only in Africa, but wherever they colonised; namely how to rule an indigenous majority as a foreign minority (Chege 1997).<sup>23</sup> However, while in form the various colonial processes may have been similar, I will argue that in substance, there were striking differences. In contrast to other parts of the African continent, indirect rule in South Africa functioned in a context in which less than 13% of the South African land was controlled by traditional authorities, and where the vast majority of South Africans were proletarianised either as urban-based or migrant workers.

This chapter challenges scholars such as Evans (1997) and Dubow (1995) who argue that the segregation period up to the advent of apartheid was characterised by direct rule in the rural areas through magistrates. It will be argued that the system of rule in these areas was based on indirect rule, albeit not through traditional authorities.

The chapter investigates the form and substance of the colonial and apartheid intrusion in South Africa in the period running up to the introduction of the Bantu Authorities Act of 1951, with specific reference to its impact on the institution of traditional leadership and

---

<sup>23</sup> I have not managed to establish whether Chege's review of Mamdani's Citizens and Subjects was ever published. A copy of the draft is with the author.

traditional authorities. The focus here is on rural government and the administration of land. The changing role of traditional authorities will be explored in terms of their relationship with the colonial and apartheid state, and their legitimacy and accountability to their subjects. The chapter will begin by briefly considering the nature of African societies at the time of contact with colonialists in the nineteenth century. This will be followed by a focus on the relationships between Africans and colonialists in the period prior to the Union of South Africa in 1910. In this period, South Africa was divided into two Boer Republics and the British colonies of the Cape and Natal. The policies of the Cape and Natal will be given more attention, given their significance in later developments. The third section of the chapter will be devoted to the evolution of rural local government in the Reserve areas from the Union of South Africa to the introduction of Bantu Authorities in the 1950s. The last section will focus on responses to this model of rural local government by political organisations and rural people.

### ***The colonial encounter up to the Union of South Africa in 1910***

#### *African communities at the point of colonial contact*

Contact between Africans and colonialists goes back to the sixteenth and seventeenth centuries when Portuguese travellers, shipwrecked off the southern African coast, came across Africans whom they described as obeying chiefs called 'ancosses' (*inkosi*) (Davenport 1986:11). But it was only in the nineteenth century that conquest and land dispossession took place. At the time of colonial conquest in the nineteenth century, African communities were composed of groups that were under the authority of independent chiefs (Beinart and Bundy 1987:5; Beinart 1982). Chieftaincies in the Eastern Cape in particular were independent, and chiefs had jurisdiction over specific areas or locations. In areas such as Phondoland, however, clusters of chiefs that were linked through common lineage existed. A Senior or Paramount Chief headed these clusters. These senior chiefs enjoyed certain forms of ritual authority but could not interfere politically in the affairs of other chiefdoms (Lodge 1995:1).

The political organisation of African societies broadly took the following form. The chief occupied the highest office.<sup>24</sup> He appointed councillors that assisted him. Councillors were selected on the basis of experience and particular skills that they displayed, such as their contribution at public gatherings and bravery (Koyana 1998:120). They were appointed from the ranks of kinsmen or elders or both.<sup>25</sup> Councillors were expected to give good advice to traditional authorities. In the event of an unpopular decision by the chief, it is councillors who were usually blamed, and could be sanctioned by being 'eaten up' (*badliwe*) by, for example, having their cattle expropriated (Lodge 1995:1). In regions where chiefs had jurisdiction over large areas, they delegated authority through a hierarchy of sub-chiefs and ward headmen.<sup>26</sup>

The position of the chief was hereditary, normally passing to the eldest son of the great wife – usually the wife selected at a late stage in the chief's life, and who was generally a member of the royalty of another tribe (Davenport 1986:73). Most African societies were polygamous. In line with this practice, traditional authorities married many wives. The first wife was not necessarily the great wife – hence the claim that the right of inheritance was reserved for the eldest son from the great wife. While the procedural system of coming to power may have not been democratic, in the sense that 'subjects' were not given the choice to decide who should rule them, there were elements of democratic practices in the system of rule. The principle of government, in normal times, was based on consultation, discussion and consensus (Koyana 1998:120). There were two levels of consultation and discussion. On day-to-day matters, the chief consulted and discussed matters with his councillors. Whenever the chief wanted to make announcements and to discuss the big issues of state (Davenport 1986:72), he called a public meeting attended by married men (Lodge 1995:1).<sup>27</sup>

---

<sup>24</sup> In communities that were composed of a number of chiefdoms, the king occupied the highest office.

<sup>25</sup> The elders were not necessarily of royal blood.

<sup>26</sup> Davenport imposes European concepts to try and explain African social structure. According to him, next in line from the chief was "the great *induna*, with a combination of viceregal (*sic*) and judiciary authority like that of a mediaval justiciar (*sic*)" (Davenport 1986:71-2).

<sup>27</sup> The following are some of the most popular indigenous terms for these gatherings: *kgotla* (abeTswana)/ *pitso* (abeSuthu) /*imbizo* (abeNguni)/ *libanda* (amaSwazi).

The nature and source of chiefly power was complex. According to Davenport, the coherence of tribal society always depended on the chief himself. He was the 'father' of his people, expected to govern conscientiously, wisely and generously (1986:71). Legislative, administrative and executive powers were all concentrated in his office (Bennett 1998:14; Koyana 1998:120). It is widely accepted that traditional authorities owned and allocated land. However, they did not wield absolute authority in this regard. They were obliged, as indicated above, to consult with councillors and there were clearly stipulated conditions determining where and when they could appropriate land (Hendricks 1990:44-5). According to Peires, 'the chief participated in production through his role as *owner* of the land. It is important to differentiate between *ownership* and *possession*. In pre-colonial Xhosa society, the 'commoners' *possessed* the means of production but they did not *own* them' (1981:33)<sup>28</sup>. 'Subjects' or 'commoners' had certain obligations. They had to work the fields of the chief at certain times, render military service when required and pay death dues. According to Lodge, the above services and other forms of tribute, including court fines and the proceeds from the dynastic marriages of daughters made chiefs wealthy, although they did not live in a radically different style from ordinary tribesmen. At times of famine chiefs were expected to share their wealth with their subjects (1995:1).

Scholars differ in their characterisation of the nature of pre-colonial African societies, especially as they existed at the time of colonial intrusion. These differences can be grouped into two broad schools. On the one hand, scholars such as Mgadla (1998:5-6), Lambert (1995:270) and Peires (1981:32) argue that traditional authorities were autocratic. On the other hand, some scholars argue that the system was such that it was difficult for traditional authorities to wield absolute power. There were various mechanisms and options to deal with unpopular, autocratic leaders. Tapscott (1997:292) and Ashton (as quoted by Davenport 1986:72) argue that traditional authorities were legitimated by popular support. Lodge appears to support this view in his assertion that African political arrangements in nineteenth century South Africa were rarely despotic

---

<sup>28</sup> See also Lodge (1995:2). Note that Peires uses the British term 'commoner' to describe 'subjects'.

(1995:1). According to Bennett, any leader that became tyrannical would soon face revolt or secession (1998:14). Alternatively, the headmen in the wards could simply ignore instructions (Davenport 1986:73), or people could 'vote with their feet' and move to areas controlled by more popular leaders (Tapscott 1997:277). In extreme cases, unpopular leaders could be killed. This also happened in disputes over power (Davenport 1986; Peires 1981). Bennett asserts that at a popular level, traditional authorities were expected to govern their people wisely, judge disputes fairly and provide for the needy. At a practical political level, tensions and rivalry among traditional leaders made it extremely difficult for them to exercise absolute rule (1998:14).<sup>29</sup> Lodge contends that even in highly centralised polities such as among amaZulu, 'Zulu kings ... ruled through consultation with councils of advisors and broader assemblies, imbizos' (1995:2). Lodge does concede that as political units became larger they became more authoritarian and less consensual (1995:2).

What the above suggests is that rather than categorising nineteenth century African societies as either popular or democratic, we should see them as dynamic, rather than static, entities. As Lodge puts it, 'what is often understood as traditional or customary was in fact fluid and undergoing alteration' (1995:2). Even if one took the attitude that the relationship between chief and subjects was legitimate and popular, it does not mean that it was necessarily democratic. In the first place, consultation and discussion among councillors and in the 'general assembly' was restricted to married, often well-to-do men, excluding all women and the youth. Lodge even goes further to suggest that 'only heads of households rather than all the male adults living within them' attended and participated at these gatherings (1995:2). Secondly, the 'general assembly' was sometimes used as a platform to announce decisions made by the chief and his councillors. According to Lodge, the 'requirements for consensus and unity imposed their own constraints on opposition and criticism' (1995:3).<sup>30</sup> Thirdly, as suggested, the doctrine of the separation of powers did not apply, as all functions like judicial,

---

<sup>29</sup>See Mamdani (1996) on how nineteenth century pre-colonial African societies "checked" traditional and administrative chiefs.

legislative and administrative powers were fused in the office of the Chief (Lodge 1995:3)<sup>31</sup>.

### *The impact of the colonial encounter*

Colonial conquest and land dispossession significantly altered African political, economic and social life. The supreme political and economic authority that traditional authorities used to enjoy was severely undermined. After colonial conquest, rule by traditional authorities was replaced by the colonial state. There were also major changes around the ownership and regulation of land. Whereas in pre-colonial times traditional authorities held land on behalf of their people, and had the power to allocate land for household and arable purposes, this changed under colonial rule.<sup>32</sup> Although contested by traditional authorities, land became, in legal terms, the property of the colonial state, with the ultimate powers to allocate it concentrated in the office of the magistrate. The power to tax subjects was also undermined, with state appointed headmen given powers to collect taxes on behalf of the colonial state.

In line with the colonial strategy of indirect rule, the political and social structures of African communities in the rural areas were retained, albeit in highly distorted forms. We noted in the previous chapter that lack of human and material resources compelled colonialists to identify Africans who were prepared to collaborate with them. Traditional authorities who were rebellious were replaced with authorities appointed by the colonial government. In instances where there was a strong tradition of chiefly rule, colonialists appointed men with chiefly connections. This was made possible by the succession disputes that characterised most pre-colonial African societies. As Crawford Young has noted: ‘Often there were competing claimants to authority, on whose rivalries the

---

<sup>30</sup>On the issue of protocol, Lodge asserts that ‘the chief spoke first, his more important advisors next, and others followed’ (1995:3). Mandela (1995:25), though, suggests that the chief was the last to speak and summarize the various arguments.

<sup>31</sup> See also Mamdani (1996).

<sup>32</sup>As noted, this did not entail ownership of the allocated land. Neither did it mean that the traditional authority could arbitrarily take back land once it had been allocated.

colonial state could play, and among whom it might select a contender willing to accept the diminished but still real power that colonial alliance could secure” (1994:107).<sup>33</sup>

Although, as Beinart (1995:18) has noted, paramount chiefs continued to be influential and were even appointed headmen, ‘often from leading branches of chiefly lineages, where chiefs had led rebellions’ they, nonetheless, could be completely displaced<sup>34</sup>. As a result, these appointees defied the line of succession. This was, indeed, a general colonial strategy as the following quotation from Crawford Young shows:

Thus, below the bottom echelon of European regional administration an array of African chiefs were recognised, and vested with the authority of the colonial state, in addition to whatever title they enjoyed on their own. Furthermore, the colonial state insisted that those chiefs it recognised were the sole authority holders with the reconfigured political space subject to its design (1994:107).

The appointment of traditional authorities was thus another example of how African traditions were altered. In addition, by being paid a salary, traditional authorities became accountable to the government, and no longer to their people. In keeping with the colonial strategy of ‘conservation and dissolution’, the political structure in the form of the institution of traditional authorities, councillors and general meetings of married men (*imbizo*) was preserved, largely to deal with minor disputes. Furthermore, although no longer the official owners of the land, taking the final decision in its allocation, the appointed traditional authorities were the route through which rural people could access land.<sup>35</sup>

This process was very uneven. Before the Union of South Africa in 1910, the country was divided into two British colonies (the Cape and Natal), and two Boer Republics (the South African Republic/Transvaal and the Orange Free State). The policies and practices of the British and the Boers towards Africans during this period differed significantly.

---

<sup>33</sup> See Stapleton’s account of a “succession dispute” involving “two Bomvana chiefs” in the Transkei (1998:56).

<sup>34</sup> See also Hendricks (1990); Beinart and Bundy (1987); Stultz (1979).

<sup>35</sup> In practice, traditional authorities unofficially allocated land in the unsurveyed areas well into the post-1994 democracy (see the case of the Tshezi area in Ntsebeza 1999).



Even within the British colonies, there were palpable differences. The next section will explore these policies and practices in some detail. As a result of their later significance, and given the Eastern Cape focus of my case study, particular focus will be given to the British colonies.

### *The Boer Republics*

In these 'Republics', there was little interference by Afrikaners in the traditional authority structures. According to Mbeki, chiefs were left on their own to conduct their affairs for as long as they were submissive (1984:33). For MacMillan, the form of rule in the former Transvaal was 'primitive and undisciplined', as it allowed chiefs to hold courts and conduct their affairs for as long as these were not in conflict with 'civilized standards'. MacMillan interpreted this to mean that there was little interference 'with the original habits of the natives' (1949:121). Africans were allowed to acquire land but could not register it. In the former Transvaal, for example, the settler government, from as early as 1855, precluded Africans from the status of being a 'burger' or a citizen. As only 'burgers' could own land, it is implicit, but evident, that Africans could not (Lahiff 1999:2).

In the BaFokeng area, for example, Africans were allowed to purchase land, but could not register it in their name. Africans could only buy land in the name of a missionary or through a 99-year lease from any White person. Regarding the first method, the land was paid for by an African group, but registered in the missionary's name in trust for them. Through the second method, the Africans paid for a 99-year lease and the White person then promised to transfer the land to the Africans concerned, as soon as the laws of the country permitted Natives to hold land in their own names. This type of (unregistered) lease was a major disadvantage for the African purchasers who frequently lost their properties through deceit by the White lessors. When the British annexed the Transvaal in 1877, the regulations governing African land ownership changed. Land bought by Africans was registered in the name of the Secretary of Native Affairs, in trust for the people concerned. This phased out the missionaries. When the Transvaal Location

Commission was established in 1881, the Location Commission held land in trust. From July 1918, the Minister of Native Affairs held the land in trust (Mbenga 1998).

### *British Rule*

Whenever the British conquered and dispossessed Africans (or 'Natives', as colonialists referred to them), they set aside land for African occupation. These areas became known as the 'native reserves'. This was the British answer to the question of how to administer Africans. Unlike the Boers, the British wanted to have some control over Africans even in the Reserves. The tried and tested Indian experience of indirect rule was the British answer. But conditions in the two Colonies of the Cape and Natal made the British adopt both 'assimilationist'<sup>36</sup> and 'segregationist'<sup>37</sup> policies (Costa 2000). A system of indirect rule was attempted in the Natal colony under Shepstone. In the Cape colony, though, attempts were made to balance assimilationist and segregationist policies, an ambiguity that was carried forward to the post-1910 period.

The architect of indirect rule in the Natal colony was Sir Theophilus Shepstone (*Somtsewu*, as he was popularly known), who began his experiment in the 1830s. Shepstone was the Secretary of Native Affairs in Natal. In this Colony, reserves were established for African occupation. These reserves were placed under the trusteeship of the colonial government, and were indirectly ruled by compliant chiefs. As Costa (2000) has recently stated, where no chiefs existed, they were created. According to Mbeki, Shepstone attempted to manipulate the traditional social system of amaZulu to revive a past where amaZulu held unquestionable allegiance to their tribal authority (1984:32). Indeed, Shepstone's model of African societies, and the role of traditional authorities, was shaped by his admiration of the King of amaZulu, Shaka, whose form of administration was patriarchal and highly centralised (Costa 2000). The powerful

---

<sup>36</sup> The assumption here was that Africans would, over time, be gradually incorporated in the British system. With regard to land, for example, it was envisaged that a single piece of legislation would exist to govern land tenure (Davenport and Hunt 1974:31).

<sup>37</sup> In this regard, a dual system of legislation was anticipated, where in the question of land, for example, 'bifurcated models of rights in land in which Europeans held land as individuals and 'others' held land in common' were envisaged (Channock 1996:18).

influence of Shepstone in Natal compelled Welsh to comment: ‘For thirty years Shepstone and ‘native policy’ had been virtually synonymous in Natal” (1973:201). Welsh, however, criticised Shepstone for being conservative:

Mr Shepstone went on his way doing as little as possible in the direction of innovation or reform, and only yielding when he could hold out no longer. Historians have acknowledged that Shepstone was an able administrator, even a brilliant one, but they have criticised him for his lack of imagination as a policy-maker and for his failure to prepare Africans for the inevitable disintegration of their traditional society. Thus L.M Thompson has written: ‘Whilst Shepstone controlled, he did not civilise’ (1973:204).

It is clear from the above critique that Welsh subscribed to the colonialist notion of ‘civilising’ Africans, which supported their view of the superiority of the colonial system. He arrogantly predicted that the “disintegration of their (Zulu) traditional society” was “inevitable”. However, while it is true that societies, including amaZulu, are dynamic, it is questionable whether the colonial model was or is the alternative. At the heart of Shepstone’s conservatism was his fear that civilisation might unite Africans. As Welsh puts it:

By shoring up the traditional system, Shepstone hoped that Africans would be kept in a traditionalist cocoon, which would impede the growth among them of political consciousness incorporating a desire for racial equality. As the cocoon broke down so political demands of this type would be increasingly made. [...] If Africans were firmly rooted in chiefdoms that perpetuated their disunity they would be less amenable and less ‘available’ to any political movement that might seek their support in demanding racial equality. Traditionalism, in other words, was a stabilizing device, not only for ordinary bureaucratic purposes but also in relation to the ‘new politics’ which were emerging (and of which Shepstone was aware). The new politics was the harbinger of African nationalism (1973:209).

MacMillan sympathised with Shepstone’s position. He pointed out that in Natal, Africans outnumbered Whites by one to ten, making them ‘peculiarly nervous’, especially given the “warlike reputation of the Zulus”. This, according to MacMillan, forced a “variant” of indirect rule that delegated powers to “a large number of petty chiefs” (1949:118). Shepstone’s strategy, it seems, did not primarily aim to divide and

rule Africans in that colony, especially given the highly centralised structure of amaZulu, but rather to keep them in their ` traditional' mode. According to MacMillan, indirect rule arose partly out of the difficulty experienced by colonialists to effect direct rule driven by magistrates and policemen who lived in towns away from remote villages. These officials could only afford to make occasional visits once or twice a year and the roads were execrable. For most of the time, villagers were left to their own devices (1949:213).

Shepstone illustrates the position of chiefs in African societies in the "principles and rules governing land tenure among the natives":

I believe myself that the principle underlying all land-tenure among the native tribes is that the land belongs to the tribe, that the chief has the right of giving occupation to it as between the members of the tribe. ... Land is, however, always spoken of as the property of the chief (quoted in Davenport and Hunt 1974:34-5).

As noted above, the supreme authority of the chief was subordinated to colonial control.

As Davenport has commented:

(H)eadmen and chiefs (preferably not traditional rulers but Shepstone's own appointees) worked alongside white magistrates, who were required if possible to be self-effacing. The chiefs reported to Shepstone himself as the mouthpiece of the Supreme Chief, the Lieutenant-Governor ... in a fictitious adaptation of tribal custom. Shepstone won his campaign to keep tribal Africans outside the reach of the Roman civil law of the Colony, and subject to their own customs (1986:113).

If, in the case of Shepstone's Natal, the attempt was to bolster the power of traditional authorities over land reserved for African occupation, the position in the Cape was somewhat different. Here conscious attempts were made to limit the powers of chiefs (Hendricks and Ntsebeza 1999:101-2; Davenport 1986:181). There were initial attempts to woo chiefs in the Cape in the early decades of the nineteenth century. The missionary, Dr Phillip foresaw a role for chiefs when he asserted: "We have conquered some of the tribes in the Cape Colony, but the problem is how to govern them. ... We have to establish a system of civil administration. For this we need the chiefs." (Quoted from Tabata 1950:104). Lieutenant-Governor Andries Stockenström, clearly under the

influence of Dr Phillip, subsequently declared: ‘I believe that every measure tending to lower the importance of the chiefs is calculated to weaken the hold we have on the people’ (Quoted in Tabata 1950:105).

These initial attempts to woo traditional authorities were however frustrated by ‘frontier wars’ that were fought between Africans and the British for “one hundred years” (Switzer 1993:3)<sup>38</sup>. Traditional authorities were in the forefront of most of these wars. The colonial strategy was thus to marginalise and to suppress them.<sup>39</sup> The Cape also differed from Natal in the sense that the people of the Cape Colony were not as unified and highly centralised as amaZulu. In the Cape there were a number of distinct groups, including abaThembu, amaMfengu and amaMpondo. It is these divisions that the British in the Cape exploited to undermine traditional authorities and further divide and rule Africans. The annexation of the Transkeian Territories between 1877 and 1894 gave the British an opportunity to systematically curtail the powers of traditional authorities (Hammond-Tooke 1968:456), and introduce their system of local government and administration.

The chief and resident magistrates played a dominant role in the administration of Africans. They were as much concerned with the administration of justice as with local administration. Peires comments that, although magistrates ‘appeared primarily to the local people in the guise of *uMantyi*, the Magistrate, the embodiment of law and justice’, in reality ‘he actually belonged to a department which was specifically empowered to act, by proclamation, outside normal legal procedures, to do whatever was necessary to maintain stability for the sake of white domination’ (2000:101).<sup>40</sup> Evans captures the tension magistrates faced thus:

On the one hand, state policy condensed all the authority of the central state in the local Native Commissioners, bestowing them with considerable power to demand the submission of Africans in the reserves. On the other hand, the

---

<sup>38</sup> See also Wagenaar (1988); Mbeki (1984:33).

<sup>39</sup> Tabata does not make reference to this shift by colonialists to undermine chiefs. He tends to argue that there was a continuity.

<sup>40</sup> The department that Peires referred to was the Native Affairs Department. The important point here is the concentration of various powers in the magistrate that Peires draws our attention to, rather than his claim about the perceptions of local people about the role of the magistrate.

department also viewed itself, and was perceived by an appreciable number of Africans in the reserves, as safeguarding their interests in a rapidly transforming world (1997:176).

However, Evans concedes that it became difficult for magistrates to maintain the above 'ambiguous profile' from the 1930s onwards. This is the period when magistrates began to enforce the Betterment Scheme.

The Transkei area was divided into districts that fell under the three Chief Magistrates of Transkei Proper (Butterworth), Tembuland (Umtata) and East Griqualand (Kokstad).<sup>41</sup> The East Griqualand magistracy incorporated Phondoland. In 1903, a United Transkeian Territories, made up of the three Chief Magistracies, was established under a Chief Magistrate in Umtata (Hammond-Tooke 1968:456). The Chief Magistrate was accountable to the Minister for Native Affairs. A magistrate, directly responsible to the Chief Magistrate, was put in charge of each of the districts. Districts were divided into 'wards' or 'locations'. Government appointed a headman in each location. The latter was not necessarily from a chiefly background, and was accountable to the magistrate. The headman served as an important link between government and rural people. As noted above, some chiefs were appointed as headmen. Traditional authorities did not play any significant role in the colonial system of rural administration. At the same time, however, the chieftaincy was not abolished. Traditional authorities remained as titular heads of their people, but their powers, as already indicated, were severely curtailed. They received a stipend and could still try civil cases involving customary law. However, appeals from their courts were tried in the magistrate's courts, and rural people were free<sup>42</sup> to by-pass the courts of traditional authorities if they so wished (Hammond-Tooke 1968:457). Mears' succinct statement of this position is worth quoting:

It was the fundamental policy to break down the powers of the chiefs, and to institute a system of paid headmen as subordinate officers to the Magistrates to carry out specific duties. Chiefs became government stipendiaries, and even today the leading tribal chiefs receive substantial stipends although they are not

---

<sup>41</sup> A total of 27 districts were established.

<sup>42</sup> Given complications of lodging appeals, this was, for the majority of illiterate and semi-literate rural people, more in theory, than in practice.

actively employed in the administrative organization. Headmen accordingly are more intimately associated with the administration of the Transkei than are the chiefs (1947:80)<sup>43</sup>.

However, as will be shown, the extent to which the “fundamental” policy of breaking down the powers of the chiefs became reality was dubious.

### *The Glen Grey Act and the District Council*

The powers of traditional authorities were further eroded by the introduction of the *Glen Grey Act* in 1894. This *Act* was promulgated during the Premiership of Cecil John Rhodes and in the same year that Phondoland was annexed. Hammond-Tooke (1968:455-6) has argued that the idea of establishing councils among the Cape ` tribes` dates back to the 1883 “*Report of the Cape Native Laws and Customs Commission*”.<sup>44</sup> By this time, which is also after the last frontier war of 1879, the widely held view was that traditional authorities had been defeated (McLoughin 1936). The British, however, maintained their ambiguous position of simultaneously undermining traditional authorities, whilst preserving a role for them. One of the key witnesses to the Cape Native Laws and Customs Commission was none other than Shepstone of Natal.<sup>45</sup> The influence of Shepstone was manifest in the Commission’s findings that the chief held land in trust on behalf of the tribe, and that people used the land in “subordination” to the chief “on communistic principles” (Channock 1996:25). It would appear that the British in the Cape drew a distinction between local government and land issues, and Shepstone’s evidence was used to formulate a policy on land in the reserves.

It is the issue of the African franchise that seems to have been decisive in Rhodes’ decision to pilot the *Glen Grey Act*. In terms of the *Constitution Ordinance* of the Cape, African male adults with a certain income and/or property qualified for the franchise. The annexation of the Transkeian Territories increased the number of Africans who

---

<sup>43</sup> See also Peires (2000:101).

<sup>44</sup> It will be seen when dealing with the case study of the Xhalinga district that there were also calls for some kind of ` selfgovernment` under the watchful eye of the magistrate.

<sup>45</sup> Davenport and Hunt refer to him as “a white expert ...of African custom in the matter of landholding” (1974:34).

qualified for the franchise, something that was seen as a threat by some White political parties such as the Afrikaner Bond (Hammond-Tooke 1968:459). After trying various measures to exclude Africans from the franchise from 1885, the British, under Rhodes, ultimately introduced the *Glen Grey Act* in 1894. The *Act* effectively excluded Africans from the franchise on the basis of property by declaring that the land allocated under individual title in terms of the *Glen Grey Act* be deemed, for purposes of parliamentary registration, to be under communal tenure. At the same time, the *Act* introduced the District Council system, as compensation for the loss of franchise, especially by the educated Africans. The Council, according to its architect, Rhodes, was “to keep the minds of natives occupied” (Quoted from Hammond-Tooke 1968:461 and Bundy 1987:140), and “to employ their minds on simple questions in connection with local affairs” (cited in Tabata 1950:106). These “local affairs” included, according to Rhodes, bridges, roads, education, and planting of trees.

Apart from the political concerns expressed above, there was also an economic justification for the introduction of the *Glen Grey Act*. In this regard, the *Act* was intended to limit the number of Africans dependent on land, and thus “indirectly force the surplus into the capitalist sector” (Lacey 1981:15). By this time, the capitalist sector had been boosted by the discovery of minerals from the 1870s. The discovery of minerals changed the Cape colonialists’ priorities of establishing a stable African peasantry and elite in favour of labour for the mines. As Lacey puts it, the aim of Rhodes was to “reduce a growing peasantry to a labouring class”, while at the same time ensuring that the “labouring class” did not become “fully assimilated and proletarianised” (1981:16). In order to ensure that mine workers were not fully proletarianised, mining capitalists favoured the retention of segregated reserves. Segregated reserves would ensure a cheap labour supply while confining migrant labourers to their families in the reserves. The farmers, for their part, were opposed to the reserve policy, as they saw reserves as, among others, providing “a refuge for labourers who deserted from the farms” (1981:13). They preferred a ‘master/servant’ relationship between farmers and workers (Lacey 1981:18).



The *Glen Grey Act* had three purposes - a land tenure arrangement, labour tax and a system of local government. With regard to land tenure, the *Act* introduced individual tenure based on surveyed allotments of four or five morgen<sup>46</sup>. There were, however, restrictions on the alienation of land and also the liability of forfeiture in the case of non-beneficial occupation (Hendricks 1990). When the *Glen Grey Act* was extended to the Transkei, this land tenure system no longer became a central objective. The labour tax, on the other hand, was meant to relieve the Cape Government of the costs of administering the Transkei (Bundy 1987:141; Tabata 1950:107). Rhodes also saw the purpose of the labour tax as a “gentle stimulant ... to remove them (the natives) from a life of sloth and laziness” thus teaching “them the dignity of labour”. (Quoted from Tabata 1950:106-7). However, there was so much opposition to its introduction that it was dropped in 1905. It is the council system that was implemented and extended to many rural areas in the reserves well into the twentieth century. The council model, like Shepstone’s model in Natal, relied on practices of “racial exclusion and paternalism” (Bundy 1987:140). However, unlike Shepstone, traditional authorities were not an integral part of Rhodes’ strategy.

By advocating the District Council as a separate institution for Africans, Rhodes was clearly a champion of segregation, rather than assimilation, even in the Cape. His reference to keeping the minds of natives occupied with “local affairs” was colonial. We have seen in the previous chapter how the French Governor Colonel advocated the retention of traditional institutions that would deal with “little affairs”. Mamdani (1996:53) gives a particular twist to ‘indirect rule’- that of Native Authorities in which the ‘chief’ was pivotal. Yet, as Chege (1997) has pointed out in his review of Mamdani’s Citizen and Subject, the use of “local rulers to buttress colonial rule ... has been inherent in the definition of colonialism.” Thus, unlike those who argue that the Cape system was a form of direct rule through magistrates (Evans 1997), this study would argue that the proposed District Councils and the headman system were indeed a form of indirect rule, albeit not through traditional authorities as in Natal.

---

<sup>46</sup> One morgen is 0.8 ha.

The *Act* was tested in the Glen Grey District.<sup>47</sup> The Glen Grey Council was made up of twelve members. The Governor nominated half of these members, while three each were elected by members of the Locations Boards of Glen Grey and Lady Frere.<sup>48</sup> The Magistrate presided over meetings and decisions and resolutions were subject to the approval of the Governor. The Resident Magistrate chaired council meetings. The term of office was three years. Provision was made for funds to be raised through a levy on landowners, who were male. The funds were to cover administration expenses, construction and maintenance of roads and bridges, tree planting, eradication of noxious weeds and the establishment of industrial and agricultural schools (Hammond-Tooke 1968:461).

Cecil John Rhodes had great visions about what the *Act* could achieve, telling his colleagues in the Cape House of Assembly: “Indeed, you may say this is a Native Bill for Africa. You are sitting in judgement on Africa” (Quoted from Bundy 1987:139)<sup>49</sup>. Soon after the promulgation of the *Act*, a proclamation flowing from it established councils in the southern Transkei areas dominated by amaMfengu. This provision was implemented in 1895. In 1899, another proclamation was issued, extending the system to the District of Centani. By the time of the Union of South Africa in 1910, the system had been extended to East Griqualand.

There were significant changes in the composition and election of the Council. The membership of the Council was halved, from twelve to six members per district. Four of the members were nominated by the headmen of the said district, at a meeting chaired by the Resident Magistrate, while the remaining two were appointed by the Governor. The Resident Magistrate chaired meetings and was also *ex officio* an additional member. The meetings of the Council were held quarterly. The duties and powers of these councils were by and large the same as the Glen Grey Council. The establishment of four district councils in southern Transkei in 1895 led to the introduction of the Transkei General Council. The latter body comprised the Chief Magistrate of Thembuland and the

---

<sup>47</sup> Until 1975, the Glen Grey district fell outside the Transkei and was part of the Ciskei.

<sup>48</sup> The Location Boards were themselves made up of appointed members.

Transkei, the magistrates of the southern Transkei districts with councils and eight African members, two of each nominated from the districts. When the *Act* was extended to East Griqualand, there was a change in the name of the Transkei General Council. This body became known as the Transkeian Territories General Council. The Xhosa name was *iBhunga* (or a private conference). This body met on an annual basis in Umtata. The Chief Magistrate of the Transkeian Territories was the chairperson of its meetings.

Implementation of the council system proved to be more problematic than Rhodes could have imagined. Firstly, the process was interrupted during the Anglo-Boer war of 1899-1902. From the end of the war in 1902 up until the creation of the Union of South Africa in 1910, the *Act* was further extended, as noted, to East Griqualand. It could not be extended to other areas. One of the main reasons for the delay in implementing the *Act* was the wide scale rejection of its provisions, including that of the council system (Bundy 1987:141-155). It is worth noting that hitherto members of the council were nominated, and not elected by taxpayers. The exclusion of taxpayers became a source of disgruntlement. A select committee of the Cape Assembly was appointed in 1903 to assess the council system. A labour agent of Idutywa, who was also the chairperson of the Transkei Vigilance Association, E. Mamba, told the committee:

The councils in the Transkei ...are appointed by the headmen, and not by the people. ... The Government take it that they represent the people, whereas they only represent the headmen. ... I know for a fact that if the appointment of Councillors was in the hands of the ratepayers, a better feeling would exist in favour of the Glen Grey Act. ...(Quoted from Hammond -Tooke 1968:462).<sup>50</sup>

In 1906 the Location Boards were abolished in the districts of Fingoland where councils existed. The system of nominating members entailed the election by ratepayers of three representatives among registered holders of land in a location. The election would take place at a meeting presided over by the ubiquitous magistrate. These representatives would then nominate four members and forward the names to the Governor-General for

---

<sup>49</sup> See also Tabata (1950:107).

approval. The Governor-General would nominate two members to make the six required members. This 'electoral college' system was extended to unsurveyed areas in 1913. In these areas, as noted, popular participation was not possible given that the headmen nominated the four candidates. According to Bundy, this electoral college was a 'concession won by the resisters' who were 'in favour of district councils that were popularly elected rather than those nominated by headmen' (1987:156). By 1925, the electoral college system was extended to all districts, except Phondoland. In Phondoland, as will be seen below, the Paramount Chief was responsible for nominating two of the four members.

It is worth pointing out that the Glen Grey Act did not disenfranchise Africans who already had franchise. However, given that the Glen Grey titles were not recognized as property qualifications, the Act prevented many Africans from obtaining the franchise. The issue of a qualified franchise for Africans became a bone of contention between the British and Afrikaners when they decided to establish the Union of South Africa. It was raised soon after the end of the South African War/Anglo-Boer War) by the South African Native Affairs Commission of 1903-5. This Commission sought to replace the Cape franchise with a system of separate representation of Africans in the legislatures of all the four colonies (Walshe 1987:43). However, at the time of Union in 1910, the Cape franchise was retained. But that was not the end of the debate on this issue.

At first glance, the council system appears to have been a radical plan to transform rural local government by, inter alia, democratising its representation through the election of some of its members. However, this partially elected representation was only at a district and territorial level, not at the grass roots 'location' level. At this level, the notion of elected representatives did not feature at all. Power was concentrated in the hands of unelected and compliant traditional authorities and headmen. No other structure existed at this local level of the location. But, as we have seen, headmen and traditional authorities were accountable to the all-powerful magistrate operating a magisterial district level. It

---

<sup>50</sup> As will be seen when dealing with the case study of Xhalanga, the question of the exclusion of ratepayers was raised as one, though not the only reason for the rejection of the *Glen Grey Act* in the District.

has been shown above that all headmen were responsible to the magistrate, and the same magistrate presided over the District Council and participated in the *iBhunga* in Umtata. In so far as rural people could appeal against sentences imposed by chiefs and headmen, the magistrate, to whom the appeals were lodged, had the final say.

### **From Union to Apartheid: the segregation period**

#### *Evolution of policy on rural location government and 'native administration'*

The Union of South Africa in 1910 brought together the different systems of administering Africans as shown in the previous section. The short-term compromise was to continue extending the qualified franchise to Africans in the Cape, but not to Africans in the other provinces. This compromise did not stop the promulgation of one of the key pieces of legislation after the Union that laid the basis for territorial segregation and, later, apartheid, namely, the *Natives Land Act* of 1913. This *Act* restricted Africans to the reserves where they could have access to, but not necessarily own land, especially in the rural areas. It should be borne in mind that the 1913 *Act* did not make any significant difference to the Cape where Africans were already in 'reserves'. The *Act* was particularly directed towards Africans in the former 'Boer Republics'. Given the small size of land promised in the 1913 *Land Act*, about 7% of the total land, the Beaumont Commission was later established "to assess the extent of African needs and find the land for release" (Davenport and Hunt 1974:32).

In the rural areas of these reserves, the Cape system of local government, the district and territorial council (*iBhunga*) was endorsed. The Transkei became the testing ground. Setting up Councils in the remaining districts of the Transkei after 1910 turned out to be a rather long and complex process taking just over two decades. The case study of Xhalanga, which is discussed in later chapters, will demonstrate the kinds of problems encountered in introducing a district council in the area. The extension of the system to Phondoland was also involved and led to a different set of arrangements for this particular area. Initially, a Phondoland General Council was established in Western

Phondoland in 1911. It was only almost twenty years later, in 1927 that this Council was extended to Eastern Phondoland.<sup>51</sup>

The composition of the Phondoland General Council was made up of the Chief Magistrate, as well as the presiding officer, the Magistrates of the various districts, councillors from each of the various districts and the two Paramount Chiefs of Western and Eastern Phondoland as *ex officio* members.<sup>52</sup> The General Council also met once a year, ‘usually a few weeks after the Transkeian General Council session’ (Hammond - Tooke 1968:463). The next move was to combine the two General Councils of Phondoland and the Transkeian Territories. Although under discussion from 1917, it was only in 1929 that earnest efforts were made when Paramount Chief Victor Poto and his councillors committed themselves to the process. Following a convention in Umtata in September 1929, the two General Councils endorsed the decision to amalgamate in 1930. In January 1931 the United Transkeian Territories General Council (UTTGC or *Bhunga*) was established. By this time, all districts in the Transkei had established District Councils. This included Xhalanga, which was the last district to accept the District Council.<sup>53</sup> In 1932 all the Transkei District Councils sent representatives to the UTTGC (Spiegel 1992:35). The *Bhunga* dealt with a wide range of issues such as education, roads, agriculture, irrigation, customary law, and limitation of stock. Important to note, though, is that the UTTGC ‘was in essence purely advisory and that, while it certainly voiced Native opinion, it had no real power of its own’ (Rogers 1933, as quoted in Hammond-Tooke 1968:462).

Although *iBhunga* was initially established to marginalise traditional authorities and create a platform for mainly educated Africans, this objective was not achieved as planned. It has been demonstrated above that Paramount Chiefs in Phondoland, in particular, were active participants in the council system. It is important to state, though, that their role was restricted (Mbeki 1984:35). Of the six members of the district council,

---

<sup>51</sup> Beinart (1982:120) argues that the council system was imposed on Eastern Phondoland.

<sup>52</sup> Western Phondoland comprises the districts of Libode, Ngqeleni and Port St John’s, whereas Eastern Phondoland comprises Bizana, Flagstaff, Lusikisiki and Tabankulu. Each of the seven districts nominated three councillors to the General Assembly.

the Paramount Chief nominated two members. The Governor-General nominated two of the remaining four members, while the rest were elected by ratepayers. The role of ratepayers in Phondoland was also severely restricted, thus imposing severe limitations on the democratic process of electing representatives. The involvement of the Paramount Chiefs of Phondoland in the nomination of members of Council, was specific to Phondoland, and did not affect the Paramount Chief of Thembuland. However, at the level of the *Bhunga*, all three Paramount Chiefs attended *ex officio*. The composition of the *Bhunga* after amalgamation was thus made up of the three Paramount Chiefs, Magistrates from the various districts and three representatives from each of the 26 District Councils. The Chief Magistrate presided over meetings. This made a total number of 108 members. As Hammond-Tooke noted, this number represented “a White-African ratio of 27:81, and an elected-official ratio of 78:30” (1968:464). Over time, the *Bhunga* had a fair representation of traditional authorities and headmen, coming in either as nominations by the magistrate or elected by rural taxpayers (Hammond-Tooke 1968; 1975).

Phondoland was treated differently from the other areas with regard to the nomination of members of the District Councils. One reason for this may be, as has been discussed, that Phondoland was the last to be annexed in 1894. By the end of the century, as Beinart has found, “the headmen had not become nearly so central in the administration of the Phondoland districts as they were in some other parts of the Territories. Magistrates still consulted with chiefs on important matters and were aware that the support of the chiefs was important if administrative action ... was to be successful” (1982:38). In addition, according to Hendricks, colonialists pledged: “Not an inch of your land shall be touched if you come peaceably under the Government” (Quoted in Hendricks 1990:62).

The above clearly demonstrates that traditional authorities in Phondoland were in a much stronger bargaining position than in other districts in the Cape. At first glance, this seems to strengthen Ismail’s contention cited in the previous chapter that “the institution has shown an amazing degree of resilience” (1999:1). However, in line with the argument of

---

<sup>53</sup> See the Xhalanga case study below.

this study, traditional authorities were junior partners and were careful not to marginalise themselves from the colonial structures. While they were suspicious that the council system would rob them of their powers, they did not oppose it, but rather sought better terms and concessions for themselves (Beinart 1982:118). Traditional authorities survived only in so far as they were prepared to collaborate with colonialists.

The first major legislative attempt to bring uniformity to rural local government in terms of the application of *iBhunga* to the rest of the country was the promulgation of the *Native Affairs Act* of 1920. This *Act* extended the council system to eight districts in the Ciskei, Mafeking, Marico, Taung and Rustenburg, six districts in the Northern Transvaal and two in Natal. The *Act* also made provision to set up General Councils in these districts. According to Mbeki:

Africans in reserves elsewhere in the country were brought to the Transkei by the government to see how good the *Bhunga* system was. The Ciskei General Council was formed after the Transkei model, and attempts were made to bring Zululand and the Transvaal reserves into line by the Native Affairs Act of 1920 (1984: 34).<sup>54</sup>

It must be noted, though, that apart from the Transkei, it is only in the Ciskei that a General Council was established. The rest of the country was overtaken by political events, in particular, the introduction of Bantu Authorities in the 1950s (Hammond-Tooke 1968: 463, footnote 16).

Traditional authorities were also prominent in *iBhunga* even outside Phondoland. This was the case, as will be seen below, particularly from the 1930s. Hammond-Tooke claims that by the 1940s and early 1950s, about 76% of councillors were 'chiefs' or headmen, the majority of whom were elected, with educated Africans making up a mere 9% of members (1968:466). One of the reasons educated people were not enthusiastic was that the advisory powers of *iBhunga* made it unattractive to them. At the same time, in the 1930s, when *iBhunga* was fully operational, there were already political

---

<sup>54</sup> Hammond-Tooke claims that the General Council was, outside the Transkei, only implemented in the Ciskei (1968: 463, n.16).



organisations that provided a more challenging forum for educated people than *iBhunga*. These were the African National Congress (ANC), the Communist Party of South Africa (CPSA) and the All African Convention (AAC), which was established in 1935. The domination of *iBhunga* by traditional authorities and headmen made it easier for the notion of Bantu Authorities to be accepted by *iBhunga* in the mid-1950s (Hammond-Tooke 1968:467).

In the meantime, territorial segregation and efforts to remove Africans from the common voters' roll received a major boost when the Pact Government, composed of the South African Labour Party and the National Party, came to power in 1924. In addition, the coming to power of the Pact Government created conditions for the establishment of a uniform system of 'Native Administration'. Hitherto, the Cape and Natal continued to practice their pre-1910 policies, a system of indirect rule through appointed traditional authorities emanating from the Shepstone era with respect to Natal, and headmen under White magistrates in the Cape.<sup>55</sup> In Natal, the Governor-General was called the Paramount Chief, whereas in the Cape White magistrates were accountable to the Chief Magistrate. What the Governor-General and the Chief Magistrate shared in common was that they ruled by decree, through proclamations published in the *Government Gazette* (Mamdani 1996:71).

The leading ideological figure in the Pact Government was General Hertzog, the leader of the National Party, an ardent opponent of the Cape qualified franchise, and a proponent of territorial segregation and 'native' representation in Parliament.<sup>56</sup> To achieve these objectives, in 1926 Hertzog tabled three bills on 'native affairs', the *Native Land Act Amendment Bill*, the *Union Native Council Bill* and the *Representation of Natives in Parliament Bill*. These bills, however, were sent to a Select Committee, but were too late to be handled in the 1927 session, and thus delayed (Davenport 1987:294).

---

<sup>55</sup> It will be recalled that some of these headmen were appointed from the ranks of those traditional authorities who were prepared to collaborate with colonialists.

<sup>56</sup> Hertzog had earlier resigned from the Union government in 1912 and formed his own party, the National Party.

The ideal of achieving uniformity in 'native administration' was given a further boost with the introduction of the *Native Administration Act* in 1927 (Evans 1997:180).<sup>57</sup> In terms of the *Act*, chieftaincy in a modified form came to be seen by segregationist ideologues as a means to defuse agrarian and industrial class conflict in the 1920s. The intention was to shore up the remains of the chieftaincy in a countrywide policy of indirect rule, which would allow for the segregation of the administration of justice (Hendricks and Ntsebeza 1999). According to Jack and Ray Simons, Hertzog and Smuts had agreed 'that it had been a great mistake and evil on the part of previous administrations to neglect tribal law, undermine the authority of chiefs, and deprive them of the power to restrain their young men' (1983:345). Section 2(9) of the *Native Administration Act* gives chiefs and headmen wide powers. The section reads:

Any person obstructing any officer, chief or headman in this section mentioned, in the lawful execution of his duties or disobeying any lawful order of or willfully insulting such officer, chief or headman while acting in the course of his duty or willfully obstructing the proceedings of any meeting lawfully convened by such officer, chief or headman in connection with his duty shall be guilty of an offence; and, in addition, any person who willfully insults any such officer, chief or headman while presiding over a meeting convened by him in connection with his duty or willfully obstructs the proceedings of such meeting may be removed therefrom and, if necessary, detained in custody by order of such officer, chief or headman until the conclusion of such meeting.

This section was to be extensively used against those who opposed Bantu Authorities in the late 1950s and early 1960s (see Tsotsi 1989). However, the power of traditional authorities was to be limited, with the state enjoying ultimate control (Beinart 1982:122). The *Native Administration Act* designated the Governor-General as the Supreme Chief of all natives in the Shepstonian tradition (Walshe 1987:110). The despotic powers of the Governor-General to rule by proclamations were extended.<sup>58</sup> The Governor-General had extensive powers, including the power to "divide" or "ama lgamate" tribes, to "constitute a new tribe"; to "create and define pass areas within which natives may be required to carry passes"; and to "prescribe regulations for the control and prohibition of the

---

<sup>57</sup> The Bill was gazetted in 1925.

movement of natives into, within or from any such areas". To crown it all, the *Act* gave the Governor-General powers to appoint a White Native Commissioner, his assistant or a chief - "the entire Native Administration", according to Mamdani (1996:71). Davenport's succinct account is worth quoting at length:

(The Governor-General) was made Supreme Chief over all Africans, with the authority to appoint native commissioners, chiefs and headmen, define tribal boundaries, alter the composition of tribes, and move tribes or individuals at will 'from any place to any other place within the Union upon such conditions as he may determine' provided Parliamentary approval was obtained if a tribe - as distinct from an individual - objected. His powers were also made to cover the registration and ultimate control of African-owned land, and all judicial procedure affecting Africans, both civil and criminal, through a separate system of courts surmounted by a Native Appeal Court, which was given the right to refuse appeals from its own judgements to the Appellate Division in Bloemfontein. (1987:294-5).

Mamdani has observed that in the Cape the Governor-General did not rule as the Supreme Chief over Cape 'natives'; he did so as a High Commissioner. The reason for this is that White magistrates, not chiefs, continued to administer customary law in the Cape. According to Mamdani (drawing from Dubow 1989): "It was the 'desperate opposition' of the Cape authorities 'to any increase in the judicial powers of the chiefs', whether in Transkei or Ciskei, that was 'largely responsible for excluding the Cape Province from the aegis of the 'Supreme Chief'" (1996:72)<sup>59</sup>. Magistrates responsible for native affairs in the Cape were under the Department of Native Affairs, and not the Department of Justice.

The segregationist project was taken a step further with the notorious 1936 Acts, the *Representation of Natives Act* and the *Native Trust and Land Act*. The former *Act* effectively deprived Africans in the Cape of their common roll franchise. While Africans on the voters' roll could remain, no further registration was possible. Africans were given a right to elect four White senators. Further, the *Act* established a toothless, advisory body with no executive powers at all, the Native Representative Council (NRC),

---

<sup>58</sup> Evans makes the point that rule by proclamation "had long been accepted as an important aspect of administration, both in Natal and in the Transkeian territories" (1997:180).

which met once a year for the detailed examination of projected legislation and general discussion (Walshe 1987:118).<sup>60</sup>

The *Native Trust and Land Act*, on the other hand, provided for the purchase of additional land, called 'released areas' for consolidation of the Reserves. This would bring the total size of land in the Reserves to a mere 13%. In terms of this *Act*, rural people applying for land would be granted a 'permit to occupy' (PTO), or the certificate of occupation, as proof that the piece of land had been allocated to the holder of the document. Section 4 of *Proclamation No. 26, 1936*, as amended, empowered the magistrate to grant permission: "To any person domiciled in the district, who has been duly authorised thereto by the headman (later, under apartheid, tribal authority), to occupy in a residential area for domestic purposes or in an arable area for agricultural purposes, a homestead allotment or an arable allotment, as the case may be." In terms reminiscent of the 'one man, one lot' land tenure system of the *Glen Grey Act*, the allocation of land, according to the *Act* was, inter alia, subject to the following condition: "not more than one homestead allotment and one arable allotment shall be allotted ... to any Native, provided that if such Native is living in customary union with more than one woman, one homestead and one arable allotment may be allotted for the purpose of each household".<sup>61</sup>

The PTO system entitled the holder of the site to remain in occupation until his death and to elect the person to whom he would like the site to be allocated on his death.<sup>62</sup> In theory, the holder's rights could be forfeited for the following reasons: failing to take occupation or to fence within a year of allocation; and non-beneficial use for two years. In practice, the above conditions were often not adhered to. At the same time, while the PTO guaranteed its holder permanent occupation, the holder thereof was vulnerable. For example, PTO holders could be forcibly removed if the government, the nominal owner

---

<sup>59</sup> See also Evans (1997:180-181).

<sup>60</sup> Walshe (1987:118) notes that while in theory the NRC could draft its own bills, this did not happen in practice.

<sup>61</sup> It can be seen that the *Proclamation* arising out of the 1936 *Act* condoned and promoted polygamy.

<sup>62</sup> Land was only allocated to married men.

of land, deemed fit. This was the case when the government introduced its Betterment and Rehabilitation Schemes, or when development schemes, such as irrigation schemes, tea factories, and nature reserves were introduced. Some PTO holders were victims of banishments, in which case their houses would be demolished, often without compensation and recourse to law. Finally, PTOs were not recognised by financial institutions as collateral.

The systems of *iBhunga*, traditional authorities and headmen were affected by the government's introduction of the Betterment or Rehabilitation Schemes. These were conservation initiatives, initially outlined in 1939, which involved measures aimed at livestock limitation and soil conservation (Hendricks 1990; Chaskalson 1987; McAllister 1986; De Wet and McAllister 1983; Moll 1983). The issue of conservation became a subject of debate in the United Transkeian Territories General Council in the early 1930s. Fred J. Kockott, the Chairman of the District Council of Xhalanga, moved a 'Notice of Motion' which read:

The Chairman, District Council, Xhalanga, to move:-

` That with a view to combating the evils of soil erosion in particular and also with a view to improving the grade of stock in the Native locations in these Territories and the pastoral conditions generally therein, the Government be respectfully requested to provide legislation:

- (1) imposing levies upon all classes of stock graduated according to number, with provision for exemption for minimum numbers:
- (2) making provision for the establishment of location bodies and the investment thereof with
  - (a) a measure of control of the funds accruing from such levies, and
  - (b) the management of their commonage' (Pim 1933:76).

Kockott's argument was based on the view that "all classes of stock are increasing at a rate which has already burdened the commonages, and further similar expansion of the numbers will be a calamity of the first importance". He concluded: "Unfortunately our grazing grounds have not increased and I will prove that to-day they are already carrying twice their capacity" (Pim 1933:77). Instead of recommending that additional land be made available for grazing, Kockott suggested that there should be stock limitation that

entailed that “scrub” stock would be replaced with “quality” stock. While claiming, insultingly, that “it is characteristic of the Natives that they are happy-go-lucky; an admirable trait if not overdone”, Kockott argued that there was a need to “frame legislation which would save the Natives” (Pim 1933:78-9).

As indicated, the government adopted these conservation measures in 1939. After the Second World War, the Secretary for Native Affairs, Mr D.L. Smit, presented the scheme to *iBhunga* in the Ciskei in 1945. He assured his audience that the scheme would provide “a better life for the inhabitants<sup>63</sup> in the future” (Quoted from Tabata 1950:90). In reality, Tabata argued, the scheme meant a radical reduction of their already sadly insufficient stock. The problem, according to Tabata, was not overstocking, but understocking and land hunger (1950:90)<sup>64</sup>.

No serious policy shifts took place until the introduction of Bantu Authorities after the National Party came to power in 1948. Hammond-Tooke, while pointing out numerous shortcomings, has argued that the council system had “positive advantages”. According to him, the system “gave a valuable training in the problems and conduct of local government and in the procedure of meetings”. It also acted as a moderate pressure group. “It seems potentially at least”, Hammond -Tooke concluded, “the Council System had the promise for effective development if its powers had been considerably increased, although, in a sense, the granting of greater powers to District Councils would have conflicted with the autonomy of the District Magistrates” (1968:473). Bundy, on the other hand, has pointed out that historically the council system provided an important precedent and forerunner to the system of Bantu Authorities introduced in the 1950s and subsequently expanded as the Bantustans (Bundy 1987:141). It is not clear from Hammond-Tooke who the beneficiaries of these “positive advantages” were. What has been shown in this section is that the original intention of using the council system to attract intellectual and African leaders failed dismally, and the system ended up being an instrument of appointed chiefs and headmen.

---

<sup>63</sup> The “inhabitants”, here, referred to Africans in the ` reserves`.

<sup>64</sup> See also Evans (1997:177); Drew (1996).

### **Forms of resistance against *iBhunga*, traditional authorities and headmen during the segregation period**

Apart from the lack of interest shown by educated Africans towards *iBhunga*, rural people were suspicious of it. As Hammond-Tooke has argued, the main point of friction appears to have been the 'development' work of *iBhunga*, particularly its agricultural and rehabilitation schemes. These involved unpopular measures such as the culling and dipping of stock and the castration of scrub bulls and fencing (Hammond-Tooke 1968:471). Elliot Tonjeni, the assistant Provincial Secretary of the ANC, wrote a series of articles on "conditions in the Transkei Native Territories" for *Umsebenzi* (South African Worker), the organ of the Communist Party, S.A. Section of the Communist International in 1930. The system of *iBhunga* was one of his initial targets.

It is worth noting, though, that while the ANC, Industrial and Commercial Workers' Union (ICU) and the CPSA had had moderately friendly relationships in the mid-1920s, by the late 1920s (at the time of Tonjeni's articles), this had changed. These organisations were divided primarily around the 1928 Native Republic, but also, as will be seen, around the question of traditional authorities (Drew 2000:98-99).

Tonjeni's articles on *iBhunga* address the theme of, 'How the *Bunga* Works as an Agent of White Imperialism'.<sup>65</sup> Tonjeni accused *iBhunga* thus:

You will find under the Bunga System that millions of Natives are either fined by the Magistrates or sent to gaol for failing to clean their lands. I have paid the same fine twice. ... The taxes for dipping cattle under the Bunga System vary from 6 to 1/- a beast a year. Should any native fail to dip his stock, he must be arrested and be put in goal or fined. Millions of Natives, male and female have been severely punished under the Dipping Regulation. ... Between the end of last year and the beginning of this year, the police shot and killed a Native named Tana Nompalweni in the district of Pombu (*sic*) for failing to dip his cattle.<sup>66</sup>

---

<sup>65</sup> *Umsebenzi*, 12 September 1930.

<sup>66</sup> *Umsebenzi*, 19 September 1930.

Tonjeni was not impressed by the claim that *iBhunga* had constructed and controlled roads. According to him, ‘such roads are made at the expense of monies robbed from the defenceless Natives. About 95% of the Native population in the Native territory do not worry about roads. These roads are of great use only to about 5% of Natives who have ox wagons, and to that class of whites that fly about the country on beautiful motor-cars’.<sup>67</sup>

One of the problems was the perception that councillors did not communicate and provide leadership.<sup>68</sup> The involvement of magistrates and the Chief Magistrate in *iBhunga* seems to have pacified councillors. In this regard, Tonjeni narrated this story about his father:

My father is a Councillor and has been for more than 9 years. When they attend the Bunga they do not oppose the Magistrates, Chief Magistrate and other white exploiters. They only wait for the Bunga to fill their pockets with gold. If the Bunga would be attended by people who are distinctly opposed to oppression and who are prepared to represent the real interest of the squeezed Natives, perhaps it would be of some use.<sup>69</sup>

This problem was compounded by the fact that those elected were predominantly chiefs and headmen, who were also salaried by government, and thus found it extremely difficult to criticise policy or provide dynamic leadership. As early as 1930, Tonjeni was emphatic: ‘Unless we fight for the complete abolition of the system of granting pay to the chiefs, they will always represent the views of the Government’.<sup>70</sup>

The introduction of the Rehabilitation Scheme in the 1940s further discredited *iBhunga*. The latter supported the Rehabilitation Scheme. The people of the Transkei, where the implementation of the scheme was piloted, rejected the scheme and thus *iBhunga*. According to Tabata, a leader of the All African Convention (AAC), rural people ‘saw the scheme as a new Nongqause’<sup>71</sup> which would render vast numbers of the people a prey

---

<sup>67</sup> Umsebenzi, 19 September 1930.

<sup>68</sup> This will also be clear when we consider the case study of Xhalanga.

<sup>69</sup> Umsebenzi, 19 September 1930.

<sup>70</sup> Umsebenzi, 12 September 1930.

<sup>71</sup> This refers to the cattle-killing episode of 1877 (see Peires 1989).



to the vultures of labour, without land, without cattle, without rights of any kind” (Tabata 1950:90). Reporting on events in the Ciskei, a delegate to the Non-European Unity Conference in 1948 announced:

The people are kicking against this Rehabilitation Scheme. But in the fight they find their own headmen and chiefs and the Bhungas ranged against them, as well as the Government officials. In their despair they resorted to violence against the officials who carried out the Government order, failing to understand the real forces against them. ... The people have voluntarily formed Location Committees against their headmen and Bhunga to assert their right to decide how they should own their land” (quoted in Tabata 1950:91).

There was also resistance to the Rehabilitation Scheme in other parts of the Ciskei and Transkei such as AmaXesibe (Mt Ayliff), Phondoland, Peddie, Middledrift, Debenek (Tabata 1950:92). Tabata has written that “the biggest and most representative gathering of Africans seen in the Transkei for many years”, held in Umtata in January 1947 under the joint auspices of the Transkei Organised Bodies (T.O.B) and the Transkei Chiefs’ and Peoples’ Association, revealed “a rift in the whole of the Transkei ... between the people on the one side and the chiefs, headmen, Bhunga members and the M.R.C’s on the other” (1950:93).

#### *Chiefs and headman in the rural struggles of the segregation period*

Hammond-Tooke (1975) has argued that the marginalisation of traditional authorities ironically boosted their standing among their constituencies. The reason for this was that they, unlike government appointed headmen, were not directly implementing the policies of the colonial administration. Clearly influenced by Hammond-Tooke, Evans argues: “It was not chiefs but headmen who were most directly impacted by the politicization of peasant society. Direct rule relieved chiefs of direct responsibility for unpopular administrative measures, transferring the burdens of the intercalary position to the headmen who served as the official interlocutors between magistrates and commoners” (Evans 1997:222). But Evans was quick to point out that “chiefs were not completely irrelevant to administration, (as) it was standard practice for magistrates to strike up

cordial relations with chiefs and to rely on them to disseminate information and to legitimize administrative measures” (Evans 1997:222).

Further, Evans has reminded us that despite the “formal omnipotence of the local magistrate, layers of society lay beyond his immediate control, affording nodes where Africans regulated their daily lives through institutions that predated the colonial period” (Evans 1997:209). In this regard, colonialists could not dispense with the traditional authorities and their institution entirely. This was especially true given that, as late as the 1930s, over 80% of Africans continued to live in rural areas (Beinart and Dubow 1995:10). What the precise role of traditional authorities was, especially given that they were not, in the late 1920s, formally incorporated into the colonial administrative structure, save as headmen, was never clear (Evans 1997:210).

This study argues that the introduction of the *Native Administration Act* of 1927, in particular, effectively drew traditional authorities into the state apparatus. By the late 1920s, even well known traditional authorities such as Dalindyebo and Ndamase (Victor Poto in Western Phondoland) were openly collaborating with government. For example, Tonjeni reported that Chief David Dalindyebo complained to the Minister for Native Affairs that, ‘the Natives ... did not want agitators, and they trusted that the Minister would put his finger upon them and shutter them’. These “agitators” were evidently members of the Communist Party of South Africa who were active in the Transkei in the late 1920s. In the same meeting, Chief Victor Ndamase is also reported as having assured the Government Minister of the loyalty of the Natives”. This, according to Tonjeni, was at a meeting of *iBhunga*, held in August 1930, where the Minister, Mr Jansen ‘praised the Council or Bhunga system, which controls 4,000 miles of road, 1,500 dipping tanks, numerous plantations and irrigation works, all from monies provided by the Natives themselves’.<sup>72</sup>

Indeed, the extent to which traditional authorities were marginalized, and thus rendered legitimate amongst their constituency in the colonial/segregation period is questionable.

---

<sup>72</sup> Umsebenzi, 19 September 1930.

Evans claimed that headmen “were commoners appointed to the position by the department on the recommendation of the magistrate” (Evans 1997:223). Yet, as Beinart has shown in the case of Phondoland, and as the case study of this thesis will show, traditional authorities were also appointed as headmen. As such, these traditional authorities were enlisted into colonial government administration. In this capacity, they were compelled to implement government policies, including the hated Betterment Scheme. These traditional authorities were thus neither marginalised nor could they remain legitimate.

Gluckman’s depiction of the position of the ‘village headman’ in British Central Africa applies, by and large, to the South African traditional authorities that were part of the colonial administration:

The difficulties of the headman’s position are enormously aggravated in the modern political system. In the past, he and his followers, with their neighbours and the chief, held a common set of values. They do not accept the values of the dominant modern authorities today: those of the British administration. Yet the headman is a key official, is usually unpaid, in that administration ...he tries to enforce the rules for he is liable to be punished if he does not, by fining, imprisonment, and ultimately deposition. As he applies these unwelcome and unacceptable rules, his position becomes subject to still greater strains (1963:152).

We have seen how resistance to the Betterment Scheme and attacks on traditional authorities and headmen demonstrated how difficult it was for traditional authorities and headmen to meet their “Janus-faced obligations”, to quote Chege (1997).

But it is true that at the time of the introduction of the *Bantu Authorities Act* in 1951, there were still traditional authorities who, although paid a monthly salary, were not directly enlisted in the administrative arm of the colonial government. Interestingly, Chief K.D. Matanzima was, until 1955, not directly part of the colonial administration. The introduction of the *Bantu Authorities Act*, though, brought an end to this ambiguity. As will be seen, traditional authorities were central to the apartheid Bantustan scheme that was based on Tribal Authorities for the rural areas.

### **Political organisations' policies on the chieftainship**

The first major African political organisation that was formed after the Union of South Africa was the African National Congress (ANC), established in 1912. The opening words of Pixley ka Izaka Seme, who played a major role in discussions that led to the formation of the ANC, bear testimony to the prominent position of 'chiefs' in the ANC agenda. He addresses his listeners as "Chiefs of royal blood and gentlemen of our race" (Walshe 1987:33).<sup>73</sup> The seven Paramount Chiefs and Dinizulu of amaZulu were "adopted as Honorary Presidents" and an upper house of chiefs was established "in which membership was to be for life" (Walshe 1987:35). Up until the early 1920s, traditional authorities were supportive of the ANC and in turn enjoyed respect from the organisation. They played a prominent role in preparations for the 1914 and 1919 ANC delegations to Britain, protesting against the 1913 *Natives Land Act* and pleading for the intervention of the British as the colonial power. Their support was mainly financial. Traditional authorities of the Northern Transvaal, North-East Transvaal and the Swazi Regent were prominent in this regard. Walshe reports that the Swazi Regent helped establish the official ANC newspaper *Abantu Batho*, while traditional authorities in the North-East and Northern Transvaal made generous financial contributions when funds were collected for the 1914 and 1919 delegations. So dependent was the ANC on the financial support of traditional authorities that when the 1919 delegation was "financially embarrassed in Britain the reaction ... was to fall back once again on 'the nobles'" (Walshe 1987:210).<sup>74</sup>

In theory, the upper house had enormous, autocratic powers. During provincial and national conferences, traditional authorities sat on a raised platform behind the ANC executive, listened to debates, took up resolutions passed by the "lower house" (the ANC executive), sat in council and delivered the verdict. The lower house could not debate the verdict "as ordinary members could not resume discussion of an issue after the chiefs had spoken" (Walshe 1987:210).<sup>75</sup> In practice, though, there does not seem to have been an occasion where traditional authorities used their vast powers. At the same time, it

---

<sup>73</sup> When the ANC constitution was drafted in 1919, the status of chiefs was entrenched in it.

<sup>74</sup> See also Maloka (1996).

appears as if the ANC did not intend to make traditional authorities prominent national figures within the organisation. As Walshe has noted, the ANC did not elect traditional authorities in its executive, and they were “seldom involved” in deputations and delegations (1987:213).

Where the ANC did not contest the power of traditional authorities was in the rural areas. At this level, the ANC was not active and traditional authorities were seen as representatives of rural people (Meli 1988). This position, coupled with the colonial strategy of indirect rule, ensured that traditional authorities enjoyed unchallenged powers. That the interests of chiefs and ANC supporters were not necessarily the same, as has been demonstrated above, was largely ignored by the ANC. At a national level, it seems, the relationship between the ANC and chiefs up to the 1930s suggests that it was primarily based on the financial contribution of traditional authorities to the ANC coffers.

From the early 1920s, the enthusiasm and participation of traditional authorities in ANC activities started to decline. By the late 1920s, only a handful attended the annual conferences and the upper house seems to have effectively ceased to exist (Walshe 1987:211). There were attempts to revive their participation when the ‘*Hertzog Bills*’ and the *Native Administration Bills* were published. A ‘Convention of Bantu Chiefs’ was called. But the existence of the Convention of Chiefs was short-lived. By 1930, this initiative had virtually collapsed. There are a number of reasons that contributed to the decline of chiefly participation in the ANC. In the first place, the failure of the ANC in its bid to contest the 1913 *Land Act* greatly dampened the enthusiasm of most traditional authorities which had hoped that they would get their land back. The failure also demonstrated that the balance of power greatly favoured government. In addition, traditional authorities were under increasing pressure, especially in the 1920s, to choose between the ANC and government. It will be recalled that after conquest, government paid them a stipend. Accepting a stipend put them in a ‘Janusfaced’ position. It is, *inter alia*, this leverage that government used to put pressure on them. We have seen in

---

<sup>75</sup> See also Mandela (1995) on decision-making under ‘Tribal Democracy’ and Nash (1999) for a critique of this form of democracy.

Tonjeni's coverage above that even Paramount Chiefs from respectable backgrounds found themselves openly collaborating with government. The other contributing factors to the decline of traditional authorities' support for the ANC were the issues that the ANC pursued after the war, such as the pass laws and racial discrimination in the work place. These issues had an urban bent in them and were not of direct relevance to chiefs (Walshe 1987).

Maloka (1996) has recently reminded us about tensions between the ANC and traditional authorities, especially as some members of the ANC became involved in organizations such as the Industrial and Commercial and Workers Union (ICU) and the Communist Party of South Africa in the 1920s. In 1926, Kadalie of the ICU strongly agitated for the expulsion of communists, accusing them of being a 'white man's party'(Simons and Simons 1983:432).<sup>76</sup> Like wise, the ANC conducted a witch-hunt against communists. For example, James Thaele, the Lesotho-born provincial president in the Western Cape, spearheaded the dismissal from the ANC of Ndobe and Tonjeni for advocating the Communist party's policies (Simons and Simons 1983:432-433).<sup>77</sup> In April 1930 the ANC replaced Gumede, who was sympathetic to the CPSA, with the more conservative Seme (Drew 2000:113).

When Seme became President-General of the ANC in 1930, he sought to re-establish the upper house. Under Seme's leadership, the ANC was, organisationally (Lodge 1983) and financially (Walshe 1987), at its weakest. Seme appealed to 'our educated young men and women not to lose contact with your own chiefs. You should make your chiefs and your tribal councils feel that education is a really good thing. It does not spoil people nor detribalize them'(Quoted from Lodge 1983:10). Recalling the role played by chiefs in the establishment of the ANC, Seme stated:

The foundation of the African National Congress was laid at the great Conference where all the principal chiefs and nearly all the chiefs in the land were represented. Although I had the honour to be the initiator of this

---

<sup>76</sup> The ICU expelled communists in December 1926.

<sup>77</sup> See also Drew (2000:98-9) for a discussion of tensions involving these organisations.

Conference, Chiefs Maama, Sayso, Molembo, Sekukuni, and others were the men who really created Congress (Walshe 1987:33).

The financial contribution of chiefs in the 1910s was obviously still fresh in Seme's mind. Not only did he suggest that the upper house of chiefs should be revived and integrated in the ANC, he went further to recommend that the upper house should also be in complete control of the monetary affairs of the organization (Walshe 1987:254). Despite this, Seme did not succeed. When Dr Xuma became president of the ANC in December 1940, he made strenuous efforts to transform the ANC. In December 1943, the ANC adopted a new constitution that, amongst other things eliminated the House of Chiefs. According to Davenport, this body 'had proved largely ineffective, especially since the Native Affairs Department had discouraged chiefs from participation in Congress activities' (1987:346).

The transformation of the ANC by Xuma, and the elimination of the Upper House of chiefs should not be understood to mean that the ANC dismissed the relevance of traditional authorities and their institution. In the late 1940s, Dr Xuma, is reported to have said: 'What is wanted ... is an intensive campaign and organization for direct representation in all legislative chambers ... and recognition of the status of chiefs' (from *Inkundla Ya Bantu*, as quoted in Tabata 1950:105). In 1949, Calata, the Secretary General of the ANC and Cape President, is alleged to have informed the Minister of Native Affairs: 'The fact that he (the paramount chief) has no fixed home lowered his status and had a bad psychological effect on the Gaikas. ... To a large extent detribalisation could be prevented if the Gaikas knew that their chief had permanent headquarters where they could go periodically to review the tribal bonds' (Tabata 1950:106).

It is worth noting that the ANC did not hold a uniform view of the relevance of chieftainship. When the *Native Administration Bill* was introduced, African leaders saw the recognition of traditional authorities as a return to 'tribalism', a stage they had outgrown. Professor Jabavu is alleged to have refused to be ruled by a 'chief', claiming: 'I am a civilized man' (quoted in Simons and Simons 1983:345). Champion, Secretary

of the Industrial and Commercial Workers' Union (ICU), held the view that 'tribalism and rule by chiefs would soon be things of the past' (Simons 1983: 345).

The ANC leadership under Seme favoured recognition of traditional authorities, although they were not specific about their role. Despite some modification, the ANC's ambiguous stance on traditional authorities continued under Xuma's leadership.

In contrast to the ANC, the All African Convention (AAC) and later the Non-European Unity Movement (NEUM) adopted a principled opposition to traditional authorities and their institutions. The AAC was established in 1935, in response to the introduction of the 'Hertzog' Land Bills in the same year (Drew 2000:202-203).<sup>78</sup> The NEUM was formed in 1943 by some of the leading members of the AAC. It adopted a 10-point programme. This 'bore the imprint of the nine-point programme formulated by Plekhanov in his 'Second Draft Programme of the Russian Social Democrats', and, according to Drew, was regarded by the NEUM as a "minimum programme", whose 'democratic demands could serve as a transitional programme to socialism' (Drew 2000:244-245). The fundamental premise of the NEUM was based on the principle of non-collaboration with, and boycotting of government created structures (Tabata 1950). Both the AAC and the NEUM opposed traditional authorities, because they regarded them as outdated institutions which collaborated with the state.

One of the leading activists and theoreticians of the All African Convention and Non-European Unity Movement was I.B. Tabata. Tabata, like Govan Mbeki of the ANC, did political work in the reserves in the 1940s and 1950s, when the Rehabilitation Scheme and Bantu Authorities were introduced (Drew 1996). His assessment of chiefs and headmen is particularly vitriolic, singling them out as key collaborators in the oppression of African people in the rural areas of the Reserves. In a hard-hitting pamphlet, The Boycott as Weapon of Struggle, Tabata depicted chiefs and headmen as an extended arm of government. He referred to them as 'policeman Chiefs and headmen':

---

<sup>78</sup> See above for a discussion of these Bills.



In this way the whole of the so-called Reserves was infested with an army of these Government creatures who vied with one another in serving their masters. In them the Government had a band of willing and efficient agents of controlling the African masses. All the laws and regulations which it pleased a tyrannical Government to make, were energetically carried to the people through the channel of these agencies. The policeman Chiefs and headmen were the first effective instruments for the domination of the African people (1952:6).

On their willingness to controlling the masses, Tabata asserted:

And the more the people were gripped by this ill-pervading fear, the more the headmen strutted amongst them, puffing out their breasts, full of the sense of their own importance. In such an atmosphere it is easy to imagine how the people could be dragooned into accepting any law or scheme imposed by the Government, even though it was obvious that it was dramatically opposed to their own interests (1952:7).

Tabata was extremely critical of the position of the ANC regarding chieftainship. He criticised Dr Xuma severely for his statement in the late 1940s, cited above. According to Tabata: "Here we see a man (Xuma) staking a claim for democratic rights and in the same breath asking for the very negation of democracy. The kindest interpretation that could be put on such a statement is that it reveals a confusion of political thought" (1950:105). Chieftainship, according to Tabata, is "an institution which belongs to the pre-feudal days", and it is part of an attempt "to extol tribalism". As an example of attempts to impose 'tribes' and 'chiefs', Tabata cited a Fingo chief. For Tabata, a Fingo chief "is rank absurdity", since "there is no such thing as a Fingo tribe", and amaMfengu did not have chiefs. Tabata argued that, after conquest, chiefs were "a cog in the vast administrative machinery for the control and the oppression of the Black man" (1950:103). Unlike ANC leaders such as Seme, Xuma and Calata, Tabata did not draw a distinction between collaborating and non-collaborating chiefs. The issue for him and the AAC and the NEUM, as will be clear in the next chapter, was chieftainship and its relevance after colonial conquest and land dispossession. In his words: "When the function of chieftainship is thus understood one would expect that no African leader in his proper senses would support it" (1950:105).

The positions of the ANC and AAC will be re-visited when dealing with the case study in later chapters.

### ***Conclusion***

This chapter has shown how the power of independent traditional authorities was undermined from the time of colonial conquest and land dispossession in the nineteenth century to the introduction of apartheid in 1948. This process was, however, gradual and uneven. It has been shown that the British and Dutch colonialists adopted different policies on traditional authorities in the period up to the Union of South Africa in 1910. The chapter has argued that it is the British policies that played a highly influential role in the formulation of policies on local government and traditional authorities in the rural areas of the former Bantustans (referred to as 'reserves' at the time), in the post-1910 period. It has been demonstrated that here, too, the British policies were not the same. In the Natal colony, a policy of indirect rule through traditional authorities, initiated under the stewardship of Shepstone was followed. However, under the specific conditions of the Cape in the nineteenth century, indirect rule through traditional authorities was not possible. In this colony, traditional authorities led pitched battles against colonialists in a number of 'frontier wars'. It thus became the colonial strategy to undermine and marginalise traditional authorities in this colony. Instead of traditional authorities, a system of headmen was put in place. In addition, Cecil John Rhodes introduced a council system. Both the headman and council systems, it has been argued, were a form of indirect rule, albeit not through traditional authorities. Those traditional authorities who participated in the headman and council systems did so not in their capacity as traditional authorities, but as state appointed headmen and members of the District and General Council. The position taken in this study challenges those such as Evans (1997) and Dubow (1995) who suggest that the system in the Cape was 'direct' rule through magistrates.

The chapter has shown how throughout the first two decades of Union, the government struggled to establish a uniform system of local government and land administration in the rural areas of the former Bantustans. Legislative efforts were made in the early 1920s

to introduce a uniform system of rural local government in the Reserves. This model, it has been argued, received a serious blow in the late 1920s when the *Native Administration Act* was introduced in 1927. The introduction of the *Native Administration Act* in 1927 marked a fundamental shift in government thinking. It was the herald of the ultimate state recognition, through the *Bantu Authorities Act* of 1951, of traditional authorities and headmen as the sole agents of local government and land administration in rural areas under their jurisdiction.

But this chapter has argued that even before the introduction of Bantu Authorities, the legitimacy of traditional authorities had been tested. This applied to those traditional authorities who were headmen and members of the District Councils. From the late 1930s, these traditional authorities were compelled to implement the government's conservation measures popularly known as the Betterment Scheme. Key to these measures was the culling of stock. The chapter has illustrated how administering the implementation of these draconian measures put headmen, including those traditional authorities who were headmen, in direct conflict with rural communities who would be severely affected by the measures. This was a clear expression of the loss of legitimacy, especially on the part of those traditional authorities who were formally enlisted in the administrative arm of the state.

The positions of political organisations, in this regard, have also been highlighted. The ANC's position towards traditional authorities was at best ambiguous. The AAC, on the other hand, has been shown to have adopted a principled position towards traditional authorities, suggesting that the institution and its incumbents belonged to the pre-colonial period and did not have any further role to play in an emerging South African capitalist system.

Hammond-Tooke's claim that, although the marginalisation of traditional authorities in rural local government and native administration rendered them powerless, they could, ironically, command a measure of legitimacy, has been challenged in this chapter. This claim is based on the assumption that they were not directly responsible for implementing

draconian government measures such as the Rehabilitation Schemes. It has been pointed out in this chapter that the majority of traditional authorities may well have not been directly part of the colonial administration in the early stages of colonisation, especially in the nineteenth century and the first two decades of the twentieth century. However, by the end of the 1920s, a growing number of them were appointed either as headmen, or served in the District and General Councils. Hammond-Tooke himself acknowledged that by the 1940s, traditional authorities dominated the General Council. These traditional authorities could not avoid discrediting themselves in the eyes of their 'subjects', as they were compelled to enforce government policies, including the Betterment Scheme. This chapter, however, concedes that there were traditional authorities who, for various reasons, were neither appointed as headmen nor were they members of the council system. These managed to avoid implementing government policies and could thus preserve their legitimacy. The case of Chief K.D. Matanzima, as will be elaborated upon in the case study, is one such example. As the next chapter will show, the introduction of Bantu Authorities, and the leading role destined for traditional authorities, ensured that no traditional authority could be neutral.

One of the themes of this study concerns the notion of the 'resilience' of traditional authorities and their institution. Although this study does not question the notion that traditional authorities and their institution have survived, it does question the suggestion that they survived because they were resilient. The term 'resilient' suggests some form of resistance and buoyancy. This study argues that traditional authorities have survived precisely because they were willing to be collaborators with colonialists and later the apartheid architects. In South Africa, colonialists opted for segregation and established 'reserves' for African occupation, as a means of controlling the colonised majority. It is in the rural areas of these reserves that, initially headmen and later, under apartheid, traditional authorities and headmen were incorporated in the colonial administration system. That traditional authorities in areas such as Phondoland struck deals with colonialists must be understood against the background of a gradual and uneven process of incorporation and the lack of equality between the negotiating parties - traditional authorities were the weaker component. The condition of traditional authorities

weakened further when they started implementing government policy. Having alienated themselves from their ` subjects', collaboration with the state was the only way to survive.

Another theme of this study that will be discussed in the next chapter and in relation to the case study is that the rural areas of the former Bantustans differed in some fundamental respects. Whereas in areas such as Phondoland and KwaZulu, a strong tradition of chieftainship existed, this was not the case in many parts of the Eastern Cape, in particular in the Ciskei, so-called Fingoland and parts of the South Western parts of the Transkei. So powerful and visible were these differences that, as will be seen in the next chapter, when *the Bantu Authorities Act* was introduced, a distinction was drawn between Tribal and Community Authorities. Tribal Authorities existed in areas where there were traditional authorities and Community Authorities in areas where none existed.

## CHAPTER 3

### The era of Tribal Authorities and resistance against them

#### Introduction

This chapter covers the apartheid era and the introduction in the 1950s of Tribal Authorities in which chiefs and headmen played a central role, to the decline of these institutions in the early 1990s. During the apartheid period, traditional authorities became highly authoritarian and despotic (Ntsebeza 1999; Delius 1996; Hendricks 1990; Mbeki 1984; Southhall 1983; Lodge 1983). They collaborated with the central state in the suppression of resistance to Tribal Authorities in the late 1950s and early 1960s. Operating through Tribal Authorities, they were the sole channel to key resources such as access to land, work contracts and pensions. They became what Mamdani (1996) describes as a “denched fist”, assuming complete dominance over the lives of rural people. On the whole, traditional authorities abused the power they derived from their monopoly over vital resources, in particular land. For example, over and above the official taxes that rural residents paid in the process of land allocation, traditional authorities and headmen imposed their own illegal taxes, often involving a bottle of brandy (De Wet and McAllister 1983:50). By the late 1980s, traditional authorities had entrenched themselves and had successfully intimidated rural people, especially those who resided in rural areas on a permanent basis - elderly men and women. Retired, elderly men and women were vulnerable given that they had limited alternatives, especially in terms of access to land.

While it may be argued that the struggles of the 1970s that were led by workers, students and the youth did not spread to the rural areas of the former Bantustans, the position in the 1980s was somewhat different. The intensification of urban struggles from the early 1980s impacted on rural areas too. In the rural areas of the former Bantustans, the targets were often, but not always, traditional authorities. As will be seen below, in places such as the Ciskei, the main target seems to have been headmen, as is evidenced by calls for the resignation of headmen *`pantsi ngozibonda'* (down with headmen). Unlike previous

rural struggles, the main actors were the youth. Under these circumstances, the ‘clenched fist’ was losing its grip and power. Traditional authorities in most parts of South Africa, with perhaps the exception of KwaZulu-Natal, were uncertain about their future. But, as will be argued, developments in rural areas under traditional authorities were highly uneven and remain so to this day.

Irrespective of the repressive and collaborative role that traditional authorities played during the apartheid period, and the fact that they were discredited, and feared, they won recognition in the 1993 Interim Constitution. In analysing how this came about, this chapter will provide a brief overview of the re-emergence of traditional authorities in the context of apartheid policy, including how they ended up being feared by some rural inhabitants and discredited in the eyes of other residents. The chapter will go on to focus on the struggles against apartheid in the 1980s, and how these initially urban-based struggles spread to rural areas. In this regard, the establishment of the United Democratic Front (UDF) and its role in the 1980s was critical and will be analysed. In addition, the relationship between the UDF, which was internally based, the ANC on Robben Island, and the (then banned) ANC and South African Communist Party in exile, will be explored. Throughout, the chapter will consider and compare the policies and the practices of the UDF, ANC and South African Communist Party with regard to traditional authorities. The formation of the Congress of Traditional Leaders of South Africa (CONTRALESA) and the role of traditional authorities in the IFP will be central in trying to understand the policy positions of the UDF, ANC and South African Communist Party. Finally, the chapter will consider the critical period of the early 1990s leading to the first democratic elections. In this period, the focus will be on the constitutional negotiation process. Key to this investigation will be an attempt to understand the debates and processes leading to the recognition of the ‘institution of traditional leadership’ in the 1993 Interim Constitution.

In an important sense, the above debates will be considered against the background of a negotiation process that assumed that all parties would make compromises in order to ensure that past combatants would become potential future collaborators (Sparks 1994).

Additionally, the debates should be considered against the background of imminent elections and the perceived need on the part of political organisations to win votes.

### **The introduction of Tribal Authorities**

The coming to power of the National Party in 1948 occurred against the background of a United Party government policy that was somewhat indecisive and inconclusive on the 'native' question. On the one hand, the United Party government pursued a policy in which 'natives' would be 'developing along their own lines'. This policy took the form of territorial segregation, the exclusion of Africans from the voters' roll and the recognition of traditional authorities, in their capacity as headmen, and as government representatives at an administrative area level. On the other hand, *iBhunga*, the Native Representative Council and the Smuts government's 'proposals for lessening segregation', on the eve of the 1948 election, kept African hopes of being accepted as part of a wider South Africa alive (Saunders and Southey 1998:12). It is largely this that accounted for the radicalisation of *iBhunga* after the Second World War, where it made demands for the individual enfranchisement of all Africans in South Africa. Outside South Africa, colonialism was also under pressure (Laurence 1976).

The introduction of Tribal Authorities dealt a heavy blow to African aspirations to qualify for individual franchise. One of the prime objectives of the National Party was to resolve the question of 'native administration'. Three years after coming to power, they introduced the *Bantu Authorities Act* (1951), whose main objectives were, inter alia, to provide for the establishment of Tribal Authorities, define their functions and abolish the Natives Representative Council. In practice, as Mafeje pointed out, the *Act* recognised 'the authority of the chiefs and other tribal dignitaries or people appointed by the Government as the legitimate rulers of the people in the Transkei and other 'Native Reserves'' (1963:7). With the introduction of the *Bantu Authorities Act*, Tribal Authorities replaced *iBhunga*.

Although a typical Tribal Authority was made up of a number of locations or administrative areas that were supposed to be grouped according to 'tribes' (Spiegel



1992:32), the grouping was not necessarily made up of homogeneous lineages (Segar 1989:30). In other words, the `tribes' were invented through the appointment, as before, of new loyal traditional authorities, and the recognition and creation of new lineages (Tapscott 1997).

Tribal Authorities were set up even in areas where there were no traditional authorities, a recognition on the part of the apartheid regime that rural areas were very uneven and not homogeneous. In these areas, Community Authorities, headed by headmen, were established.<sup>79</sup> The head of the Tribal Authority was assisted by `as many councillors as may be determined by the Governor-General' and a secretary. Headmen continued, as before, to be the head of administrative areas.<sup>80</sup> However, they were no longer directly accountable to the Magistrate, when administering matters such as land allocation, but to their respective Tribal Authorities.

Apart from establishing Tribal Authorities, the *Bantu Authorities Act* established Regional and Territorial Authorities. Setting up these levels created a new layer of traditional authorities who would be more and more removed from their people. This was particularly the case with those traditional authorities involved at territorial authority level. The dominance of traditional authorities at various levels marked a major policy shift from the *Bhunga* system, where the initial aim at least was, amongst others, to undermine their power. By making traditional authorities central in apartheid administration in the rural areas of the former Bantustans, the *Bantu Authorities Act* thus represented one of the building blocks of the apartheid policy of consolidating reserves, which also became known as Bantustans or `homelands'. These Bantustans were later to become self-governing, and in some instances, independent.<sup>81</sup>

Although Tribal Authorities were, especially in the period up to the introduction of self-government in 1963, placed firmly in charge of local administration, they were directly

---

<sup>79</sup> It should be noted that with time, the term `Tribal Authority' was commonly used.

<sup>80</sup> The administrative area is in turn sub-divided into sub-locations, each of which is headed by a sub-headman (*ibhodi*). Among the amaMpondo, sub-headmen are called *oonozithetyana* (Kepe 1997).

linked to the central government through the Department of Native Affairs. This was renamed, at the advent of apartheid, the Department of Bantu Administration and Development. In terms of the 1956 *Proclamation* which gave effect to the *Bantu Authorities Act*, the Minister of Native Affairs had the power to depose any chief, cancel the appointment of any councillor, appoint any officer with whatever powers he deemed necessary, control the treasury and budgetary spending, and authorise taxation. The Minister operated through a range of structures such as, in the case of the Transkei, the Chief Bantu Affairs Commissioner of the Transkei and Eastern Phondoland, the Commissioner-General, magistrates and Bantu Commissioners (Mafeje 1963:9). Mafeje summarised this situation in these terms:

It is this white bureaucracy, not the Bantu Authorities, that has, up to 1963, wielded actual power in the Transkei. From the Bantu Commissioner or the Resident Magistrate upwards, they occupy higher positions than any Bantu Authority, including the paramount chiefs. Even the ordinary white policeman seems to have more real power than most chiefs. For instance, early in 1963 I witnessed the spectacle of one of the most important chiefs in the Transkei, Chief Kaiser Matanzima, being harangued and embarrassed by a white policeman after he and his councillors had been alleged to have caused some trouble ... He was ordered to produce his reference book in public, and when he tried to explain who he was, the policeman did not care to know who he was. (1963:10)

Magistrates, from the Chief Magistrate downward, continued to play a dominant role in the initial stages of apartheid. As Spiegel noted, they were as concerned with administration of agriculture and roads, engineering, health, welfare and education, land allocation and tenure, and the collection of taxes, as they were with local administration of justice (1992:34). In these circumstances, Mbeki's assessment of the role of chiefs and Tribal Authorities is apt:

It is clear from the composition of these bodies that they represent merely the messengers of government will; the elected element is so small and so remote from the voters that it can hardly be held even to contribute to popular participation. The thesis of government policy is clear - Africans are still in the tribal stage, chiefs are the natural rulers, and the people neither want nor should have elected representatives (1984:40).

---

<sup>81</sup> None of the Bantustans were recognised as independent countries, other than by the apartheid regime that gave birth to them, and by other Bantustans.

However, it is worth noting that at administrative and Tribal Authority area levels, traditional authorities enjoyed unchallenged and unchallengeable powers vis-à-vis rural inhabitants, especially over administrative and judicial matters, for as long as they towed the government line.

The involvement of traditional authorities thoroughly discredited even those who may have enjoyed some degree of legitimacy by virtue of their marginalisation. We have seen that, according to Hammond-Tooke, these traditional authorities gained legitimacy among their people for the simple reason that they were not identified with government policies.<sup>82</sup> Traditional authorities that are often cited as having retained their legitimacy include the Paramount Chiefs Sabata Dalindyebo of the abaThembu and Morwamoche Sekhukhune in the Northern Transvaal (Delius 1996; Lodge 1983). Van Kessel and Oomen have even made an unsubstantiated claim that Sabata ‘headed the revolt in Tembuland’ (1997:563). As will be seen in the case study of Xhalanga, some Xhalanga residents and political activists such as Tsotsi also regarded Chief K.D. Matanzima as a ‘progressive’ chief. However, with the introduction of the Bantu Authorities Act, there was little room left for this variation. As paid government agents, they were forced to comply. Victor Poto’s pledge, as quoted in Hendricks, sums up the extent of capitulation; ‘I have pledged my loyalty and trust to Dr Verwoerd’s government which has brought so many benefits for the enjoyment of the Bantu people’ (1990:48).

What Poto should have pointed out is that it is, as Southall (1983; 1977) has indicated, traditional authorities and civil servants who were the real beneficiaries of apartheid, and not ‘the Bantu people’, particularly rural residents<sup>83</sup>.

---

<sup>82</sup> It is important to bear in mind, though, that the *Native Administration Act* of 1927 had already undermined the independence of chiefs. For example, the *Act* provided that the chief or headman carry out orders given through the Bantu Affairs Commissioner or any other officer of the Government, on pain of summary dismissal.

<sup>83</sup> See also Stultz (1979).

Dalindyebo's case is somewhat different. According to Govan Mbeki, Paramount Chief Dalindyebo had been in a state of continuous conflict with the government over Bantu Authorities. Despite this, though, when the Recess Committee of the Transkei Territorial Authorities, which included Dalindyebo, was required to endorse Bantu Authorities, "all twenty seven members", including, according to Mbeki, "those who during the session were to oppose its major aspects", signed. Paramount Chief Dalindyebo was one of those who were to oppose. His reason for signing, as quoted in Mbeki, was given in the form of the following question: "Are you aware that when I was requested to sign I *had* to sign because I am a government man?" (1984:58).

Years later, on the issue of self-government, Dalindyebo's position was also equivocal. He initially supported the granting of self-government to the Transkei, but later "changed his mind", not by opposing the concept of "self-government", but by proposing an alternative constitution (Mafeje 1963:12-13).

The above clearly demonstrates how difficult it became, even for the most progressive traditional authority, not to toe the apartheid line. Having said this, traditional authorities did not all relate in the same way to the apartheid system. There were those, such as K.D. Matanzima, who shamelessly collaborated with the apartheid regime. Others, such as Sabata Dalindyebo, were reluctant participants in the apartheid game.<sup>84</sup> Others included Albert Luthuli and Nelson Mandela. However, both the latter were minor chiefs and it is as leaders of political organisations, and not as traditional authorities, that they won their recognition.<sup>85</sup>

In his recent book, Sunset at Midday: Latshon' ilang' em ini!, Mbeki (1996) has revisited the question of the role of traditional authorities in the struggle for liberation in South Africa. He was adamant, drawing from his own experiences as a participant in *iBhunga* in the Transkei in the 1940s, that it would not be possible to use the "government's

---

<sup>84</sup>Dalindyebo was eventually stripped of his power as Paramount Chief, prosecuted, and finally hounded out of the country by K.D. Matanzima. He joined the ANC in exile, where he died in 1985. For details of the power struggle between Sabata and Matanzima, see Chapter 6 below.

dummy institution to promote the freedom struggle”. Mbeki was referring to a debate within the ANC on the role that would be played by chiefs under the *Bantu Authorities Act*, particularly the role of Chief Mangosuthu Buthelezi who, at the time, was a member of the ANC. Buthelezi had accepted government appointment as a chief. Some ANC leaders, including Chief Albert Chief Albert Luthuli recommended that Buthelezi should be allowed to work “within the system”, the argument being that a chief friendlier to the ANC was better than a ‘less friendly’ one. What Luthuli did not know, though, was that Buthelezi had, like Victor Poto cited above, pledged his loyalty to the government and to “do his best to explain the Bantu Authorities Act to his tribe and to persuade them of its merits” (1996:91). Mzala has quoted Buthelezi as having strongly suggested to the government that the acceptance of the *Bantu Authorities Act*, the ‘Bantu Education and other Acts of parliament’ be compulsory, arguing that “opposition to it could only be suicidal” (1988:70)<sup>86</sup>.

Contrasting Buthelezi with Luthuli, Mbeki has come to the following conclusion about traditional authorities in the struggle:

This (Buthelezi’s position) is a very different route to that taken by Chief Luthuli himself when, earlier in the decade, he had been forced by the government to choose between holding his position as chief of the Amakholwa in the Stenga district and being president of the ANC. Luthuli had opted for the ANC, becoming the people’s chief, whereas Buthelezi willingly allowed himself to become a government chief (1996:91).

The above once again reinforces the central argument of this section that the introduction of the *Bantu Authorities Act* compromised even those chiefs who were regarded as progressive.

### **Resistance to Tribal Authorities and government’s response**

As Tsotsi has stated, the implementation of the *Bantu Authorities Act* became a focal point of conflict between Government and the African ` peasants throughout South

---

<sup>85</sup> On Albert Luthuli see Luthuli (1965) and Benson (1963).

<sup>86</sup> See also Mbeki (1996:92).

Africa (1989:49). At the heart of the resistance was the association of Tribal Authorities with the implementation of the much-hated and draconian conservation Betterment Scheme discussed in the previous chapter. Initially outlined in *Proclamation 31* of 1939, the implementation of these measures was delayed, largely due to the Second World War. When the National Party came to power, they incorporated the Betterment Scheme in its Tribal Authority system that, amongst others, included the re-division of land into grazing, cultivation and residential areas (Chaskalson 1987:47)<sup>87</sup>.

Whereas resistance to the Betterment Scheme in the 1940s occurred only in certain areas, such as Zoutspansberg and Sekhukhuneland (Lodge 1983:268; see also Hirson 1976), resistance against Tribal Authorities covered a much wider area. These areas included Witzieshoek (Free State), Marico reserve (North West), Sekhukhuneland (Northern Province) and various parts of the Transkei, including Phondoland, Thembuland and ‘Emigrant Thembuland’ (Lodge 1983).<sup>88</sup> Resistance in Emigrant Thembuland, particularly in Xhalanga, is dealt with in detail in the case study. The most popular resistance in Phondoland is dealt with in this case study as a way of drawing comparisons. The burning issue in all these cases was the land question, both in terms of land tenure and administration.

Over and above the question of the Betterment Scheme, resistance in Thembuland was linked to another issue, namely the question of ‘how it came about that there should be a lack of uniformity in the administration of the Proclamation on the Bantu Authorities’.<sup>89</sup> In this regard, headmen ‘and people of Umtata District’ had met at the Great Place of Paramount Chief Sabata at Bumbana on 24 August 1957 and expressed their unhappiness about the differences in the powers of the Paramount Chiefs of Phondoland and Thembuland. Traditional authorities in Phondoland had negotiated a special deal similar to the one they struck with regard to the District and General Council system, that their Paramount Chief be directly involved in the nomination and election of members of the Tribal Authorities. This ‘right’ was not extended to Paramount Chief Sabata Dalindyebo.

---

<sup>87</sup> See also Drew (1996); McAllister (1986); De Wet and McAllister (1983).

<sup>88</sup> For the Transkei cases, see also Mbeki (1984) and Lawrence (1976).

In a subsequent letter, the followers of Sabata led by his secretary Jackson Nkosiyané articulated their concerns in these terms:

Our Paramount Chief is not given this right for a reason unknown to us. Our Paramount Chief is placed in a position of a man who owns sheep, but told not to go to the sheep kraal because he is great and meanwhile the sheep are kraaled with the jackal. In this way he is divorced from his people and we are perfectly convinced that this whole scheme is aimed at killing our chieftainship because our head had been removed from us. By the introduction of the Bantu Authorities we thought that we were going to manage our own affairs with the Paramount Chief as our leader and head.<sup>90</sup>

It should be noted that the above objection was not against the principle of establishing Tribal Authorities. Indeed, as we have seen, Paramount Chief Sabata supported Tribal Authorities.

The Supervisory Officer of the Transkeian Bantu Authorities, E. Pearce, dismissed the above objection on the grounds that the situation in Phondoland was an extension of “the old Council system”, pointing out that this “was their traditional method in Pondoland but not in Tembuland”.<sup>91</sup> The followers of Sabata were not happy with this explanation and pursued the matter through meetings with government officials and a memorandum to the Secretary for Bantu Administration and Development. We shall see below how the apartheid state responded.

#### *Government response*

The apartheid government showed at the outset that it would not tolerate any opposition to its policies. Those resisting the establishment of Tribal Authorities were often labelled agitators. In the period before 1960, the main weapons that government used against these so-called agitators was deportation. For example, in Sekhukhuneland, the Bapedi Paramount Chief who rejected Tribal Authorities was deposed and deported to Xhalanga (Tsotsi 1989). In Thembuland, supporters of Paramount Chief Sabata Dalindyebo,

---

<sup>89</sup> NTS, 9037, 269/362(3)A – 271/362.

<sup>90</sup> NTS, 9037, 269/362(3)A – 271/362. Letter to the Secretary for Native Affairs, dated 13 September 1957.

namely, J. Nkosiyanane, Secretary to the Paramount Chief, B. Joyi, T. Joyi and Mgolombane were arrested by the Government and deported on 30 May 1958 to remote places outside the Transkei.<sup>92</sup> When resistance in the whole country intensified in the early 1960s, the apartheid regime became more and more repressive. In the aftermath of the 1960 Sharpeville and Langa incidents, a state of emergency was declared. In addition, it banned the key political parties of the time, the ANC and PAC (Lodge 1983). The culmination of the state's concerted efforts was the arrests in Rivonia in 1964, and eventual sentencing to life imprisonment of the main leaders of the ANC and SACP (Lodge 1983; Roux 1964). As will be seen in the case study, the Matanzima regime used deportations throughout his reign and well into the 1980s (Bell and Ntsebeza 2001).

The apartheid state adopted similar measures in the rural areas. Those who resisted Tribal Authorities were, in addition to being deported, arrested, charged and sentenced. A peculiar feature of events in the rural areas was the burning of huts of both supporters and opponents of Tribal Authorities. The case study of Xhalanga will provide a detailed account of resistance in that district and the state's response. Xhalanga is one of those rural areas where the burning of huts became a feature of resistance and revenge. Once again, this case study will be discussed in the context of resistance in other rural areas, in particular, Phondoland. Thus by 1964, active resistance in South Africa, both urban and rural, was, at least for some time, undermined. The extent to which political parties were involved in the rural struggle against Tribal Authorities will be discussed in the case study.

### **Tribal Authorities during apartheid in practice**

One of the most important pieces of legislation in the Bantustan strategy was the *Promotion of Self-Government Act* in 1959. The primary focus of this *Act* was to establish 'selfgovernment' in the former Bantustans. This was achieved when, in 1963,

---

<sup>91</sup> NTS, 9037, 269/362(3)A – 271/362.

<sup>92</sup> Jackson Nkosiyanane was deported to the farm Voorspoed in the district of Soutpansberg; Marelane alias Bangeliswe Joyi to the farm Joubertstroom in the district of Soutpansberg; and Jongimfene alias Twalimfene Gobinamba and McGregor Mgolombane to the farm Wesselsvlei in the district of Kuruman. The deportation orders were lifted on 25 November 1963. NTS, 9037,269/362(3)A – 271/362.



the Transkei was again chosen as the test case. When the Transkei became a 'self governing state', the Territorial Authority became the Transkei Legislative Assembly. This assembly was heavily weighed in favour of traditional authorities, given its composition of 64 traditional authorities and 45 elected members. The *Transkei Constitution Act* of 1963 established a Chief Minister and cabinet of five (Stultz 1979; Laurence 1976). A new category of 'traditional authorities', namely unrepresentative politicians, was emerging.

The establishment of a chief ministry and five cabinet posts meant that most of the administrative functions of the magistrates would be devolved to Umtata-based government departments (Spiegel 1992:35). This was largely the case with regard to the Department of Forestry and Agriculture, which played a central role in the process of allocating land and issuing of PTOs. This Department was responsible for development planning, which included demarcation of sites. No PTO could be issued without the approval of this Department. But this did not mean that magistrates lost their power. The magistrate and his office maintained their "all-purpose character" (Peires 2000; Spiegel 1992:35). Neither should this be understood to mean, as will be shown below, that traditional authorities and headmen at the administrative and Tribal Authority level did not have significant powers.

Wide-ranging powers to enforce government policies were given to traditional authorities and headmen. According to Mafeje, who conducted fieldwork at Engcobo in the Transkei between December 1962 and February 1963.

The implications of the delegation of such wide powers to the local authorities are too obvious to discuss. Briefly, the people in the Transkei cannot hold meetings, they cannot express their opinions freely, and they may be descended upon by the police at any time of the day or night. Mass arrests are a common sight in the Transkei, early dawn swoops are frequent, and assaults on the people by the police and the chiefs are a common occurrence (1963:18).

The catalogue of their abuse of power during the apartheid period is well documented. Mbeki has written that the government turned to chiefs, "offering to those whose areas will accept rehabilitation measures appropriate incentives: increased special stipends,

increased land allotments, words of praise and places of honour, and, behind all, the right to continue as government appointed Chiefs”. On their harshness and the undemocratic methods they applied, Mbeki continues:

With these fruits of office dangling before them, the Chiefs often commit peasants to acceptance of the rehabilitation scheme without consulting them. Then, when preparations are made for the implementation of the scheme ... the peasants question with surprise the cause of all this activity. ... And now the Chief hits back at them mercilessly. The instigators of the discontent are brought to the Bush Court (Chief's Court) with the greatest haste and the least formality (1984:97-8).<sup>93</sup>

This clearly shows that as early as the 1960s, traditional authorities were making themselves feared agents of the apartheid state. The issue as to whether traditional authorities were respected or feared is one of the themes of this study. The picture depicted by Mbeki above suggests that traditional authorities were deriving support from their subjects more out of fear than respect.

When a self-governing Transkei adopted the *Bantu Authorities Act* in 1965, the *Act* was renamed the '*Transkei Authorities Act*'. The composition of the tribal authority was altered to include the Paramount Chief as an *ex officio* member. In addition, an attempt was made to democratise tribal authorities by electing some of its representatives. Once again, the balance of power greatly favoured traditional authorities. According to the *Transkei Authorities Act*, the head and the Paramount Chief of the Tribal Authority could appoint two thirds of the councillors, while registered voters within the area could only elect up to a third of the councillors (Segar 1989:31).

The 'independence' of the Transkei and Ciskei in 1976 and 1981 respectively did not alter land tenure and power relations in rural areas. If anything, the power of traditional authorities, together with headmen and sub-headmen, was strengthened. The two Bantustans in the Eastern Cape, Transkei and Ciskei, continued to issue PTOs in terms of the 1936 *Land Act*. There was, however, a slight difference in terms of who allocated

---

<sup>93</sup> For similar accounts see, amongst others, Manona (1997); Tapscott (1997); Spiegel (1992); Segar (1989) and Southhall (1983).

land at a village level. In the Transkei, the allocation process started at the sub-headman level, to the headman and ultimately to the tribal authority, who sent the application to the Magistrate. In the Ciskei, though, 'land (was) administered more or less by the magistrate through village headmen without regular recourse to tribal authorities' (Cross 1991:72, referring to de Wet 1987).

Academics such as Spiegel have commented that self-government and, in particular, independence, created 'a more rigid division of administrative functions between the various separate departments', and minimised the 'importance - at the local level - of chiefs and headman'. While quick to state that this does not 'suggest that chiefs suffered total demise of their power', Spiegel does point out that power 'shifted from the local level to the centre of Transkei politics where (chiefs) retained half the seats in the legislature, and took a number of elected seats' (1992:37). Spiegel, in this case was referring to the all-powerful role of the police, especially the security police, during Transkei independence, and how even traditional authorities feared them.

The above argument, however, tends to downplay the vast powers traditional authorities, headmen and Tribal Authorities enjoyed at the local administrative and Tribal Authority level, particularly in the case of land allocation. Segar recalled a remark that was made by an agricultural officer in Maluti that a Tribal Authority could not refuse him permission, on the basis that 'they have no power at all, the real power is there at Maluti' (1989:33). Segar correctly contested this claim, and argued that, Tribal Authorities, on the contrary, 'wield far greater power than the agricultural officer acknowledged' (1989:33). She cited an example of an application that was delayed because the headman did not approve. Her point was that 'without the support of the Tribal Authority, people's petitions for such things as pensions or plots may never reach any further up the hierarchy' (1989:34). The underlying point in Segar's case is that it was not easy to challenge Tribal Authorities even in instances where they acted outside the law and regulations.

What the above discussion suggests is that there were concentrations of power, not merely in one authority, for example, the Tribal Authority, but in a number of authorities, with traditional authorities controlling almost all of these authorities. The Mamdani thesis of the “clenched fist”, in which he argues that power was fused in the Native or Tribal Authority, is evident in the case of the Transkei in particular where Tribal Authorities had some power concentrated in them, but there were also other layers of concentration of power.

Power and authority have been discussed in chapter 1 of this study. Although authors such as Ray and van Rouveroy van Nieuwaal (1996:26) have warned that these concepts are closely interrelated, it is possible to distinguish between them. In this regard, Weber’s distinction is useful for our purposes. As will be recalled, Weber defined domination or authority as “the probability that certain specific commands (or all commands) will be obeyed by a given group of persons” (1978:212). He argued that the notion of authority belongs to a family of concepts such as legitimacy. Central to this distinction, as has been shown in the previous chapter, is the notion that “legitimacy” be seen as a “basis by which a political order seeks the allegiance of its members” (Connolly 1987:279); a “political order’s worthiness to be recognised” (Baynes, as quoted in Ray 1996:183).

Quite clearly, traditional authorities in the apartheid period in particular, wielded power, but were not legitimate. Corruption and repression were features of traditional authority rule during ‘selfgovernment’ and ‘independence’.<sup>94</sup> A key instrument traditional authorities had at their disposal was control of land allocation. Their power in this regard, was largely enhanced, as Tapscott has noted, by the fact that Africans’ access to land was restricted to the Bantustans, the latter being “the only place where the majority of Africans could legitimately lay claim to a piece of land and a home... for an individual’s family and a future place of retirement” (1997:295). As noted, no PTO could be issued without Tribal Authority authorisation, in the form of the signature of the head of the

---

<sup>94</sup> For a Limpopo Province (formerly Northern Province and Northern Transvaal) perspective, see van Kessel and Oomen (1997).

Tribal Authority, some councillors, and the secretary of the Tribal Authority. Traditional authorities abused this power by charging unauthorised “dues to the Great Place” (*iimfanelo zakomkhulu*) to applicants. These fees ranged from alcohol, poultry, and sheep, to even an ox. This practice reached its zenith in the early 1990s when some cottage sites were illegally allocated to ‘whites’ along the Wild Coast. These sites were dubbed ‘brandy’ sites, as it was imperative that applications be accompanied, in addition to an agreed fee, by a bottle of brandy (Ntsebeza 1999).

The other areas in which traditional authorities abused their power were state pensions and tribal courts. The situation in rural areas was such that a vast number of rural people could not even get the benefits that they were entitled to without the approval of traditional authorities. The latter had to witness applications for these benefits. In the absence of alternatives, rural people were forced to recognise these authorities. In this regard, traditional authorities derived their power, not from popular support, but from the fact that they were feared and that rural people did not have any alternative ways of accessing their benefits. This affected a large proportion of rural people, especially the elderly (for pensions) and migrant workers (to renew their contracts). Van Kessel and Oomen, though, make an interesting observation with regard to the latter. They argue that the abolition of the pass laws in 1986 meant that migrant workers went to the cities without the need to present themselves to the office of the chief or headman. This, according to them, led to loss of revenue, a development that made chiefs “frequently” impose “new taxes to make up for the lost revenue”. They cite the example of people made to pay for water (1997:566).

Although in theory traditional authorities were supposed to lead development initiatives in their areas, their role in infrastructure development and service delivery - mainly roads and water, education and development (to the extent to which such existed) - was marginal. They acted largely as representatives of the relevant government departments. The secretaries of Tribal Authorities administered the budget for these services. This meant that traditional authorities were not empowered to deal with development issues,

such as development planning, service delivery, budgeting, and so on (see McIntosh et. al. 1996).

Part of the reason for this was that traditional authorities were a highly differentiated lot. As with most Africans, some took advantage of Western formal education initially offered by missionaries. When the National Party came to power in 1948 and introduced the *Bantu Authorities Act* in 1951 as a precursor to preparing Africans to become 'self governing' and 'independent' under traditional authorities, the latter needed to be prepared for this task. A minority became (and still are) politicians, business people, lawyers, teachers, or a combination of the above. Often, though, these traditional authorities would spend their lives away from the areas of their jurisdiction and appoint regents to stand in for them. They only periodically visit their areas of jurisdiction. Those who live permanently in the rural areas are often illiterate or semi-literate, and poor. They thus could not, and still cannot cope with the demands of a specialised field such as development planning.

Thus, in sharp contrast to the segregation period, where traditional authorities were, by and large, marginalised, their position in the apartheid period had changed quite remarkably. They were now being propped up and used as agents of social control at a local (administrative and Tribal Authority area) level. This meant that traditional authorities continued to survive during this period as an extended arm of the former Bantustan governments.

### **The re-emergence of rural resistance**

Despite the brutal suppression of opposition to apartheid in the late 1950s and early 1960s, resistance to the system re-emerged from the early 1970s. The new wave of resistance re-surfaced in the form of trade union organisation in the early 1970s and the Soweto students' uprisings in 1976. The formation in August 1983 of an ANC-aligned civic organisation, the United Democratic Front (UDF), marked a further development in the resurgence of opposition to apartheid. The UDF was established as a reaction to the

tripartite system whose aim was to incorporate so-called 'Coloureds' and 'Indians' in a South African constitutional structure. In this deal, Africans were excluded on the grounds that their political rights were in the former Bantustans (Seekings 2000, 1991; Van Kessel 2000, 1993; Houston 1997; Lodge and Nasson 1991; Swilling 1989, 1988). Within a year of its formation, the UDF launched a massive campaign in the 'Vaal Triangle' against increased rents, coupled with a perception that councillors were sell-outs (Seekings 1988). Most of the UDF initial activities were urban-based and urban-orientated. However, there were a few instances of rural resistance in the 1980s. The best-known rural revolts in this decade occurred in the former Northern and Eastern Transvaal (now Northern Province and Mpumalanga). Given the significance of these revolts to the establishment of the Congress of Traditional Leaders of South Africa (CONTRALESA), these cases will be dealt with in some detail here.

The former Bantustans that were affected were Lebowa in the Northern Transvaal, and in Eastern Transvaal, KwaNdebele. This was not the first time resistance occurred in Lebowa. We have seen above that Sekhukhuneland, a part of Lebowa, was one of the centres of rural protest against Bantu Authorities in the late 1950s. The immediate origins of the rural revolts in Lebowa in the 1980s, however, centred around high school protests that began in 1984, rather than land and livestock, as was the case in the 1950s. The actors were students and youth, and not the landholders and cattle owners of the 1950s (Van Kessel 1993:595). At face value, these protests were based on complaints of harsh discipline and sexual harassment. Students demanded elected representation (Lodge and Nasson 1991:120). However, as Van Kessel has argued, urban protests, from the Soweto uprisings onwards, had their influence on student and youth organisations in Sekhukhuneland. Urban students, among others, who were sent to rural areas in the aftermath of the Soweto uprisings, brought with them this influence. Given that the uprisings did not take place in rural areas in the 1970s, these areas were perceived to be stable. The other influence came from rural students who visited relatives in urban areas. By the early 1980s, the Congress of South African Students (COSAS), a high schools based organisation, began to establish its branches in Sekhukhuneland (Van Kessel 1993:602). Finally, the proximity of these former Bantustans to the 'Vaal Triangle', the

scene of the uprisings that started in 1984, must have had an impact on the rural revolts that subsequently erupted.

It is, however, in March 1986 that overt resistance in Sekhukhuneland occurred. According to Van Kessel, “thousands of youth ... commandeered buses and other vehicles and drove in a convoy to the Lebowa capital, where they wanted to present their demands to the Lebowa government” (1993:604). When the police intercepted the students’ march and assaulted them, students burnt government vehicles and called for the isolation of the police. The campaign was supported by youth congresses that were affiliated to the regional wing of the UDF in the former Northern Transvaal that had been established in February 1986 (Van Kessel 2000, 1995, 1993; Lodge and Nasson 1991). The campaign was expanded to address wider concerns, including the role of chieftainship. When traditional authorities resisted attempts to make them accountable in the form of inspecting their ledger books, the youth called for the abolition of the chieftaincy. The youth saw traditional authorities as the rural equivalent of the councillors in the townships, who were branded as puppets of the apartheid regime (Van Kessel 1993:607).<sup>95</sup> In the struggles that ensued, a chief and three headmen in an area called Driekop were hacked to death (Lodge 1991:120). The revolt was ultimately crushed in May 1986 when the South African Defence Force moved in and arrested youth leaders. Soon after the arrests, a national State of Emergency was declared in June 1986.

Following the crushing of the revolt, the struggle was pursued in different forms and under difficult circumstances. A Northern Transvaal People’s Congress (NOTPECO) was formed in August 1986 mainly to link the urban and the rural through migrant workers, in a move that was reminiscent of rural organisation in Sekhukhuneland in the 1950s.<sup>96</sup> NOTPECO invariably identified ‘chiefly problems’ around the levies they imposed on migrants upon their return from work. The organisation spelt out its position on traditional authorities quite clearly:

---

<sup>95</sup> Van Kessel conducted interviews in Sekhukhuneland in 1990 and 1991.

<sup>96</sup> See Delius P (1996) for a discussion of the anti-*Bantu Authorities Act* campaign in the 1950s.



The administration of the villages must be run by the village committee. We are strongly against the chief and his royal council running the whole affairs of the village. The people benefit nothing out of this. The community must be actively involved in the way the village is run. The community will take over the chief's office to administer the village. A constitution will be drawn up by the whole community. This will be used as a guideline to run that village. The chief will be stripped of his powers over the community. So it won't be like in the past where the chief runs the village, and where people run bringing presents to the chiefs. (Quoted in Van Kessel, from *Saspu National* 7,4 (Nov/Dec 1986)).

But, according to Van Kessel, it is not easy to measure the impact of NOTPECO. This was, in part, due to strains between NOTPECO and the UDF. The UDF held the view that NOTPECO should organise civics in townships, while NOTPECO considered its constituency to be rural communities (Van Kessel 1995:209). On the other hand, there does not seem to be much evidence to show that NOTPECO aggressively attempted to translate its vision and ideals into a concrete programme of action. The establishment of the Congress of Traditional Leaders of South Africa (CONTRALESA) in 1987, and the ANC recognition thereof, suggests that NOTPECO'S anti-chiefs position was not sufficiently influential to be adopted as an ANC policy towards traditional authorities.

If the struggle against traditional authorities characterised the latter part of the struggle in Lebowa, the opposite seems to have been the case in KwaNdebele, the last of the ten former Bantustans to be established.<sup>97</sup> In this former Bantustan, an alliance was struck between some traditional authorities and the leadership of the UDF. The alliance arose as a result of opposition from the 'royal family' (the Paramount Chief and his chiefs) to the independence of KwaNdebele. The KwaNdebele Legislative Assembly marginalised the royal family. Opposition to independence, according to Ritchken, was based on fears on the part of the royal family that independence would make things even worse for them (1989:394,437). This led to an alliance between the leadership of the youth and the royal family.

---

<sup>97</sup> The account of resistance in KwaNdebele is drawn, except where stated otherwise, from the Transvaal Rural Action Committee (1988).

The alliance between the 'royal family' and the UDF-inspired youth is yet another example of the preparedness of traditional authorities to strike alliances simply for the sake of survival. At the same time, as will be seen below, the alliance was a good example of the extent to which the UDF was prepared to extend its strategy of broadening its base in its struggle against apartheid. Concerning the alliance in KwaNdebele, the Transvaal Rural Action Committee observed:

A striking aspect of the role of the youth in the war was their capacity to sustain close relationships with both local villagers and the KwaNdebele royal family. In this sense, the government characterisation of the youth as wild and undisciplined bands terrorising the local population does not reflect reality. In various areas youth even began to use tribal authority offices with the agreement of headmen. Consultation with parents also took place, as was demonstrated by the school boycott (1988:128).

It is important to bear in mind that just as statements that, as the above quotation shows, the youth was "wild and undisciplined" could not be generalised, it would equally be wrong to generalise on the basis of the above. The youth has never been homogeneous and their behaviour is different depending on locality and the youth category; for example student youth, unemployed youth, tsotsi and so on.<sup>98</sup>

Despite the resistance, the apartheid regime announced that KwaNdebele would be granted independence with retrospective effect. At the same time, Ekangala was finally incorporated to KwaNdebele. The detention under the State of Emergency of members of the royal family, Prince James Mahlangu and his brother Andries preceded this announcement. These detentions were followed by a solidarity strike by civil servants. In early 1987 the status of the royal family was downgraded and its legitimacy questioned. In May 1987, the leader of the opposition, Cornelius Mahlangu was arrested as he left the British Consulate. Oomen (1996:49) has viewed this experience on the part of the royal family as costly. However, considered against future developments, especially the formation of CONTRALESA, it is doubtful if this experience was indeed costly to the royal family.

---

<sup>98</sup> For a discussion of some of these categories, see Ntsebeza (1993).

In the Eastern Cape, the forces of resistance in the 1980s, including trade unions and the UDF struggled to establish a foothold in the former Bantustans. This was particularly the case in the Transkei. The brutality of the Matanzima regime largely contributed to these doldrums (Peires 1992). We shall see, when dealing with the case study of Xhalanga, how Matanzima clamped down on resistance in Xhalanga in the 1980s; this is clearly evident in the shameless murder, in broad daylight and full view of onlookers, of Bathandwa Ndong, by the South African and Transkeian security police in September 1985 (Ntsebeza 1994; Nash 1985). The other factor was that due to the fact that the Transkei did not have any major industries, it was not possible for a stable industrial working class to develop and, consequently, a visible and enduring trade union movement could not evolve in the Transkei.<sup>99</sup>

The situation in the Ciskei in this period, though, was slightly different. Here, there were instances of resistances, in particular, trade unionism led by the South African Allied Workers' Association (SAAWU). Most of these were in urban areas, in particular in the township of Mdantsane. The early instances of resistance occurred in the early 1980s. These culminated in the bus boycott of 1983 (Swilling 1989, 1988; Jack, 1984; Haysom 1983). Mdantsane was established in the 1960s as an African township. When the Ciskei homeland was established in the 1970s, the township was incorporated into the homeland. The township thus had a large working class that was employed in nearby East London and Berlin. These workers were mobilised when the trade union tradition re-emerged in the 1970s. It is these workers, as commuters, who were affected by increasing bus fares, and subsequently led the bus boycott.

Cases of resistance in rural Ciskei in the 1980s were few and far between. They centred on some communities in the Border Corridor who refused to be incorporated into the Ciskei. The Ciskei was granted its 'independence' in 1981 and these communities wanted to be part of a unitary South Africa. As elsewhere in the country, people in these areas formed residents' associations. As a sign of protest, those rural residents who were in possession of the membership cards of the ruling Ciskei National Independence Party

---

<sup>99</sup> See Southall (1992, 1992a) on the labour movement in Transkei under the military regime.

(CNIP) burnt or returned their membership cards (Manona 1997:60). There were also land struggles in the resettlement camps of Zweledinga and Ntabethemba. These camps were established for people from the Glen Grey and Herschel Districts who did not want to be incorporated into an `independent' Transkei in 1976 (Beinart 1998; Ntsebeza 1995; Kruger 1993; Cobbett and Nakedi 1988). A large number of people from these districts were excluded from land allocation on the grounds that they could not establish their own Tribal Authorities given that they no longer had chiefs. In 1986, they approached Black Sash, a human rights NGO that in turn referred them to a land based NGO, the Grahamstown Rural Committee (GRC), later renamed Border Rural Committee (BRC).<sup>100</sup>

It is only in the early 1990s that resistance spread to other rural areas in the Eastern Cape. The military coups against the Matanzima and Sebe regimes in the Transkei and Ciskei in December 1987 and March 1990 respectively, greatly contributed to creating conditions for rural resistance.<sup>101</sup> With regard to the Transkei, the re-burial of Paramount Chief Sabata Dalindyebo in 1989 was the spark that led to resistance in the Transkei, including in rural areas. It is at this occasion that the military leader, Bantu Holomisa, pronounced his reservations about the `independence' of the Transkei and promised to hold a referendum (Peires 1992). In the Ciskei, the military leader, Oupa Gqozo, identified himself with the recently unbanned ANC (Manona 1997). This created a space for open political organisation in these former Bantustans.

Tribal Authorities became the objects of attack. There were calls for the resignation of headmen, the battle cry being `*phantsi ngozibonda*' (down with the headmen). In some areas, there were calls for alternative, democratically elected civic structures to replace Tribal Authorities. In vast areas of the Ciskei, the Tribal Authority system collapsed and the Civic Associations took over. Reading the mood at the time, Gqozo opportunistically announced, three weeks after the coup, that headmen should resign. Chiefs, however, were to be retained, although it was not clear what their role, functions and powers would

---

<sup>100</sup> See Wotshela's unpublished PhD thesis (2001).

be (Manona 1997).<sup>102</sup> Tribal authorities in most parts of the Transkei region were also challenged, but it was not always clear what was being challenged. In some case, civic organisations wanted to replace Tribal Authorities. In others, these structures were not necessarily challenged. The focus was on the corrupt practices of individual chiefs and headmen. Some drew a distinction between ` genuine' traditional authorities, with which they were happy, and ` illegitimate'traditional authorities (Ntsebeza 1999; Maloka 1995). The case study of Xhalanga below will provide details of how these structures were challenged in this district.

It is worth noting, though, that there were rural areas where Tribal Authorities were not challenged – again, evidence of the unevenness in the rural areas. In the Tshezi Tribal Authority, for example, no residents' associations were established and the Tribal Authority remained intact. In this area, the inhabitants who are involved in the social, political and economic life in the area are relatively illiterate and semi-literate, elderly, and fear the Tribal Authority and its incumbents (Ntsebeza 1999). Another example is KwaZulu-Natal. Here, an intense and bloody war took place mainly between the supporters of the Inkatha Freedom Party (IFP) and the United Democratic Front (UDF), and later the ANC, after the latter was unbanned. The IFP's support base was in the rural areas of Natal and they strenuously defended Tribal Authorities. Once again, Tribal Authorities in KwaZulu derived their authority from being feared, rather than being respected.

In sum, by the early 1990s, Tribal Authorities had, in many rural areas, been thoroughly discredited. Initially feared, these authorities were challenged and in some places, as we have seen, replaced by representative structures. The challenge of Tribal Authorities in the early 1990s should, of course, be viewed against the backdrop of the demise of apartheid. It is precisely this system that, building as it did on the foundations of the segregationist period, established and propped up Tribal Authorities. With its demise,

---

<sup>101</sup> By this time, K.D. Matanzima had officially retired as head of the Transkei and had handed over reigns to his younger brother, George Mzimvubu Matanzima.

<sup>102</sup> By the end of that year, though, Gqozo was unpopular and, realising the scale of resistance to his rule, he re-introduced headmen.

Tribal Authorities lost an important pillar. But, as has been shown, in some areas, Tribal Authorities and their incumbents persisted largely as a result of being feared and thus not actively and overtly challenged. As has been suggested, and will be seen below, alliance with the UDF and ANC was to ensure a further lease of life for traditional authorities.

### **Traditional authorities bounce back?**

As noted in the introduction, traditional authorities gained recognition in the Interim Constitution despite their collaborative role in the colonial and apartheid periods. The Interim Constitution, though, never spelt out what this recognition meant in terms of the roles, functions and powers of traditional authorities. In this thesis, I will suggest that three factors contributed to the endurance of these authorities into post-apartheid government. The first relevant factor was the policies of the ANC/SACP and the UDF towards traditional authorities, and in particular, the establishment of CONTRALESA. Secondly, the impact of the bloody conflict involving the UDF/ANC and Inkatha in KwaZulu-Natal in the 1980s and early 1990s and, thirdly, the involvement of the youth in rural politics. These factors together created the political conditions for the survival of traditional authorities and their institution, as this thesis will show.

#### *The ANC/SACP policies on traditional authorities, before the establishment of CONTRALESA*

The position of the ANC towards traditional authorities has always been ambivalent. To a large extent, the historical division between 'loyalists' and 'rebels' has influenced this ambivalence. It has already been noted in the previous chapter that when the ANC was formed, traditional authorities opposed to the Union of South Africa in 1910 were among its founding members. The ANC started becoming a radical organisation from the 1940s onwards, under pressure from the Youth League and its communist allies. Two broad schools of thought began to emerge - there were those who supported traditional authorities and who were critical of government policies, and those who, clearly under the influence of communists, argued that the institution belonged to a previous feudal era

and needed to be replaced by democratic structures. Mbeki, as noted, represented the latter. In his often-quoted statement, he averred:

If Africans have had Chiefs, it was because all human societies have had them at one stage or another. But when a people have developed to a stage which discards chieftainship, when their social development contradicts the need for such an institution, then to force it on them is not liberation but enslavement (1984:47).

However, the ANC was inclined to continue its strategy to woo 'progressive' traditional authorities, rather than to evolve a strategy of establishing alternative democratic structures that would replace traditional authorities in rural areas. Indeed, I have argued in the previous chapter that the ANC in the rural areas was exceptionally weak, and never had a coherent programme to build alternative democratic structures in these areas. Even Mbeki, at times, was not clear on the question of discarding traditional authorities. In the same book, he argued that if traditional authorities failed "the peasants", the latter would "seek new ones" (1984:146). Did Mbeki suggest that "the peasants" would discard chieftainship, or was his point that they would seek new traditional authorities? If he meant that peasants would seek new traditional authorities, he would have missed the vital principle that the institution of chieftainship is, in so far as its incumbents are hereditary leaders, inherently undemocratic precisely because the leaders are unrepresentative. Its subjects are not given the chance to choose their leaders.

The role of traditional authorities in the liberation struggle received renewed attention within the ANC and its alliance partner, the South African Communist Party, during the apartheid period, in particular, after the banning of political organisations in 1960. We have seen how, even before political organisations were banned, the ANC debated working with people such as Chief Buthelezi, who were working within the system. Despite his pledges to the apartheid regime outlined above, the debate as to whether to continue working with Buthelezi or not "raged", according to Mbeki, "for years within ANC circles, especially on Robben Island"<sup>103</sup> Mbeki, who was incarcerated on Robben Island, was the leading figure in cautioning against working with traditional

---

<sup>103</sup> My assumption is that Mbeki's reference to the ANC also includes members of the SACP.

authorities operating within the system. Nelson Mandela, it appears, was the leading proponent of the strategy of working with Bantustan leaders such as Buthelezi (see Mandela 1995).

There seems to have been less debate amongst ANC/SACP members in exile in the period up to the formation of CONTRALESA. According to Mbeki, the exiled members ‘encouraged Buthelezi to establish a political party in the homeland along the lines of Chief Victor Poto Ndamase’s Democratic Party in the Transkei’ (Mbeki 1996:92). It appears, from Mbeki (1996:92), that the exile position ‘met with strong opposition from the ANC’s internal membership in Natal’ - people, I should add, who were in the thick of things. The position of the members of the ANC in exile compelled Mbeki to make the following powerful observation:

The ANC leadership in exile seems to have seriously underestimated the capacity of government-created institutions to fulfil their intended role. They continued to believe that people who were not affiliated to the ANC could be trusted to fight apartheid from inside the apartheid created institutions. This confidence led to a situation in which MK cadres who were being infiltrated into the country were instructed to call on Buthelezi. But the chief minister of the KwaZulu Bantustan was playing a different game from that of the ANC in exile (1996:92).

The fact that the ANC never really had a stronghold in rural areas appears to be the more fundamental consideration in the ANC-in-exile’s adoption of such seemingly desperate and naïve positions of collaborating with traditional authorities. Mbeki quotes Oliver Tambo (1987) as having confessed from exile: ‘We have not done and are not doing sufficient political work among the millions of our people who have been condemned to the Bantustans’ (quoted in Mbeki 1996:95).

### *The UDF position*

As debates on Robben Island, and among exiles, were going on, the UDF found itself required to elucidate its position concerning chieftainship and its incumbents. Like the ANC, the UDF was essentially urban orientated. Van Kessel (2000, 1995 and 1993) has argued that the UDF was poorly organised in rural areas and that the process of rural



mobilisation in Lebowa and KwaNdebele cited above, owed more to local youth initiatives than to any planning or co-ordination on the part of the UDF leadership. The fact that the responsibility to ensure organisation in these areas was given to Murphy Morobe, a Soweto-born product of the 1976 students' uprising, bears testimony to how lowly ranked rural areas were in the UDF. Above all, Morobe had numerous responsibilities in the UDF. He was later to confess in an interview with Van Kessel that "that was the one position I was never able to fulfill" (Van Kessel 1993:599).

Whatever the merits or demerits of the UDF's practical involvement in rural struggles, the organisation evolved a radical position on traditional authorities when it began to target rural areas in 1985. This contrasted sharply with the position of the ANC in exile and some members on Robben Island. A leading exponent of UDF policy on rural areas was Patrick 'Terror' Lekota, currently Minister of Defence (2002). Lekota was convicted of a political offence in 1977 for Black Consciousness activities. He spent several years on Robben Island, where he was converted to the ANC. When interviewed in 1985 about the UDF policy on chieftainship, he categorically and unambiguously stated that chieftaincy is "a dying institution".

As the pressures of the capitalist economy penetrate even those rural areas, more and more people are making a break with the tribal ties of loyalties to the chief – who are being seen to be serving not the community but themselves. What we are going to see is the building of new leaders, not on the basis of old tradition. (*Saspu*, 1985, quoted in Van Kessel 1995:173).

Here, Lekota represents the Mbeki position outlined above. The UDF reiterated this position in 1986 when commenting on the rural struggles of the mid-1980s: "tribal authorities are being replaced by democratically elected village councils" (Van Kessel 1995:170; 1993:599). The 1986 National Working Committee of the UDF resolved that "organisation (in the Bantustans) must be intensified and tribal structures should be replaced with democratic organisations" (Quoted in Van Kessel 1995:173). We have seen the NOTPECO held a similar position on traditional authorities.

The above UDF position was qualified with pronouncements that short-term alliances would be forged with chiefs who still enjoyed popular support. But there was no equivocation regarding the long-term goal: “chiefs must go and the people must run the villages” (*Saspu*, 1986, quoted in Van Kessel 1995:173). The participation of the youth who were members of youth congresses in particular seems to have been informed by this vision of the UDF. The case of KwaNdebele seems to be in line with the view that alliances with popular chiefs would be struck. However, as Peter Mokaba, a youth leader from Lebowa who later became President of SAYCO and the ANC Youth League announced at the height of resistance in Sekhukhuneland in May 1986:

We intend removing the tribal chiefs as soon as possible. We have called on them to resign. Our ultimate intention is to allow the people to govern themselves. We have already established people’s courts in some areas and are in the process of forming our own militia which will carry out the orders of the courts (Quoted in Van Kessel 1995:215).

The UDF recognised, as early as 1987, the “ambiguity” of forging alliances with contradictory forces (Van Kessel 1993:613). In its 1987 rural report, the UDF noted:

If we accept that the struggle against the Bantustans and for a united South Africa needs to incorporate the broadest possible range of people, how do we deal with these “allies”. In many situations these alliances have clear limits. In others our ability to control them, or to take them further may mean that the victories we win are limited. In yet other circumstances people who are allies during a specific period may in fact turn against us. (as quoted in Van Kessel 1993:613)

It is clear from the above that the general policy of the UDF was geared towards replacing chiefs and their institution(s) with democratically elected structures. Alliances struck with chiefs who still had support were seen as short-term strategies and tactics. Otherwise, “chiefs (would) go and the people (would) run the villages”. However, as will be seen in the next section, the position of the UDF would radically change in the same year that the above rural report was published.

### *The formation of CONTRALESA and its significance*

Although not the only factor, the formation of CONTRALESA was undoubtedly critical in the recognition of traditional authorities in the Interim and, indeed, the Final Constitution. CONTRALESA was officially launched on 20 September 1987 by the group of traditional authorities who, as discussed above, were opposed to the declaration of apartheid-style independence in KwaNdebele. Given their harassment by the apartheid state, they saw the UDF as an organisation that could give them protection and help them in organising other traditional authorities (Oomen 1996:49). It does appear, from Zuma's account in the *African Communist* (1990), that the ANC/SACP in exile and SAYCO, under Mokaba's influence, played a prominent role in the formation of CONTRALESA. According to Zuma, SAYCO 'had a significant influence in the formation of CONTRALESA' (1990:68).<sup>104</sup> The fact that CONTRALESA was launched in urban Johannesburg seems to attest to the UDF influence.<sup>105</sup>

The influence of the UDF also manifested itself in the constitution of CONTRALESA. For example, its preamble identified "chiefs" as "members of the oppressed and exploited people (who) have been abused and alienated in the land of our forefathers by apartheid and its violent homeland system". It continues: "(W)e look to our forefathers ... to define our duty and the role we are to play in the ongoing national liberation struggle for a free, unitary and non-racial South Africa". The constitution committed CONTRALESA to a variety of aims including the intention "to fight against tribalism, ethnicity and all apartheid instigated conflicts among our people; to fight for the eradication of the homeland system and the restoration of South African citizenship to all the people" (Zuma 1990:69). CONTRALESA condemned "those of our traditional leaders who have been manipulated by apartheid to become collaborators and serve in the structures that have been created by the regime to further enhance the oppression and exploitation of our people". (Quoted in Zuma 1990:69-70). Terms such as "oppressed and exploited", "national liberation struggle" and "free, unitary and non-racial South

---

<sup>104</sup> Peter Mokaba also attended the launch.

<sup>105</sup> The acronym used in Zuma's article is COTRALESA. According to Van Kessel, this was the original acronym (1995:174).

Africa” were standard jargon in the UDF and the ANC alliance. More interestingly, though, it was not clear how promoting tribally based traditional authorities would contribute to the fight against tribalism. This appears to be a contradiction.

How can one explain what appears to be a contradiction in UDF policy towards traditional authorities? On the one hand, the 1987 rural report denounced “chiefs” and promised to replace them with democratically elected village structures. On the other hand, and in the same year, the UDF was instrumental in establishing CONTRALESA. This apparent contradiction could partly be explained in terms of the uneven and ambiguous relationship between the ANC and UDF. We have seen that the ANC’s attitude towards traditional authorities was at best ambivalent. Unlike the UDF, the ANC was not keen to write-off traditional authorities, preferring to categorise them into ‘progressive’ and ‘collaborating’ chiefs. Given that, despite the activities of Govan Mbeki in the Transkei in the 1940s, the ANC did not have any strong rural base, it had relied on ‘progressive chiefs’ as their rural organisers. What the role of traditional authorities would be in a liberated South Africa was not always clear in ANC policy. But it also appears from the role of SAYCO, an affiliate of the UDF, that the UDF itself did not have a consistent policy on traditional authorities.

The establishment of CONTRALESA was clearly informed by the ANC’s ambiguous and expedient policy towards traditional authorities. That it was the UDF that played a leading role can only attest to the influence of the ANC on the UDF. By this time, it is important to note, the UDF was ‘in considerable disarray’ (Van Kessel 1995:174). This could largely be attributed to the effects of the national State of Emergency that was declared in June 1986, resulting in the detention of many political activists, while others went underground and fled the country. Leading members of the UDF who articulated a policy on traditional authorities such as Lekota had been detained even earlier, and were facing charges in a marathon trial in Delmas. The one UDF leader who was not detained, much to the surprise of some commentators, was Peter Mokaba, at the time leader of the

South African Youth Congress (SAYCO).<sup>106</sup> Mokaba, as already stated, played a leading role in the formation of CONTRALESA.

It is thus not surprising that the ANC celebrated the formation of CONTRALESA, and saw it “as continuing the heroic role of the chiefs who were part of the ANC”. The ANC urged a delegation of CONTRALESA that visited the ANC in Lusaka on the 24<sup>th</sup> February 1988 “to spread itself into the whole of South Africa, organising all patriotic chiefs who are longing for a political home” (Zuma 1990:70). Quite clearly, and despite their experiences with Chief Mangosuthu Buthelezi, the ANC in exile still relied on ‘patriotic chiefs’ as their main representatives in rural areas, rather than establishing their own alternative structures. Following their leaders, SAYCO welcomed CONTRALESA in these terms:

We are proud that traditional leaders are beginning to realise the truth. ... We have a long history of chiefs who fought on the side of the people. We believe in such chiefs. ... Let the present chiefs, if they are still chiefs, lead the people in the fight against what actually deprives their people of their land. ... Let them be accountable to the people and directed by them (Quoted in Zuma 1990:70).

As with the ANC, it was never clear, in SAYCO’s formulation, what an accountable and people-directed traditional authority would look like.

In presenting an argument for the relevance of “the institution of chieftainship”, Zuma criticised the Govan Mbeki position that the institution had outlived itself, arguing that it “could cause a lot of political problems for us”.<sup>107</sup> According to Zuma, the Mbeki argument did not take into account the “political consciousness” of rural people. Without substantiating his claim, Zuma asserted: “there are many popular chiefs in South Africa today who together with their people are taking part in the struggle” (1990:75). But Zuma was of the view that “the institution should be allowed to exist in future but under ‘our’ control, ‘our’ here suggesting democratic people’s power” (1990:74). Sensing that

---

<sup>106</sup> SAYCO was launched at the height of repression, in March 1987, after the declaration of the national state of emergency in June 1986. For a recent account of Mokaba’s dubious role in politics, see the *Mail and Guardian*, 14-20 June 2002.

<sup>107</sup> The use of the term “Mbeki’s position” is mine, and is not used by Zuma.

some traditional authorities would not be happy with the ‘people’s power perspective’, Zuma advised: “A lot of political work will have to be done to raise the consciousness of both the chiefs and the people as a whole on whatever formula of coexistence we find” (1990:75). On the vexed question of the future of traditional authorities, Zuma was ambivalent. In terms that gave a foretaste of how the issue of traditional authorities would be handled in the negotiation process, Zuma wrote:

One can further argue that people’s power will create a whole new set of political and economic conditions which together could create a basis for the gradual phasing out of the system of chieftainship. But this will take a long time. And in any case not everybody will agree that the system must wither away. There may be those who want a new constitution to guarantee a secure position for the chiefs, queens and kings. Political history does show numerous cases where the institutions and traditions of royalty continue to exist (albeit controlled by the constitutions) even in advanced capitalist countries (1990:75).

Zuma’s argument seems to be based on unexamined assumptions about the political consciousness of rural people and the support enjoyed by traditional authorities. He does not adduce any empirical evidence for his claim that there are ‘popular chiefs’. In fact, given our discussion above, empirical evidence suggests the contrary. In addition, the comparison with the Royalty in England does not quite work in the case of South Africa. For example, the Royalty in England is essentially ceremonial, in contrast with traditional authorities in South Africa who commanded all forms of power in their rural areas and were keen on retaining these powers.

The ANC and SACP have invoked the National Democratic Theory or Colonialism of a Special Type (CST) in justifying its relationships with CONTRALESA in particular, and traditional authorities in general. The programme of the SACP adopted at its 7<sup>th</sup> Congress in 1989, *The Path to Power*, characterised apartheid as a ‘Colonialism of a Special Type’ in which “the colonial ruling class with its white support base on the one hand and the oppressed colonial majority on the other are located within a single country”. To defeat apartheid, “a national democratic revolution which will overthrow the colonial state and establish a united, democratic and non-racial South Africa” was required. The ‘content of this revolution’, the programme went on, was “the national

liberation of the African people in particular, and the black people in general” (*African Communist* 118, 1989:102).<sup>108</sup>

Zuma’s hope that “the institution should be allowed to exist in future but under our control” is critical in the current debate about the role of the institution of traditional leadership and its incumbents. The ANC had hoped that CONTRALESA and “the other formations of the mass democratic movement” would “play an important role in the mobilisation of the rural masses” (Zuma 1990:75). In practice, this was not to be the case. As will be seen below, CONTRALESA rejected a secondary, subordinate position. At the same time, the chiefly organisation did not organise rural masses, nor did it collaborate with “the other forces of the mass democratic movement”. In the first place, members of CONTRALESA were an elite and not the traditional authorities that are permanent residents in their rural constituencies. They were “conference-oriented”. These conferences were held in hotels, and, as Zuma observes, “the most unlikely places to find a patriotic chief” (1990:70).<sup>109</sup>

#### *The position after the ANC was unbanned in 1990*

An ANC policy on traditional authorities after its unbanning in 1990 has been, as before, difficult to pin down. Oomen has argued that traditional authorities have never been officially denigrated in ANC documents. Oomen quotes Mandela, on the occasion of his release from prison on 11 February 1990, to support this position: “I greet the traditional leaders of our country – many of you continue to walk in the footsteps of great heroes like Hintsa and Sekhukhune”. By 1991, according to her, it was common to hear traditional authorities mentioned by some ANC leaders as part of the coalition of forces struggling for national liberation, alongside “black workers, students, the rural poor, professionals and black business-people” (1996:101). An attempt to clarify the role of traditional authorities was, however, made in 1992, when the ANC formulated its policy guidelines:

---

<sup>108</sup> See Callinicos (1992; 1988).

<sup>109</sup> It is worth noting that this orientation on the part of CONTRALESA has not changed. The leadership spends more time at airports and conference centres, than in their constituencies.

The institution of chieftainship has played an important role in the history of our country and chiefs will continue to play an important role in unifying our people and performing ceremonial and other functions allocated to them by law. The powers of chiefs shall always be exercised subject to the provisions of the constitution and other laws. Provision will be made for an appropriate structure consisting of traditional leaders to be created by law, in order to advise parliament – on matters relevant to customary law and other matters relating to the powers and functions of chiefs. Changes in the existing powers and functions of chiefs will only be made by parliament after such consultation has taken place (Quoted in Oomen 1996:103).

These policy guidelines also spelt defeat for the Mbeki position on traditional authorities. Mbeki had consistently been sceptical, to say the least, of the role ` chiefs' in the struggle for liberation. His criticism of Chief Buthelezi discussed above was a manifestation of Mbeki's general position on traditional authorities in politics. Mbeki's position contrasted sharply with that of Mandela.<sup>110</sup> When Mbeki was interviewed in *The African Communist* (1990), upon his release from Robben Island, he had this to say about Chief Buthelezi:

Well, Buthelezi does not speak for the people, he speaks for Inkatha. He has been working within the structures of the regime. In fact he has been fighting from the same trenches as the regime. So his view is not expressive of what the rest of the people are thinking and doing.

The ANC guidelines were clearly informed by the notion of the co-existence of democratic and traditional authority structures in a democracy, as discussed in the first chapter. In this regard, the powers of traditional authorities are defined as unifying "our people" and to perform "ceremonial and other functions allocated to them by law". The guidelines clearly limit the powers of "chiefs" by subjecting them "to the provisions of the constitution and other laws". The guidelines further limit the participation of traditional authorities to an advisory capacity, advising Parliament "on matters relevant to customary law and other matters relating to the powers and functions of chiefs" (quoted in Oomen 1996:103). The implications for traditional authorities were that they would lose the substantial powers they enjoyed under the apartheid regime in particular.

---

<sup>110</sup> At a personal level, Chief Buthelezi and Mandela corresponded with each other, and Chief Buthelezi ostensibly refused "independence" because of the continued incarceration of Mandela.



Some ANC members, such as Albie Sachs (1992), also a constitutional expert, never envisaged that chieftainship and chiefs, *qua* hereditary authorities, would have a primary role in local government. He suggested that there would be a growing tendency towards creating democratically elected councils to work with chiefs and chieftainesses in local administration. In other words, the role of chiefs and chieftainesses would be subordinate to that of elected representatives. How this arrangement would be put into practice was never spelt out. However, there were sceptics. Writing in the SACP organ, *The African Communist*, Maloka, warned that although there are “genuine and dedicated chiefs” who might play an advisory and ceremonial role in elected local government structures, other “chiefs survive on the fringes of our society through clientalism and coercion” (1995:43). Maloka, though, did not provide any evidence of who these “genuine and dedicated chiefs” were, and on what he based his claim.

Critics such as Houston have suggested that the UDF had an influence in shaping the ANC position. According to him, the campaigns of the 1980s had the effect of making “many of the Front’s (UDF) members ... aware of the role of traditional leaders in the homeland system, leading to a rejection of this institution by the urban-based membership of the UDF.” (1997:129). When the UDF disbanded in 1991, and many of its members not only joined the ANC and the SACP, but occupied high-ranking positions in these organisations. This led Houston to believe that the ANC and the SACP received members whose political culture was shaped by, *inter alia*, opposition to Tribal Authorities. Van Kessel, on the other hand, was more perceptive. According to her: “The legacy of this extraordinary period of youth mobilisation in the 1980s gave the ANC a difficult start after its unbanning in February 1990. It could not simply build on the foundations laid by the UDF, which in the rural parts of the Northern Transvaal had become largely associated with rebellious youth” (1993:612). Given the UDF role in the formation of CONTRALESA, I would be inclined to share Van Kessel’s cautious position. It does appear as if it is, on the whole, the position of the ANC in exile that informed the ANC guidelines. This position was not only informed by the ANC’s desire

of not wanting to be seen to support the ‘rebellious youth’, as suggested by Van Kessel, but also, as has been argued, the ANC’s strategy of broadening its support base.

*The recognition of “the institution of traditional leadership” in the Interim Constitution*

The ANC guidelines on traditional authorities were formulated in the midst of the political negotiations of the early 1990s that led to the first democratic election in 1994. Briefly, the negotiation process began in earnest in 1990 when the then ruling National Party, under the presidency of F.W. de Klerk, unbanned political organisations on 2 February 1990, released political prisoners, including Nelson Mandela (11 February 1990) and allowed exiles to return and be part of the negotiation talks.<sup>111</sup> By May 1990, the ANC began talks with the National Party government to discuss the terms of the Constitutional negotiations. The ANC made a proposal for a multi-party negotiating process, a Conference for a Democratic South Africa (CODESA). The National Party accepted this proposal in January 1991. The CODESA talks were suspended in May 1991 after a deadlock arising from the violence in KwaZulu-Natal and the former PWV (Pretoria, Witwatersrand and Vaal) area. The ANC argued that the Inkatha use of ‘traditional’ weapons was largely behind the violence. The talks deadlocked when the National Party refused to ban these weapons.

Despite attempts to involve traditional authorities when the negotiations resumed in December 1991, they were, by March 1993, not an integral part of the negotiation process. Chief Buthelezi proved to be critical in the non-involvement of traditional authorities. He demanded separate delegations for his KwaZulu government on the one hand, and his King, on the other. When this was not granted, Buthelezi and the King pulled out of the process. Apart from Buthelezi, there was, in May 1992, another deadlock over regional powers. Before this deadlock could be resolved, there was a massacre in Boipatong in June 1992, and this led to the ANC resolving to suspend talks. After a series of discussions, a Record of Understanding between the National Party

---

<sup>111</sup> For an account of the processes leading to the unbanning of political organisations and the release of Mandela, see Sparks (1995).

government and the ANC was signed on 26 September 1992. This got the negotiation process back on track. Talks resumed in March 1993. The name CODESA was dropped and the new round of talks was referred to as the Multi-Party Negotiating Process (MPNP). The venue for these deliberations was Kempton Park. Hitherto, traditional authorities were not part of the political negotiation process. Where individuals participated, they did so as part of the delegations of the former Bantustans.

By March 1993, though, both the National Party and the ANC considered that “the institution of traditional leaders is still relatively widely supported, especially in rural areas where they fulfill an important government function at local level” (Henrard 1999:397). According to Oomen, the ANC and the NP saw traditional authorities as “important vote brokers” (1996:56). The broader context of this statement is that by this time, the question of non-racial elections was squarely on the cards and votes counted. This study challenges the ANC and NP assumption that traditional authorities were “widely supported”. What cannot be disputed, though, is that in areas where traditional authorities were feared, some rural residents could be intimidated to vote for a candidate preferred by a traditional authority.

A third reason must be added: the pressure CONTRALESA exerted on the ANC. CONTRALESA rejected the ANC’s vision that the institution of chieftainship be a ceremonial and advisory body. The election of Chief Phathekile Holomisa seems to have been critical in this rejection. Chief Holomisa became president of CONTRALESA following the murder on 25 February 1991 of its first president, Chief Maphumulo.<sup>112</sup> According to Gevisser, Chief Holomisa was a student at the University of Natal in the mid-1980s. He sought out the ANC in exile to canvass its opinion as to whether he should take up his hereditary position as a chief in the Transkei legislature. Chief Holomisa was recruited by the ANC underground, which set him up in lawyers’ offices in Umtata. Holomisa, according to Gevisser, played a key role in bringing chiefs on

---

<sup>112</sup> After prior attempts on his life, Chief Maphumulo was shot and killed at his home in Pietermaritzburg by assassins. No one was apprehended.

board.<sup>113</sup> Chief Holomisa's standing in the ANC was demonstrated by the fact that he became a Member of Parliament after the first democratic elections in 1994. He still is.

It is, indeed, during the reign of Holomisa that CONTRALESA pushed for the recognition of traditional authorities and their institutions as the primary level of government in rural areas. As early as the early 1990s, CONTRALESA under chief Holomisa rejected the notion that, in the rural areas of the former Bantustans, municipalities and elected councillors be the primary level of local government.<sup>114</sup> It is arguably due to this uncompromising stand of CONTRALESA that there was no provision in the 1993 *Local Government Transition Act* for the form local government would take in rural areas.

It is thus a combination of the Inkatha factor, the assumption that traditional authorities were 'vote brokers' and CONTRALESA's resistance to accepting a secondary and subordinate role in rural governance that led to the ANC and NP's wooing of traditional authorities. In the final analysis, traditional authorities, particularly those in CONTRALESA, were party to the adoption of Resolution 34 of the National Negotiating Council that was unanimously adopted on 11 December 1993. In terms of this resolution, the following points, *inter alia*, were agreed upon:

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

Thus, traditional authorities managed to secure guarantees, albeit of a subordinate position to that of the elected bodies, in the Interim Constitution. To allay the fears of traditional authorities that the gains they made in getting recognition in the Interim

---

<sup>113</sup> Mark Gevisser "The other Holomisa", <http://web.sn.apc.org/wmail/issues/960913/NEWS66.html>.

Constitution could be lost when the Final Constitution was drawn, there was an agreement that the principles and values contained in the Interim Constitution would not be undermined by the Final Constitution. In this regard, a series of 34 Constitutional Principles was endorsed. The Final Constitution had to comply with these principles (Henrard 1999:380). With regard to traditional authorities, Constitutional Principle XIII stated:

The institution and role of traditional leadership, according to indigenous law, shall be recognised and protected in the Constitution. Indigenous law, like common law, shall be recognised and applied in courts, subject to the fundamental rights contained in the Constitution and to legislation dealing specifically therewith.

Some commentators see the ANC's support for the recognition of traditional authorities in the Interim Constitution as *quid pro quo*, as a reward for their political support. Henrard cites Richard Sizani, at the time Deputy Director General of the Department of Provincial Affairs and Constitutional Development, as having asserted that traditional authorities managed to secure significant guarantees in the Interim Constitution (cited in Henrard 1999:398). On close analysis, however, the guarantees obtained in the Interim Constitution are not as strong as they initially appear. The recognition of existing traditional authorities and their practices applies only in situations where they are not repugnant to the provisions of the Constitution and existing legislation. In addition, Resolution 34 has a strong bias in favour of elected local government and traditional authorities would only be *ex officio* members of the local government.

The above was the position at the time of the first democratic election in April 1994.

#### *The role of the IFP in the recognition of traditional authorities*

As traditional authorities in other provinces were opportunistically jumping on the bandwagon of the ANC, the picture in KwaZulu-Natal was different. After enjoying support from some ANC leaders, there was a fall-out between Buthelezi and the ANC.

---

<sup>114</sup> The author has shared numerous platforms with Chief Holomisa, debating the question of the role of traditional authorities in a modern democracy.

According to Mbeki, relations between the ANC and Buthelezi soured in 1979 when the latter broke a secrecy pact agreed upon between an ANC delegation, led by Oliver Tambo, and an Inkatha one, led by Buthelezi. Pursuing its strategy of working with government agents, the ANC delegation had recommended that Buthelezi should use his position as the leader of the KwaZulu Bantustan to mobilise the rural people for a united and non-racial South Africa. Buthelezi, according to Mbeki, used the meeting instead to raise his own profile, using the fact that he had the ear of the ANC leadership as his lever (1996:96). When the ANC-oriented UDF was established in 1983, there were tensions between it and Buthelezi that led to a bloody conflict in most of the 1980s and the first half of the 1990s.

Buthelezi and his supporters never bothered to join CONTRALESA. In fact, they displayed a great deal of hostility towards the organisation. The election of Chief Maphumulo of KwaZulu-Natal as the president of CONTRALESA predictably angered Chief Buthelezi. Buthelezi described CONTRALESA as an organisation attempting to ‘thrust the spear into the very heart of Zulu unity’ (Zuma 1990:72). In September 1989, a few months after the election of Chief Maphumulo, Buthelezi summoned a meeting of all traditional authorities in KwaZulu Natal, including King Zwelithini, to Ulundi. He told them that they should ‘close ranks and rejoice in our unity and to tell Inkosi Maphumulo to go to hell’. King Zwelithini is reported to have added his voice and attacked Chief Maphumulo (Zuma 1990:72)<sup>115</sup>.

Attempts to involve Inkatha in the multi-party talks that resumed in March 1993 were foiled when, in June 1993, the IFP walked out of the MPNP. The IFP had transformed itself, in July 1990, from a ‘cultural’ movement into a political party. It later formed a conservative alliance with the Conservative Party, Mangope’s Bophuthatswana and Gqozo’s Ciskei, called the Concerned South African Group (COSAG). The reason given for non-participation was that these organisations were marginalised. This meant that COSAG was not part of the resolution that recognised traditional authorities. It therefore came as no surprise that the IFP rejected the Interim Constitution that was passed on 18

---

<sup>115</sup> See also Oomen (1996).

November 1993. By this time, the IFP was making demands for more powers to be granted to the provinces, even suggesting 'selfdetermination' which bordered on secession for KwaZulu-Natal.

The ANC and the National Party saw the rejection of the Interim Constitution by the IFP as a threat to the first democratic elections. Consequently, on the eve of the first democratic elections in 1994, several concessions were made to ensure the participation of the IFP in particular.<sup>116</sup> These concessions included increasing the powers of provinces and the recognition of the Zulu King. In this regard, the ANC and the NP undertook to recognise and protect the institution, status and role of the constitutional position of the King of the Zulus and the kingdom of Kwazulu, which would be provided for in the provincial constitution of Kwazulu-Natal (Henrard 1999:400). This ensured that, six days before the 1994 national democratic elections, the IFP would participate in the elections.

In sum, traditional authorities in South Africa gained recognition in the Interim Constitution largely as a result of political expediency. On the one hand, the ANC was keen to gain the support of CONTRALESA and its supporters, while, on the other hand, it simultaneously confronted and made concessions to the IFP. In the next section, we shall move away from the lofty constitutional debates at the World Trade Centre in Kempton Park and consider the situation on the ground. Conditions on the ground also help clarify the issue of the recognition of traditional authorities after years of collaborating with the apartheid regime.

### **Conditions on the ground**

Conditions on the ground continued to be uneven, varying from area to area. We have seen above that when resistance shifted to the countryside in the late 1980s and early 1990s, Tribal Authorities and their incumbents, chiefs and headmen were, in some areas, invariably the targets. We have seen that the youth, students and retrenched migrant

---

<sup>116</sup> Apart from the IFP, there were white, right-wing parties, who, inter alia, wanted to establish a Volkstaat. This study will only consider the IFP.

workers became the main leaders of these struggles. The youths' intervention received mixed reactions from rural people, especially from the less educated and elderly men. In general the youth supported the democratic movement and these elders, often fearful of traditional authorities and the status quo, did not support the youth-led struggles. The youth saw this as an endorsement of the rule of traditional authorities. This power struggle resulted in the youth adopting strategies that did not make them very popular in the end either.<sup>117</sup> In this regard, Van Kessel has characterised rural struggles in Sekhukhuneland as a revolt "against all type of authority, against parents, teachers, chiefs and *dingaka* (traditional healers) alike" (1993:610; see also Van Kessel 2001).

The ANC's strategy of winning over chiefs and Bantustan leaders created more confusion. The youth, for whom these 'collaborators' had been the main enemy, bitterly contested this strategy (Van Kessel 1993:612). The youth, in particular, was not impressed with CONTRALESA, arguing, quite correctly, that traditional authorities joined CONTRALESA in order to entrench their position in a future ANC government. Indeed, the Lebowa College of Chiefs pledged its support to the ANC, adding that a new South African Constitution should not tamper with chieftainship (Van Kessel 1995:247). Former Lebowa Bantustan leader, Nelson Ramodike, even joined the ANC, "much to the dismay of the youth congresses" (Van Kessel 1995:246). To diffuse the situation, the ANC had planned to conduct 'political education' among the youth in order to explain the necessity of broadening out so as to 'isolate De Klerk' (Van Kessel 1995:246). There is no evidence that the campaign took place.

Despite the ANC intervention, the struggle against traditional authorities, as we saw in earlier sections intensified even as the ANC was involved in the political negotiation processes that eventually recognised the institution of traditional leadership. The establishment of the South African National Civic Organisation (SANCO) in March 1992 was critical in the resurgence of civic organisations in South Africa, including in the rural areas. SANCO was established after the UDF was disbanded following the unbanning of political organisations in 1990 (Mayekiso 1996). Widely regarded as the internal wing of

---

<sup>117</sup> For similar generation tensions in South African urban areas in the 1980s see Ntsebeza (1993).



the ANC, the debate that ensued, even before the ANC was unbanned, was whether a civic organisation such as the UDF should exist alongside a liberation organisation like the ANC (Mayekiso 1996). Some argued that the UDF was not a political organisation, but essentially a civic organisation that was sympathetic to the political cause of the ANC. According to this argument, the issues that civic organisations dealt with affected a range of people who may or may not belong to different political organisations. This, though, did not necessarily mean that civic organisations would not deal with political issues. What it meant was that civic organisations were supposed to be non-partisan in the sense that they would not identify with any political organisation. On the other hand, there were those who argued against drawing this distinction, and preferred that political and civic interests be represented by and in the ANC.<sup>118</sup> The formation of SANCO in 1992 marked an important victory for those who argued for an independent civic organisation. It is under the auspices of SANCO that resistance was organised in the rural areas in the period leading up to the first democratic election in 1994. As we have seen, resistance in these areas was, in most cases, organised around residents associations.

Rural resistance in the early 1990s, however, was uneven. While SANCO undoubtedly established a foothold in many rural areas, there were areas where structures were not established. It seems as if SANCO was mostly active in rural areas that were closer to towns or that were newly established settlements. In remote areas like the villages along the Wild Coast, with settlements that have a long history, coupled with a strong tradition of chieftainship, there was little or no impact made by SANCO. The Tshezi communal area in the Mqanduli district, Eastern Cape is the best illustration of remote areas where SANCO did not make an impact. Traditional authorities in these areas were not seriously affected by the wave of resistance of the early 1990s. This applies mainly to elderly people, who form the bulk of those who are involved in decision-making in these areas (Ntsebeza 1999).<sup>119</sup>

---

<sup>118</sup> For debates on these issues see Mayekiso (1996); Jacobs (1992); Nzimande (1992); Nzimande and Sikhosana (1991); Swilling (1992; 1991).

<sup>119</sup> For the case of Phondoland, see Kepe (2001; 2000; 1999).

## Conclusion

Peires expresses the view of many commentators in his assertion that the “vehicle now known as traditional leadership”, although “shop -soiled” is “ever adaptable” (2000:97). Other commentators have, for various reasons, claimed that chieftainship is “resilient” (Tapscott 1997; Hendricks 1992). These remarks are, no doubt, influenced by the turn of events in the early 1990s when the institution of chieftainship, and particularly its incumbents, paramount chiefs, chiefs and headmen who had so discredited themselves, ‘bounced back’ and gained recognition in the Interim Constitution.

This chapter has attempted to grapple with the phenomenon of the decline and seeming rise of traditional authorities. The chapter has outlined a range of factors. It commenced by providing an overview of how the *Bantu Authorities Act* of 1951 brought traditional authorities into the colonial administration after being marginalised during the colonial period. It had been shown in an earlier chapter that the marginalisation of some traditional authorities during the colonial period worked to their advantage given that they were not directly associated with government policies, in particular, the Betterment Scheme. The introduction of the *Bantu Authorities Act* dealt a severe blow to this variation, as traditional authorities became an extended arm of the apartheid system. Traditional authorities, and in particular, Tribal Authorities, were thus compelled to implement apartheid policies. Collaboration with the apartheid regime thoroughly discredited traditional authorities. They became highly despotic and were in many areas feared by their subjects. When resistance spread from the urban to rural areas in the late 1980s and early 1990s, Tribal Authorities and their incumbents were the obvious targets.

However, as the chapter clearly points out, the resistance process was highly uneven. In areas in the former Northern Province and the Eastern Cape, traditional authorities were challenged and toppled. Yet, in others, for example, the Tshezi area in the Eastern Cape, there were no visible struggles against traditional authorities. In most of these areas, traditional authorities were feared. There does not appear to be any empirical evidence to suggest that they were legitimate.

The chapter has gone on to demonstrate how, despite this past, the ‘institution of traditional leadership’ won recognition in the 1993 Interim Constitution. In this regard, the policies of the ANC, the main and critical liberation movement in the negotiation process, have been analysed and assessed. The chapter has shown that the ANC never had a consistent policy on chieftainship. There were internal debates on this matter, as well as debates between the ANC and SACP in exile and those members that were on Robben Island. The key issue under discussion was whether the institution of chieftainship and its incumbents had a role to play in a developing capitalist South Africa. Communists led by Mbeki argued that the institution had outlived its existence and needed to give way to elected, democratic forces. Others argued, strategically, for an alliance with traditional authorities such as Buthelezi who, while participating in the system, were supportive of the liberation struggle.

At the same time, the chapter has demonstrated that the UDF, widely regarded as the internal wing of the ANC, initially formulated a policy on chieftainship that was similar to Mbeki’s position that chieftainship did not have a place in a modern democracy. However, the UDF changed its position on chieftainship when CONTRALESA was formed in 1987. The chapter has explained this apparent somersault in terms of the influence of the ANC-in-exile on the UDF after the declaration of the State of Emergency in 1986. This was a time when the UDF had been crippled, with the top leadership, who articulated an anti-chieftainship position, either in detention or forced to flee into exile. It has been argued that, despite internal discussions and disagreements, the ANC position on traditional authorities was ultimately influenced by its strategy of building as broad a front against apartheid as possible. Van Kessel’s interview with an ANC and SACP veteran is apt in this regard: ‘We have to rob the government of this ground on which they can build’ (1995:247).

It has also been argued that the bloody conflict involving the UDF (and later, from 1990, the ANC) and the IFP in KwaZulu-Natal and, from the early 1990s, the former Transvaal, was another factor in the recognition of traditional authorities and their institution. Both the ANC and the (then) ruling National Party agreed that no permanent political

settlement was possible without the involvement of the IFP. Given the chiefly support base of the IFP, the ANC and the National Party considered the recognition of traditional authorities to be critical in getting the cooperation of the IFP. This was despite the fact that, at the time the institution was recognised in the 1993 Interim Constitution, Chief Buthelezi and Inkatha had excluded themselves from the political negotiation process.

Thus, it has been argued that the recognition of the institution of traditional leadership was by and large influenced by political and reconciliation considerations, rather than by concrete conditions on the ground. At this level, rural residents, mainly youth, in many rural areas in the Eastern Cape and elsewhere were involved in running battles with chiefs and headmen. There were calls for their removal from office and the replacement of Tribal Authorities with democratically elected structures. In many parts of the Ciskei in the Eastern Cape, headmen were removed from office and replaced by residents associations. That elderly residents in some rural areas were not supportive of youth-led struggles, it has been argued, did not necessarily mean that traditional authorities were legitimate, even in the eyes of these elderly residents. In most cases, rural elderly people feared traditional authorities.

The ANC had hoped to define a secondary, non-political role for traditional authorities in line with the theories of co-existence discussed in the first chapter. The 1992 ANC policy guidelines, it has been shown, recognised the institution of chieftainship and identified its role as “unifying our people and performing ceremonial and other functions allocated to them by law” (quoted in Oomen 1996 103). The Interim Constitution also carried this hope in spelling out that traditional authorities would be *ex officio* members of the local government. However, we have seen in the chapter that traditional authorities, under the leadership of Chief Patekile Holomisa, rejected this secondary role and wanted their institution to be the primary level of local government in rural areas falling under the jurisdiction of traditional authorities.

At the time of the first democratic election in 1994, the situation with regard to the role of traditional authorities in a constitutional and representative democracy was far from

being clear. At an official level, the institution of traditional leadership was recognised. However, it was not clear precisely what their role would be. At the same time, the ANC was careful not to alienate its mainly urban-based support. For example, when the *Local Government Transitional Act* was promulgated in 1993 to establish transitional structures, no provision was made for rural areas in the former Bantustans. In urban areas, negotiation forums were established. These were made up of representatives from civic organisations and local government. Negotiation forums, involving representatives from Tribal Authorities, the local government for rural areas during the apartheid period, on the one hand, and civic organisations, on the other hand, were never formally set up in the rural areas. It can be argued that the reason for the silence on the form of local government in rural areas in 1993 could be that urban-based civics under SANCO dominated the National Local Government Forum that was influential in the legislation drafting process (Mayekiso 1996:237). However, it could equally be argued that the ANC was trying a balancing act, in order to accommodate hereditary institutions into a constitutional and representative democracy - a position that this study considers to be a fundamental contradiction. The advantage the ANC had at the time of the 1994 election was that, despite the conflict between traditional authorities and democratic structures on the ground, the ANC enjoyed the support of both traditional authorities in CONTRALESA and rural inhabitants organised by civic organisations. This meant the ANC was under no pressure from its constituencies to resolve the discrepancy.

## **PART TWO**

### **THE CASE STUDY OF XHALANGA**

## CHAPTER 4

### Chieftainship, land and the painful birth of the District Council in the Xhalanga district: 1865-1924<sup>120</sup>

#### Introduction

As indicated in the introduction to this study, the case study of the Xhalanga district is presented with a view to ground the theoretical concepts and historical overview covering government policies and their implementation as discussed in the previous chapters. This case study is a good illustration of the complexities and diversities referred to in previous chapters regarding chieftainship, rural local government and land in the former Bantustans. It also shows that the relationship between traditional authorities and their 'subjects' is dynamic and changeable, a point that is too often neglected in current debates. Unlike areas such as Phondoland (Hendricks 1990; Beinart 1982) and Tshezi in Bomvanaland (Ntsebeza 1999; Holt 1969), where a strong tradition of chieftainship existed at the time of colonial intrusion in the late nineteenth century, chieftainship in Xhalanga never entrenched itself. British colonialists imposed chieftainship in the district in 1865. Soon after colonialists established chieftainship in the area, magistrates actively undermined the institution. Colonialists eventually abolished chieftainship in Xhalanga in 1881 when they dethroned the two chiefs in the area following the participation of the chiefs in the 1880-81 Gun War. Xhalanga is also a complex case study in that its population was, from the outset, never homogenous. It was made up of Africans who came from various clans, and, in certain areas such as Askeaton, so-called 'Coloureds'. Some of these clans, especially those from amaMfengu, and the 'Coloureds' did not have chiefs of their own. The majority of amaMfengu were landholders who, over and above having access to household plots, also had access to fields for cultivation.

---

<sup>120</sup> Following the demarcation of municipal boundaries in 2000, the Xhalanga district no longer exists. Portions thereof have been incorporated to the former Elliot district to make a new municipality called Sakhisizwe. However, for convenience, reference throughout this study is made to Xhalanga, rather than 'former Xhalanga'.

The case study comprises a number of chapters covering the period from 1865 to the advent of democracy in 1994. This chapter looks at local government and land dynamics in the rural areas of Xhalanga, and in particular, the processes leading to the establishment of the Xhalanga District Council in 1924. The chapter especially focuses on the opposition to the notion of establishing the Xhalanga District Council, along the lines of the *Glen Grey Act* of 1894. The chapter investigates the forces behind this opposition. . The setbacks that the opposition suffered are also considered. It is shown that at the forefront of this opposition were landholders, some of whom were headmen. The nature of the opposition and the reasons behind the resistance will also be explored.

The overarching argument in this chapter and, indeed, in this study, is that local government, land, chieftainship and democratization in the countryside should be viewed against the background of the variety of social relations in rural areas and how these relations change over time. Whereas Mamdani (1996) emphasizes the dichotomy between the urban and the rural, the stress in this study is, without ignoring the urban and rural relations, variations within the rural population.

### **Chieftainship and its decline in Xhalanga: 1865 – 1881**

An understanding of how Xhalanga was established is critical in a discussion of chieftainship, land and rural local government in the district. Xhalanga was one of two districts that formed Emigrant Thembuland. The latter was established following the move northwards of abaThembu in the 1830s as a result of the Tshaka-led *Mfecane*<sup>121</sup> in the 1820s and subsequent wars with amaBhaca and amaMpondo.<sup>122</sup> Prior to this, abaThembu had occupied the piece of land between the Bashee and Umzimvubu Rivers.<sup>123</sup> The Cape colonial government eventually settled AbaThembu who moved

---

<sup>121</sup> Mafeje translates the term as 'fr eebooters' or 'marauders' (1963:34).

<sup>122</sup> Most of this account is taken from Mafeje (1963:31-34). For an interesting account of the various African groups, see Peires (1981, especially 84-89).

<sup>123</sup> Mafeje argues that the "Nguni tribes" have been in South Africa for over 300 hundred years. He cites reports from the "survivors of the Stavenisse" in 1686 who state that they traveled through five kingdoms, interpreted by Mafeje as the amaXhosa, Griqua, Khoikhoi, abaThembu and abaMbo. It is, according to Mafeje, not clear where these "tribes" came from. He questions JH Soga's unsubstantiated claim that they came from Natal (1963:31).



northwards in the Glen Grey and Indwe districts. Colonialists dubbed this area 'Tambokie Location'. This was in 1852. This area was given to chieftainess Nonesi as a gesture for her neutral position in the War of Mlanjeni in 1850-52. In 1858, the governor of the Cape, Sir George Grey, dispossessed the amaGcaleka, under their leader Sarhili/Kreli, of their land, which included Emigrant Thembuland, Fingoland, the Idutywa Reserves, Gcalekaland and a portion of Thembuland.<sup>124</sup> Sarili fled with his people towards the coast to the present Gcalekaland (Mafeje 1963:35). The fleeing of Sarhili helped the colonial government to solve its problem of getting rid of abaThembu who occupied land on the west of the Indwe River. According to the colonial plans, this piece of land was to be surveyed for white occupation. Sarhili's vacant land in Emigrant Thembuland was used to relocate abaThembu people in order to pave the way for settling white farmers on the land on the west of the Indwe River.<sup>125</sup> An offer was made to abaThembu to relocate.

The offer was immediately grabbed by four chiefs: Matanzima, Ndarala, Gecelo and Stokwe. The position of three of these chiefs was shaky, and they saw this offer as an opportunity to gain colonial recognition as chiefs in their own right. Matanzima was Mtirara's son in the Right Hand House.<sup>126</sup> At the time the offer was made, Mtirara was already dead. Tsotsi points out that Matanzima was a very junior chief (1989:68-9). According to Mafeje, Matanzima's house was in the process of being displaced by the right hand house of the young chief, Ngangelizwe, who took over the chieftainship round about 1860 (1963:36). Gecelo had been a regent for the amaGcina heir, Mpangele. He had been recently displaced by the heir, Mpangele, at the time the offer was made. He migrated so that he could retain his power and be an independent chief. The third chief, Stokwe Ndlela was a minor Qwati chief who had broken away from the original group and migrated northwards and settled in the valley of the Indwe River under amaGcina. He hived-off from the Gcina, and established himself as a chief on his own account

---

<sup>124</sup> Sarili was the son of Hintsu.

<sup>125</sup> A note from a Magistrate in Cala, Smith, provides further evidence that Emigrant Thembuland belonged to amaGcaleka – see Xalanga District Record Book.

<sup>126</sup> "The heir to the chieftainship, known as the Great Son was" as Peires has stated, "the son of the Great Wife ... The second -ranking wife was known as the Right-Hand Wife and her son was the Right-Hand Son" (1981:29).

(Mafeje 1963:37). Only Ndarala seems to have been a legitimate chief. He was Mapasa's successor. Of the four, Gecelo and Stokwe settled in the Xhalanga district.

Emigrant Thembuland is an excellent example illustrating the ambiguities in the Cape colonial government policy on chieftainship. In his testimony to the Commission on Native Laws, the colonial secretary, Warner, made the following announcement regarding the establishment of Emigrant Thembuland :

As a solution of the territory it was proposed to fill up Kreli's country with a friendly tribe and at the same time it was thought desirable to get out of the trouble of governing a large mass of the native population by native law within the colony, so it was proposed to move the Tembus across the Indwe. The inducement offered them was that they would be able to govern themselves through their own Chiefs according to their own customs, ... but still it was understood that they would be under the control of the Government as Paramount Chief Authority and in fact they declared they would not go if it was not so.<sup>127</sup>

This was despite an already existing policy intended to undermine traditional authorities in the Cape as seen in chapter two. What was not clear, though, was the nature of the "control" that the government would exercise. It appears that the Governor of the Cape, Sir Philip Wodehouse, assured the chiefs that they and their people would be independent, not subject to colonial laws and taxes and that the Cape government would be there to act "simply in an advisory capacity" (Macquarrie 1958:28, 104).

Time was to prove what the government meant by this. By 1875, the Cape government had, without consulting the chiefs, extended its influence and divided Emigrant Thembuland into Southeyville and Xhalanga (Wagenaar 1988). According to Sir Walter Stanford, the Magistrate and later the Chief Magistrate in the Transkeian Territories for about 30 years, the decision to extend its influence was based on the "fe crudescence of the power and influence of witch-doctors", leading to the "smelling out" and killing of

---

<sup>127</sup>“Cape of Good Hope Reports and Proceedings with Appendices of the Government Commission on Native Laws and Customs presented to both Houses of Parliament by his Excellency the Governor in January 1883”, para 6022.

those accused of witchcraft.<sup>128</sup> In addition, according to Stanford, there were “(t)ribal jealousies” and “quarrels over land boundaries” that led to the declaration of war between Gecelo’s amaGcina and Stokwe’s amaQwati in 1874 (Macquarrie 1958:28, 104).<sup>129</sup> While these events might have taken place, what Stanford does not mention, though, is that by 1875, the Cape colonial government had taken a decision to annex the Transkeian Territories. Thus, the promise of ‘independence’ for Emigrant Thembuland appears to have been a trick to persuade Africans to leave Glen Grey.

*Chieftainship in Xhalanga: The colonial push to undermine Gecelo and Stokwe*

The appointment of William W. Cumming in 1878 as an assistant magistrate in Xhalanga and Charles Levey as Resident Magistrate in St Marks and Thembu Agent marked a major blow to the autonomy and authority of chiefs Gecelo and Stokwe. Hitherto, the colonial agent was an ‘arbiter in all inter-tribal cases and disputes while ... chiefs had full powers over (their) own people and lands’ (Macquarrie 1958:29). As will be seen below when dealing with land issues in Xhalanga, Gecelo allocated land and charged rent without necessarily having to consult Warner. However, when Cumming was appointed magistrate, the autonomy and authority of Gecelo was restricted. Further, the introduction of magistrates meant that traditional authorities and their followers were subject to colonial law. This meant, amongst other things, that the magistrate could overturn cases tried by the chief.

Both Cumming and Levey were contemptuous of chiefs and their subjects. In his first report dated December 1878, written barely six months after his assumption of duty, Cumming boldly commented that “nothing has retarded their (rural people under chiefs) improvement more than the influence of the chiefs. Chieftainship and civilization are essentially antagonistic”.<sup>130</sup> Levey, too, was committed to the colonial strategy of

---

<sup>128</sup> Stanford recalled a case of “an unfortunate man” in Gecelo’s areas, who was “smelt out” and killed on charges of witchcraft. Zinkumbi (Locusts), later renamed Sifuba (chest) by amaGcina, is alleged to have been the killer. Zinkumbi/Sifuba was head of the ‘Ira’ (amaYirha) clan of amaGcina.

<sup>129</sup> Gecelo and Stokwe were each fined fifty head of cattle for going to war on “Government land” (Wagenaar 1988: 151).

<sup>130</sup> Xhalanga District Report, G.33 – 1879.

marginalizing chiefs and embarking on a civilizing mission. Wagenaar described Levey as a “devoted disciple” of Sir George Grey and “an implacable” opponent to traditional chieftainship, viewing the latter as a stumbling block to ‘civilization’ (1988:154). In his 1878 report, he proposed that African society should be reorganized and transformed. What is significant is that chiefs do not feature at all.

I think it would be a good measure if native townships were formed at each Magistracy, where irrigation works could be carried out without much difficulty; and in the most fertile parts of the country, that at least, ten acres of ground should be given to each man, who is able and willing to erect a suitable house, and who is of industrious habits; such towns to be governed by native municipal commissioners under the guidance of the Magistrate. I think these, if properly managed, would ultimately form an invaluable centre around which the native aristocracy might collect, and from which the rural population would learn the art of peace.<sup>131</sup>

Relations between Levey and Stokwe were particularly strained. Part of this hostility might have been, as Wagenaar (1988) suggests, the influence of Sir George Grey. But it is also possible that Levey might have been influenced by the role of Stokwe during the war of Ngcayechibi of 1877. This war started off as a war between amaMfengu and amaGcaleka, with the former receiving aid from the British. Charles J. Levey, the Emigrant Thembu Agent, referred to the role of the Emigrant Thembuland chiefs in this war. He has written two somewhat contradictory reports on the matter. The first report was his annual report written in December 1878. Levey’s opening sentences refer to the war: ‘I am glad to be able to report that none of the chiefs of Emigrant Tembuland joined the late rebellion on the Frontier, notwithstanding the matrimonial alliance which connects Krili with the principal chief of this district, ... and that some of the Tembu chiefs on the border of Emigrant Tembuland rebelled’.<sup>132</sup> Years later, when he wanted consideration for his services, Levey attached a report to his letter dated 28 November 1895, on his role in quelling the ‘rebellion’.

---

<sup>131</sup> G. 33 -1879:89.

In this report, Levey implicates Stokwe as having been involved in the war of Ngcayechibi. According to Levey, ‘rebel chiefs Edmund Sandilli and Matanzima Sandilli’ fled after the ‘fight on the Great Kei in June 1878’ to the ‘Tembu Chief Stokwe (their brother-in-law) who was at that time wavering in his allegiance to the Government and showing a strong disposition to join the rebels’.<sup>133</sup> Levey went on in his report and stated that he got information that the two chiefs ‘had passed through the kraal of Matanzima, a Tembu Chief en route to Stockwe’s (*sic*) Location’. He solicited help from his clerk, Sweeney, ‘the headmen in my district, the disbanded natives lately under my command and Headman Manki Renga<sup>134</sup> of Seplan’. They traced the two chiefs to Stokwe’s Valley. Manki Renga informed them ‘that the Chief Stoc kwe (*sic*) was in an excited state and ripe for rebellion, and that we should not come out of Stockwe’s Valley alive’. At daybreak they surrounded Stokwe’s huts. When Stokwe, according to Levey, ‘rushed to the kraal’ Levey ‘covered him with my revolver and ordered him to keep silent and to sit down at the same time telling him if he, or any of his people, shouted a war cry I would shoot him’. Eventually, the two chiefs were arrested. It is not clear from the report what became of Stokwe. It would appear, though, that he was not arrested.

Of the two chiefs, it seems as if it is Stokwe who did not enjoy a healthy relationship with the colonial representative. Even before the Ngcayechibi incident, relations between Stokwe and Levey were not good. After being accused of misbehaviour in 1876, land was taken from him in 1877 and given to his pro-colonial brother, Matumbekati. In 1879, after the war of Ngcayechibi, Levey recommended that Stokwe’s authority be reduced and his stipend was drastically reduced. In February 1880, his stipend was withdrawn (Wagenaar 1988). Relations between Gecelo and the colonial representatives, Warner and Cumming, on the other hand, seem to have been less tension-ridden. One possible explanation seems to have been that Gecelo was willing to make compromises with the colonial representatives. For example, he was, as will be seen below,

---

<sup>132</sup> G. 33 -1879:89.

<sup>133</sup> CMT 3/186.

<sup>134</sup> Presumably Mankayi Renqe.

‘ encouraged’ by Warner and Cumming to offer land to amaMfengu, even when his own people resented such a move (Wagenaar 1988:277).

The outbreak of the ‘ Gun War’ in 1880/81 and the involvement of chiefs Gecelo and Stokwe gave the colonial administrators an excuse to formally dethrone Gecelo and Stokwe. What follows is a brief account of events leading to the Gun War. After the war of Ngcayechibi, the Cape colonial government introduced the *Peace Preservation Act* of 1878 with the purpose of “disarming of all persons whom it is not safe or desirable to entrust with arms” (as quoted in Wagenaar 1988:163). Although the *Act* was not extended to Emigrant Thembuland, Levey disarmed the people under his jurisdiction. He reported the implementation of this programme in his 1878 report. According to him, “700 guns and 3,500 assegais have been given up by the chiefs and people up to the present date. The principal chiefs have made a fair delivery”. It is not clear from the report whether Stokwe was counted among these “principal chiefs”.

Writing about his experience in Xhalanga, Cumming was less optimistic:

Shortly after my arrival here (Xhalanga), some symptoms of uneasiness appeared among the people and, on investigation, I discovered that this feeling was due to the fact that some preposterous rumours were afloat on the subject of disarmament. Notwithstanding that these reports were of a very extravagant nature, they seemed to gain general credence. It was said that, after disarming them, the Government intended to allow them to keep only a limited number of cattle; that their country was to be taken from them; that their wives and children were to be seized. ... It is my impression for a number of reasons, that the chiefs, who were very sore at the idea of having to give up their arms, encouraged the propagation of these reports. ... From time immemorial, arms have been regarded as the insignia of manhood; and to part with, or be deprived of them, is, in the eyes of a native, an indelible disgrace.<sup>135</sup>

When the *Peace Preservation Act* was implemented in Basotoland in 1880, there was active rebellion against it. The rebellion spread beyond the Drakensberg to parts of the Transkeian Territories. At its height, a magistrate by the name of Hope, based in Qumbu, was killed on 23 October 1880. Other magistrates, for example Stanford

---

<sup>135</sup> G. 33 – 1879:92.

at Engcobo and Cumming in Xhalanga, were forced to flee. Two of the Chiefs in Emigrant Thembuland, Stokwe and Gecelo also went into rebellion. This was not surprising given the gradual loss of their chiefly power from around the mid-1870s, including the harsh treatment that Stokwe received from Levey. As noted, Stokwe's stipend was initially reduced and withdrawn in 1880.

In his reminiscences, Stanford has remarked that Gecelo "was a waverer". He was apparently torn between the advice he received from his "two able councillors, Mali and Jem". On the one hand, Mali was in favour of participating in the rebellion, while on the other hand, Jem was loyal to the government. Mali, according to Stanford, had a "strong ally" in Sifuba, a sub-chief of the Ira<sup>136</sup> group (Macquarrie 1958:104). In the final analysis, Gecelo reluctantly participated in the war. It would seem that the Sifuba was the main pillar of the resistance. Stanford described him as "one of the most active and courageous of the rebel chiefs" (Macquarrie 1958:126). Stokwe led his forces in the Lady Frere and Indwe areas. After various skirmishes,<sup>137</sup> chiefs Gecelo and Stokwe were defeated. Stokwe was severely wounded in a skirmish with Colonel Wavell on 13 November 1880 at the valley of the river of Indwe. His councillors picked him up. Recalling what his grandfather told him, former headman Mazibuko, who was head of the EmaQwathini Tribal Authority in the 1970s and 1980s, stated that chief Stokwe told six of his councillors that he had been severely wounded and would die. His wish was that his grave be kept a secret. The reason for this, according to Mazibuko, was that Stokwe did not want colonialists to exhume him, behead him, and take his head as proof that they had killed him.<sup>138</sup>

To this day, the grave of Stokwe is not known, except that, Mazibuko narrated, Stokwe was buried "under a cliff". According to Mazibuko, the story has it that after the burial, "the cliff collapsed (*ladilika eliliwa*). Mazibuko explained that these details came from Stokwe's son, Nyamankulu, who was one of the men who buried Stokwe, but

---

<sup>136</sup> This could be a corruption of the *amaYirha* group, the clan name of Khalipa. I am grateful to Dr Sukude Matoti for drawing my attention to this.

<sup>137</sup> See the reminiscences of Stanford for details (Macquarrie 1958, Volume One).

Nyamankulu never disclosed the site of the grave, and no attempts were made to trace it. Stanford remembered him as “a chief of great courage and resourcefulness”, known in “native song ... as `Ix(h)onti likaNdlela’<sup>139</sup> (the hairy son of Ndlela)” (Macquarrie 1958:140). Gecelo gave indications that he was surrendering on 18 January 1881. When he eventually gave himself up on 22 January 1881, he was, according to Stanford, held in custody in Dordrecht “pending instructions from the Government” (Macquarrie 1958:168)<sup>140</sup>. Gecelo also disclosed that he was present at the engagement in which Stokwe was wounded (Macquarrie 1958:168). With the death of Stokwe and the surrender of Gecelo, the war in Emigrant Thembuland came to an end. The ‘Gun War’ itself ended in early 1881 with a victory by the colonial forces. That Stokwe could not be given, and indeed, was never given, a decent, chiefly funeral, was indicative of how decisive the colonial victory was.

Soon after the war, the part of Emigrant Thembuland that went to war was declared a conquered territory. A Thembuland Commission was established in 1882 “to consider and report upon the question of the permanent occupation of the country lately occupied by the Rebel Emigrant Tembus, Maxongo’s Hoek, and the vacant lands in the Gatberg district”.<sup>141</sup> Although the Commission accepted Gecelo’s claim that he was loyal, and that, according to Levey, “there were more of Gecelo’s men” who “remained loyal”<sup>142</sup>, he was stripped of his chiefly status. Chief Stokwe was dead, and that spelt the end, in official records, of the Stokwe chieftdom. On 7 February 1883, Commission chairman, John Hemming told a group of ‘loyal native farmers in the Southeyville District, and native farmers who propose(d) coming into the District’:

I want to tell you about this land belonging to the chiefs who went into rebellion; that land goes to the Government; it does not belong to the chiefs any longer. But the Government says it does not want to take the land away from the Kafir people, except a small strip under the big mountain – the Drakensberg.<sup>143</sup>

---

<sup>138</sup> Interview, Askeaton, 25 January 2001.

<sup>139</sup> `Ndlela’ was the name of Stokwe’s father.

<sup>140</sup> See also Wagenaar 1988:173.

<sup>141</sup> G. 66 - ` 83.

<sup>142</sup> G. 66 - ` 83:54.



This then marked the official end to chieftainship in Xhalanga, at least until its re-imposition in the 1950s under Bantu Authorities. However, as is argued below, there were also internal factors that, combined with the external colonial pressure, made it difficult for chieftainship to persist in the area.

### *The internal dimension*

Not only were chiefs in Xhalanga undermined by direct colonial interference, they were also marginalized, even rejected, by a small, but significant sector of the African people in Xhalanga, the so-called 'school' people. This social group was a product of colonial influence. Initial contact with colonialists, and in particular, missionaries, led to a division amongst Africans in rural areas between the 'school' people (variously labeled in the indigenous language, Xhosa, *abantu besikolo /amakhumsha/ izifundiswa /amagqobhoka*), on the one hand, and the 'red' people (*amaqaba*), on the other hand.<sup>144</sup> The division hinged on the partial acceptance by the 'school' people and rejection by the 'red' people of some Western influences and values. 'School' people accepted at least some Western values and practices, in particular, Western education, Christianity and the Western style of dressing, whereas the 'red' people, at least initially, resisted these influences (Mayer 1980; 1974).

Following Mayer (1980), this study argues that while the existence of these divisions cannot be denied, it needs to be pointed out that they should be understood in their historical contexts and be seen as dynamic rather than static and frozen. For instance, children born of 'red' parents often ended up becoming 'school' people as the influence of formal education and urbanization increased. Furthermore, these divisions were nuanced, and there was no rigid wall between them. Thus, while accepting some Western influences, 'school' people held on to some of their customs such as the initiation ceremony of boys coming of age. Chiefs, on the other hand, imbibed some of the Western values, although they did not encourage their subjects to follow suit. According

---

<sup>143</sup> G. 66 - ' 83:5455.

to Stanford, “chiefs wore European dress but most of their followers had blankets daubed as usual with red ochre” (Macquarrie 1958:21). This tension between Western and African values from the time of colonial contact has been pervasive and the subject of many novels and dramas by African writers, and is best captured in the classic *Ingqumbo yeminyanya* (The Wrath of the Ancestors) by A.C. Jordan (1974). It is also aptly captured by Jordan’s wife, Phyllis Ntantala, in her autobiography, A Life’s Mosaic:<sup>145</sup>

For how can one explain and understand Granny Matthews, wife of Professor Z.K. Matthews, so English and yet so African? Of the women I know, there are none as African and aware of their great African heritage as she is. And yet, on the surface, she is so English. Or how can one understand my husband A.C. (Jordan), peasant in outlook, one who remained suspicious of city ways to the end of his life, and yet, as a Classical and European scholar of literature, history and music, one who could field with the best? (1992:ix)<sup>146</sup>

This study argues that these divisions were not merely the figment of the imagination of colonialists. As Mayer (1980; 1974) has correctly observed, Africans categorized themselves as ‘school’ and ‘red’ people (see also Beinart 1991:21). Not only that, colonialists ingrained in the minds of the majority of the school people that African values and practices at the time of colonial intrusion were backward and inferior to Western values. The case study of Xhalanga, as will be seen, is a clear demonstration of how enduring these divisions and prejudices were. At their heart was the colonial promise that those Africans who met the conditions of ‘Western civilization’ would be incorporated into its system.

The division between ‘school’ and ‘red’ people already existed amongst AmaGcina when they occupied Xhalanga.<sup>147</sup> The category of ‘school people’ was further bolstered by the

---

<sup>144</sup> *Amaqaba* (plural) was a derogatory term used by the ‘school’ people and referred to the red ochre ‘red’ people applied to their clothing. ‘Red’ people, in turn, used the derogatory term *maqgobhoka* when referring to ‘school’ people to suggest that the latter ‘opened a hole’ to let Whites in (see Mayer 1980:8).

<sup>145</sup> Phyllis Ntantala is also the mother of Pallo Jordan, the ANC activist, Member of Parliament and intellectual.

<sup>146</sup> For a recent variation of the tension see Mda (2000).

<sup>147</sup> See the testimony of Gecelo’s councilor, Jim, to the Thembuland Commission on 10 November 1882 regarding the “school people” among abaThembu (G. 66 - 83: 30). See also Cumming’s annual report dated 31 December 1878.

arrival of amaMfengu in Xhalanga.<sup>148</sup> Gecelo pointed out in his testimony to the Thembuland Commission that the first Mfengu in Xhalanga, Jonas Umtonjeni<sup>149</sup> arrived around 1872, about seven years after abaThembu settled in Xhalanga.<sup>150</sup> Others followed. They came, according to Gecelo from different places such as Orange River, Burn's Hill and 'the colony'. AmaMfengu did not come with a chief, as they, by this time, did not recognize any chief(s). In other words, by 1872, the population of Xhalanga divided, not only along social lines, between the 'school' and 'red' people, but also along ethnic lines, between amaGcina and amaMfengu. There seems, however, to have been an alliance amongst the 'school' people of both ethnic groups. Magistrate Cumming described these "few civilized natives" thus:

These men had grown up under the care of the late Mr Warner, and are pleasing examples of what the native may become under judicious training. ... They were located on farms, and the right of occupation was secured to them so long as they remained in the country. ... There is a vast difference between the condition of these native farmers, and that of the people who were left unreservedly under the control of the chiefs. Being virtually independent of the chiefs, and freed by their early training from the trammels which custom and tradition have imposed on other natives, they have advanced in wealth and material prosperity, and as regards their civilization, it admits of being represented as consisting in something more than the possession of a plough and a suit of European clothes ... they are loyal in the true sense of the term; they are better clothed, better fed, and better housed, than any of the surrounding natives.<sup>151</sup>

Although Cumming's pre-occupation was to draw a contrast between the few 'civilized natives' and the majority 'red' people, the above quotation draws attention to a further, class differentiation in Xhalanga. In this context, class is defined in terms of access to farms with some official recognition. The 'school' people, as Cummings pointed out, were granted farms, with 'the right of occupation ... secured to them so long as they

---

<sup>148</sup> According to Mafeje, "destitute, famine-stricken, and helpless (amaMfengu) came to the Southern tribes with their never forgotten cry of 'Siya mfenguza' - 'We are refugees or fugitives'. Hence the term 'amaMfengu'" (1963:41). According to Peires, *ukumfenguza* means "to wander about seeking service" (1981:88). Peires has reminded us that, contrary to the widely-held view, amaMfengu were initially well received by amaXhosa, and that it is only later that there were tensions between the two groups (1981:88-89).

<sup>149</sup> It is possible that the proper name is Thonjeni.

<sup>150</sup> In the testimony, Gecelo is recorded as having said: "The first one came in ten years ago". The date of the testimony was 9 November 1882. See G. 66 - '83:22.

<sup>151</sup> G.33 - 1879:91.

remained in the country”, while the bulk of the ‘red’ people were not granted any farms.<sup>152</sup> The class division coincided with the division between ‘school’ and ‘red’ people, with the class of landholders largely drawn from the school people. It is these ‘native farmers’, amongst others, that Colin Bundy comments on in his seminal work, The Rise and Fall of the Peasantry in South Africa (1988:112-3). Bundy was particularly commenting about the remarkable manner they adapted to new challenges presented by colonial market conditions and how they transformed themselves into progressive peasants who competed favourably with white farmers. It is worth noting that amaGcina, presumably the ‘red’ amaGcina, resented the granting of land to amaMfengu, but their chief, Gecelo, continued to give land to amaMfengu.<sup>153</sup> Wagenaar (1988:168) has argued that the fact that Gecelo was a regent must have made him feel insecure, especially as there were occasional rumours that the heir, Mpangela, would move to Emigrant Thembuland and unseat him. By bringing amaMfengu with him, Gecelo, according to Wagenaar, wanted to strengthen his position. A close reading of the record of the Thembu Commission suggests that there is another explanation. According to Levey, amaMfengu who were given land “paid the chiefs in cattle or money”, which, according to him, Gecelo “appropriated mostly to himself in cases of that kind.”<sup>154</sup>

It would appear that the chief instruments that colonialists used to transform Africans in most of the Eastern Cape, the church and western education (Ntantala 1992), had not, certainly in the eyes of Cumming, made a palpable impact in Xhalanga by 1878. According to Cumming, Christianity and education had not made much progress in the area, “chiefly because the agencies in operation (were) quite inadequate to the requirements of the people.”<sup>155</sup> He continued:

In the whole district there is not a single resident Missionary. There are two out-stations in charge of native Evangelists. The one is connected with the Wesleyan Mission Station at Cofimvaba, and is periodically visited by the Rev. Mr. Warner; while the other belongs to St. Marks. On the latter there is a small school conducted by a woman.

---

<sup>152</sup> The land tenure debate is elaborated in the rest of the chapter.

<sup>153</sup> G. 66 - ` 83: 2330.

<sup>154</sup> G. 66 - ` 83:52.

<sup>155</sup> G. 33 – 1879:92.

He concluded by pointing out that he hoped “to have additional schools established”.<sup>156</sup> The fact that there were no schools and churches in the area should not be surprising, given that Cumming arrived about 13 years after the establishment of Xhalanga. By 1903, however, Resident Magistrate Bell reported that “Native Schools in the town” did not only exist, but were “well attended and well managed”, too.<sup>157</sup>

Given that there were no schools and churches, a question may justifiably be asked about the origins of ‘school’ people in Xhalanga. To answer this question, it would be important to recall that at the time of the establishment of Xhalanga in 1865, amaMfengu had already accepted Western education and religion. Consequently, those that moved to Xhalanga were already ‘school’ people. Magistrate Cumming’s observation that the people of Xhalanga were not homogeneous and that some, in particular amaMfengu, were disapproving of the decisions of the chiefs, is a clear testament to the Western influence that amaMfengu brought with them. According to Cumming, the amaMfengu and abaThembu were ‘beginning to avail themselves of their right of appeal from the decisions of the chiefs’. He noted that it was ‘seldom a Gcina appeal(led). The appellants generally prove(d) to be either Fingoes or Tembus who (were) not of Gcina extraction’<sup>158</sup>. With time, the number of amaMfengu grew. When Levey gave evidence to the Thembuland Commission on 11 November 1882, he estimated that ‘half the population are Fingoes’.<sup>159</sup> Similar divisions occurred in the area of Stokwe. By 1880, the people in Stokwe’s area were divided between the ‘school people’ and the so-called ‘red kaffirs’. The ‘school’ people, as was the case with their counterparts in Gecelo’s territory, were undermining the authority of Stokwe. They made such an impact that Stokwe had threatened to drive them away as a result of their refusal to refer disputes to him as chief of the area (Wagenaar 1988:178).

---

<sup>156</sup> G. 33 – 1879:92.

<sup>157</sup> CMT, 3/188.

<sup>158</sup> G.33 -1879:92. Cumming is probably referring to people such as Kalipa, who, while referred to as abaMthembu, are actually amaXhosa, their clan name being amaYirha (Interview with Mr G. Kalipa, in Lumphaphasi, 9 September 1999).

<sup>159</sup> Proceedings of the Thembuland Settlement Commission – 1883:48.

In sum, colonial intrusion undermined chieftainship in Xhalanga both directly and indirectly. Firstly, the institution was abolished after the Gun War of 1880-81 as a result of the involvement of the chiefs in the war. Secondly, 'school' people, most of who were landholders, contributed to the erosion of chieftainship in the area. Not only had chieftainship been eroded, the entire composition of the population changed, and Africans who were given a privileged status in Xhalanga were precisely the landholders who came from the 'school' people and who aspired to the same rights as their white counterparts. They were also anti-chief. The bulk of these Africans were amaMfengu. Compared to other parts of the Eastern Cape, the 'school' people in Xhalanga, whatever their background, were not under the missionary tutelage. Their aspiration was primarily to be politically and economically incorporated into the wider colonial, 'civilized' society. The bulk of the 'red' people were not granted farms, which implies that divisions in Xhalanga were not only social, but class-based, too. Against this background, this chapter focuses on the evolution of local government in the countryside of Xhalanga after the demise of chieftainship, and up until the establishment of the District Council in 1924.

### **The land question in Xhalanga**

Given the centrality of the land tenure question in rural local government in general, and in the initial rejection of the council system of local government in Xhalanga in particular, it is important to discuss the genesis and nature of land problems and struggles in Xhalanga. Before the arrival of amaMfengu in Xhalanga, land was under the control of the chief and he was responsible for its allocation.<sup>160</sup> The inhabitants were allocated land without any survey of land. This system of allocating land started to change with the arrival of amaMfengu. Some amaMfengu were, with the approval of the British Agent, Warner, allocated small farms.<sup>161</sup> Beacons were pointed out to them. According to Gecelo, he thought it wise to clearly demarcate the boundaries of the land given to

---

<sup>160</sup> What follows with regard to land allocation in Xhalanga is extracted from the testimonies of Gecelo and his councillor, Jim, to the Thembuland Commission of 1882-83, G. 66 - '83, especially pp 2230.

<sup>161</sup> CMT, 3/873.

amaMfengu in order “to save quarrelling” between his people and amaMfengu.<sup>162</sup> Gecelo claimed that Levey, who succeeded Warner as British Agent, and the assistant magistrate Cumming were kept informed about these transactions. Gecelo was adamant that demarcating small farms did not mean that the landholders could sell it. According to him: “It was still my ground, and even the Magistrate said the ground belonged to me”.<sup>163</sup> In the event uMfengu left, the land, according to Gecelo, would revert to him. Granting small farms to amaMfengu set a precedent. The ‘school people’ among abaThembu acquired small farms “on the same terms”.<sup>164</sup>

In his testimony to the Thembuland Commission, Levey stated that when he assumed office in Thembuland in 1875, land had been granted “indiscriminately”. Consistent with his civilising mission, Levey expressed his dissatisfaction to Gecelo and Stokwe, and pointed out that “natives” should get small farms “where they were thoroughly civilized men”. He recommended to Government that it was “very desirable to build up a class of civilized men who would leaven the rest of the tribe”. With the approval of the government, Levey visited the various farms that were demarcated. According to him, he found that some were unoccupied and unattended to. Consequently, he set up conditions and requirements to be met within a period of two years for the acquisition of the farms. These requirements were to “erect a house of the value of not less than 50 pounds, to plant a fruit garden and to make general improvements, such as making dams and other improvements in civilization”. Personal occupation was also required. After the two years had expired (this must have been around 1877), nine farmers in Xhalanga and five in Southeyville (Stokwe’s territory) met Levey’s requirements. They each, according to Levey, obtained certificates “under authority of the Government”. Levey pointed to the Commissioners, however, that subsequently more farmers made worthy improvements, but were not granted certificates.<sup>165</sup>

---

<sup>162</sup> G. 66 - ` 83:23.

<sup>163</sup> G. 66 - ` 83:24. Note the relationship between chief and magistrate and the tacit concession by Gecelo that he did not have absolute control over what he regarded as his land.

<sup>164</sup> The term “school people” was used by Gecelo’s councillor, Jim. This was, of course, interpreted from Xhosa, and it is difficult to know what Xhosa word Jim used- possibly *Abantu besikolo*.

<sup>165</sup> G. 66 - ` 83, pp 489. These certificates did not have the status of a freehold title.

The Thembuland Commission made a number of recommendations in its *Report* dated 31 July 1883. It recommended, inter alia, a new demarcation of boundaries. In arriving at new boundaries, the Commission followed a Resolution of the House of Assembly that ‘the portion of the country heretofore occupied by the Chief Gecelo, from the Indwe up to the boundary of the country lately occupied by the Chief Dalasile, running parallel with and adjacent to the Southern base of the Drakensberg Range, be occupied by European farmers’. ‘Loyalists’ occupying land in this area were ‘invited to remove south of the boundary, and receive grants of land there in exchange for those they vacated’. Effectively, they would serve as a buffer between white farmers and ‘rebels’. The latter, about 300 or 400 families, were relocated to Mthingwevu and Nququ Valleys in the Southeyville District.<sup>166</sup> The Commission argued that it was in the interests of ‘the European’ and ‘the country at large’ to have as neighbours ‘honest, loyal men of proved character’ in order ‘to minimize thefts and to place as little cause for friction between the two sections of the community as possible’. Parts of the district of Southeyville were amalgamated with the remainder of Xhalanga. In 1884, the village township of Cala, which was occupied mainly by ‘Europeans’, was also added. This completed the process of establishing a new Xhalanga district.<sup>167</sup> Cala was the seat of the magistracy, with Charles J. Levey, the former British Agent, as the first Resident Magistrate of the new Xhalanga district. In 1887, two years after the annexation of Emigrant Thembuland to the Colony of the Cape, Cala was constituted as a municipality under provisions of the *Municipal Act* of 1882.<sup>168</sup>

The Commission also recommended that ‘loyalists’ should be rewarded with ‘a fair amount of arable land with commonage rights, to be secured to them in the first instance by the fixing of beacons, and registration in some permanent form of their rights, on payment of a quitrent of 5s (R3.00) per morgen of arable land per annum’. With regard to the size of the farms, the Commission recommended that the holdings should not exceed 15 morgen, ‘with grazing rights in the proportion of not more than 15 morgen of

---

<sup>166</sup> G. 66 - ` 83:23. Note, too, that former headman Mazibuko pointed out in his interview that amaQwati were relocated to Nququ after the Gun War.

<sup>167</sup> The boundaries of this district remained, except for the inclusion of some farms to the Transkei after its independence in 1976, the same until the demarcation of boundaries in 2000, in post-1994 South Africa.



commonage to 1 morgen of arable land". On the vital issue of land tenure, the Commission pointed out that there were "loyal natives" who are anxious and prepared to pay for their land at once and obtain their title deeds". Following a system that applied to white farmers, the African landholders indicated that they were prepared "to capitalize the rent by paying down for twenty years", after which the land would be theirs. The Commission, however, explained to them "that they would have to pay the expenses of survey and title deed" (see Carstens 1981). The Commission strongly recommended that the wishes of the "loyal natives" be met.<sup>169</sup>

The Commission's recommendations are a good example of the ambiguity in the Cape colonial policy towards 'the natives' discussed in chapter two. On the one hand, the Commissioners believed that "as the Natives see the advantage of individual title, they will gradually fall into European ideas as to the ownership of land, and lasting peace and contentment as far as land matters are concerned will be secured".<sup>170</sup> However, by recommending a new demarcation of boundaries that would separate blacks and whites, the Commissioners presented themselves as adherents of segregation. The tension between assimilation and segregation in the recommendations of the Commission was thus symptomatic of a wider tension in the Cape colonial government policy. Unlike in Natal, colonialists in the Cape did not resort to indirect rule through traditional authorities for the simple reason that chiefs in the Cape led wars against the colonialists. The colonial strategy of divide and rule in the Cape seemed to have revolved around dividing Africans along social and class lines. In this strategy, benefits in land were closely tied to the question of loyalty.

Although the government did not accept all the recommendations of the Thembuland Commission, however, it did accept the one giving "loyalists" arable land on a quitrent basis. This clearly meant that, at least in the eyes of the government, Xhalanga would no longer be established as a tribal area, under chiefs, as was anticipated when Emigrant Tembuland was established. People who were in occupation of land before the war, and

---

<sup>168</sup> CMT, 2/14:4; G. 3 – 1884:119-120; G. 2 – 1885:125.

<sup>169</sup> G. 66 – '83:2.

remained loyal, qualified for access to land. The Commission submitted a list of people whom it recommended should be settled in Xhalanga. These included people who were under Gecelo and Stokwe, on the one hand, and what the Commission referred to as people of “other nationalities”, presumably referring to people who were not resident in Xhalanga and Southeyville. Consequent to the acceptance of the Thembuland Commission recommendation, a rough survey was made and individual arable plots demarcated. Certificates of occupation were then given to those who qualified for land based on the criteria of the Commission mentioned above. The Commission left the Xhalanga landholders with the clear impression that, pending further clarification by the government, the survey and certificates of occupation were temporary measures until such time as the people could afford to pay for a complete survey, at which point appropriate titles would be issued.<sup>171</sup>

Despite being stripped of their chiefly power, Gecelo and Emma Sandile, the widow of Stokwe, were each given farms. Although Gecelo was involved in the Gun War, his testimony to the Commission that he was loyal was accepted. It appears as if colonialists did not want to completely alienate the dethroned chief and the widow of Stokwe, given that they had some supporters. The Commission recommended that Gecelo be given a farm at Mbenge. Emma Sandile-Stokwe was granted a farm at eNdwana, mainly on humanitarian grounds. The Commission found that she was marginalized by her people on the grounds of witchcraft, and of being accessory to her husband's death.<sup>172</sup> Former headman Mazibuko, though, does not mention these tensions between Emma and amaQwati, but points out that Emma applied for the farm on the grounds that climatic conditions at Nquqhu did not suit her. He further stated that the farm was earmarked for the three wives of Stokwe, but was registered under Emma because she outwitted the other wives, who were as educated as she was.<sup>173</sup>

---

<sup>170</sup> G. 66 - ` 83:135.

<sup>171</sup> CMT, 3/873.

<sup>172</sup> G. 66 - ` 83:9. Former headman Mazibuko narrated a similar story in my interview with him. As already indicated, Mazibuko claimed that his grandfather used to tell them these stories.

<sup>173</sup> Interview, Askeaton, 25 January 2001.

By 1896, when the provisions of the *Glen Grey Act* of 1894 were extended to Xhalanga, the government had not given a clear indication of the status of land tenure of the Xhalanga landholders.

### **Rural local government in Xhalanga: the painful birth of the District Council**

Prior to the direct involvement of magistrates and annexation in Xhalanga and Southeyville, the two chiefs, Gecelo (Xhalanga) and Stokwe (Southeyville) ruled the two districts. Each had under his control sub-, petty, or lesser chiefs (*iinkosana*).<sup>174</sup> We have seen above that Sifuba was a sub-chief of the Ira (*amaYirha*) group. Historically, sub-chiefs were drawn from the chiefly family, and were appointed by the chief and his councilors. One would have expected that this was the case in Xhalanga before magistrates took direct control. It would appear, however, that this was not necessarily the case. For example, Jonas Tiwane Nqose revealed in a letter, dated 3<sup>rd</sup> August 1904, in which he applied for a pension, that he “was appointed by the late Mr J.C. Warner<sup>175</sup> as Headman to lead the Tembus when they emigrated from Glen Grey to Emigrant Tembuland”.<sup>176</sup> His location, Tiwane Nqose, was named after him.<sup>177</sup> This therefore casts further doubt on the notion that the chiefs of Emigrant Thembuland were ever independent, as had been promised by the Cape colonial government. When Xhalanga came under the control of the Cape colonial government in 1878, the headman system was entrenched. The first Resident Magistrate of Xhalanga, Charles Levey, saw the headman system, perhaps in a modified fashion, as critical in what he called ‘local self-government’. In his annual report, dated 31<sup>st</sup> December 1883, he wrote:

For many years past I have advocated the importance of allowing the natives as much self-government as possible, and the more experience I have the more firmly I believe in this policy. ...I have allowed the Headmen to settle many of the differences amongst the people in their own way, with the right to appeal to me. I think if a proper system of self-government were introduced the natives

---

<sup>174</sup> See the Thembuland Commission record. G. 66 - ` 83:35.

<sup>175</sup> Warner, as we saw earlier, was Resident Commissioner.

<sup>176</sup> CMT, 3/188. Tiwane was a true ‘loyalist’ who also served the government in the Native War of 1877, the War of 1880 and the Anglo Boer war.

<sup>177</sup> CMT, 3/188. After the 1912-13, new survey boundaries were established and some of the names of the locations changed, including Tiwane Nqose. Tiwane became part of the Emnxé location/administrative area.

might be governed better and more easily by one half the number of magistrates we now have. Natives are better able than Europeans are to administer native law, and Headmen selected by the Government would rarely, if ever, obtain sufficient power to be become dangerous to peace.<sup>178</sup>

Levey was, as before, hostile to chiefs, even after they had been stripped of their powers. He seemed to have been suspicious that chiefs might still cause trouble. Levey intimated that “(W)hile we have Kaffir Chiefs we may always look for disturbances, and we can scarcely expect that any high spirited man will quietly submit to his power being gradually taken away from him without showing some resistance”. He felt, though, that at the time, the “Natives have very few grievances”.<sup>179</sup>

Given that colonialists needed local rural representatives as links between the rural inhabitants and the colonial administration, the headman system was imposed. It is important to remember that whereas in places such as Phondoland, headmen were drawn from the chiefly lineage, and that traditional authorities played a key role in their appointment, in Xhalanga, the magistrate appointed headmen. This further confirms my claim that although all headmen were indigenous, some were drawn from chiefly lineage, but others did not have such connection.

#### *Extending the District Council to Xhalanga*

Establishing a District Council in Xhalanga proved to be much more complex than its colonial planners could have anticipated. Its formation was delayed for over two decades. At the heart of the resistance were the landholders of Xhalanga who were granted land by the colonial government. These landholders courageously challenged the establishment of a district council in Xhalanga. As will be seen below, their methods were those of passive resistance, involving delegations and deputations of their representatives to the Cape Parliament and various government officials, in particular the Resident and Chief Magistrates. Although the representatives were often referred to as representing the people of Xhalanga, they were essentially representatives of the African elite, the

---

<sup>178</sup> G. 3 - 1884:120.

<sup>179</sup> G. 3 - 1884:120.

landholders. The headmen who sometimes formed part of the delegations were also landholders.

A review of the Cape colonial policies at the time of the introduction of the district council system is critical to our understanding of the opposition to the district council in Xhalanga. Cape liberalism gave rise to an African educated elite, with John Tengo Jabavu as a good representative of this group (Walshe 1987; Roux 1964). The interests of the African elite in politics was inspired by Queen Victoria's decision in 1853 to give the people of the Cape representative government. This decision entailed that every man, black and white, over the age of twenty-one years who was a British subject and who had property in land or a building worth a certain amount, or who received a prescribed annual salary would be granted the right to vote (Roux 1964:53). These qualified rights were entrenched in the constitution. The property qualification encouraged some Africans, in addition to the educated elite, to invest in property as peasants (Bundy 1988) so as to qualify for the franchise. Africans who qualified for franchise became targets of white, liberal candidates, especially at election times. In this way, these Africans were not only drawn into politics, but were subjected to the influence of the Cape liberals and their methods of struggle (Roux 1964:54).

However, as Lacey has shown, "white fears of being swamped at the polls" by Africans" (1981:55) had grown by the 1880s. To address this concern, the Sprigg ministry passed the *Parliamentary Registration Bill* in 1887. This *Act* effectively excluded large numbers of Africans who did not own property on a freehold tenure basis from the franchise. In practice, this meant that "tribal and communal tenure" was excluded as a franchise qualification (Lacey 1981:55). The biggest blow, though, was the introduction of the *Glen Grey Act*. As already stated, this *Act* introduced a system of "individual" land tenure whose political implications were that the holder of land was "automatically cut out of the national voting system" (Lacey 1981:56). Lacey has also argued that the economic justification for the introduction of the *Glen Grey Act* was to limit the number of Africans dependent on land, and thus "indirectly force the surplus into the capitalist sector" (Lacey 1981:15). This was the period immediately after the discovery of

minerals from the 1870s. The discovery of minerals changed the Cape colonialists' initial priorities of establishing a stable African peasantry and elite, in favour of creating a system that drew labour to the mines. Migrant labour was the preferred form of labour required by mining. This type of labour, as Lacey argued, ensured that the workers were not fully proletarianized and that their families were confined in the reserves.

When the idea of the district council was first mooted in Xhalanga in 1897, the initial response of the headmen of the district, who were also landholders, was to warn the magistrate against the introduction of the *Glen Grey Act*. They argued that it would aggravate hardships caused by rinderpest and drought, and that the people were not wholly in favour of it (Bundy 1987:155). When the government persisted with the idea, a deputation went to Cape Town in August 1900 to negotiate with the colonial government.<sup>180</sup> The Prime Minister at the time was Sir Gordon Sprigg. It appears that this deputation did not receive any clear commitment from the government. Another deputation met Sprigg and W.P. Schreiner in 1902.<sup>181</sup> Headman Renqe, a member of the deputation, subsequently referred to this meeting when he reminded the Cala magistrate, in a letter dated 23<sup>rd</sup> October 1902, that when "Prime Minister Chriemer (*sic*)" advised Xhalanga people to accept the council system, "we declined", and when "Sir Gordon (Sprigg)" talked to a "Tembu deputation" about the council, "we had also declined".<sup>182</sup> Sprigg assured the Xhalanga deputation that the council system would not be applied without their consent. The deputation was directed to the Chief Magistrate of the Transkei Territories who, at the time, was none other than Walter E. Stanford. Not only did Sprigg's commitment give Xhalanga Africans a window of opportunity to resist the colonial onslaught, but the fact that two Cape politicians facilitated the meeting must have reinforced the determination of these Africans to hold on to the real franchise in the Cape Parliament, rather than falling for the fake franchise of the councils.

---

<sup>180</sup> CMT, 3/188.

<sup>181</sup> Roux has described Schreiner and Sprigg as the diehards in the liberal tradition of the Cape. They were the only ones who voted against the 1909 Constitution excluding Africans from the Union of South Africa settlement (1964:71).

When Chief Magistrate Stanford re-introduced the issue of the district council in October 1902, Solomon Kalipa, the 'spokesman' for the headmen and people of Xhalanga who attended the meeting initially "expressed himself in sympathy with the Council System which he believed would be accepted by the people, the principle being what they desire".<sup>183</sup> Having said that, Kalipa pointed out "that the matter would be discussed with the magistrate after the Chief Magistrate left". Subsequent to this meeting, magistrate Bell called a meeting where he also explained the council system to the headmen and people of Xhalanga, including the 'beneficial results gained in other Districts especially in regard to education and useful public works'. Those attending the meeting asked for more time to discuss the issue with people in the district. According to the magistrate, he was later informed "that a large meeting had been held at Emnxu by leading men from all parts of the District except Gecelo's son Malangeni who resides on his own farm". This meeting "condemned" the district council "on the ground that councillors were elected by the Headmen and the Government and not by the people". A delegation of three was chosen to relay the decision to the magistrate.<sup>184</sup>

David Mayongo, who led the delegation, informed the magistrate that "the people of the District were unanimously opposed to the introduction of the District Council 'because Government elects some of the Councillors and the others are elected by the Headmen who are Government men and the Government will settle all matters in the District through those men and the tax payers will have their mouths shut'.<sup>185</sup> This led magistrate Bell to conclude that the 'people have evidently been advised by agitators'.<sup>186</sup> Who these agitators were, he did not say. What seems clear is that the district council system was widely discussed in the Transkei. E. Mamba, a labour agent of Idutywa and chairperson of the Transkei Vigilance Association, used the same argument a year later, in 1903 when he addressed the select committee of the Cape Assembly.

---

<sup>182</sup> CMT, 3/188. Note that Renqe confuses the question of who was Premier. Sprigg was the Premier. Stanford recalled in his reminiscences that "Sir Gordon Sprigg met them (the Xhalanga deputation) without arranging for me to be present at the interview" (Macquarrie 1958:232).

<sup>183</sup> CMT, 3/188. Solomon Kalipa was one of the "educated" abaThembu who received farms from Gecelo before the Gun War. He was a loyalist who fought on the government side during the war.

<sup>184</sup> CMT, 3/188.

<sup>185</sup> CMT, 3/188.

<sup>186</sup> CMT, 3/188.

The responses that the Xhalanga landholders received from Sprigg and Schreiner, on the one hand, and the chief magistrate and magistrate on the other, once again highlighted the colonial dilemma between incorporation and segregation. By 1902, it was becoming clear that the Cape colonial government was moving towards assaulting the franchise of the Africans in the Cape. After the Anglo-Boer War of 1899-1902, in particular, the pre-occupation of the Cape liberals was to reconcile the ‘Boers’ and the ‘English’, an exercise that would lead to the eventual exclusion of Africans, and blacks more generally, from the franchise (Roux 1964:68).

*The land tenure debate and the District Council, 1902-1911*

A striking feature of the debates and discussions during the period under consideration, and indeed up to the introduction of Tribal Authorities in the 1950s, was the extent to which colonial representatives were willing to convince and persuade the Xhalanga landholders of the virtues of the colonial rule. Many meetings between landholders and colonial representatives took place. This contrasted sharply, as will be seen in later chapters, with the intolerance and naked repression characteristic of the apartheid period.

Much of the opposition to the district council, as magistrate Bell correctly predicted, was linked to the acceptance of the *Glen Grey Act* that was, in the words of Bell, “much disliked in this District”.<sup>187</sup> There were political and land tenure reasons why the *Glen Grey Act* was not acceptable to the landholders of Xhalanga. Both of these reasons were interlinked. Politically, acceptance of the provisions of the *Glen Grey Act*, in particular, the tenure provisions, would rob landholders in Xhalanga of their limited franchise. The certificates of occupation that they held qualified them to exercise their franchise. Land held under the *Glen Grey Act* was not recognized for purposes of the franchise. Yet, the elite in Xhalanga argued that as “civilized natives”, they were in favour of the Divisional Council, a form of local government for whites.<sup>188</sup>

---

<sup>187</sup> CMT, 3/188.



It is arguably the tenure provisions of this *Act* that became a subject for bitter debate and contestation for almost two decades. The tenure provisions of the *Glen Grey Act* have been discussed in chapter two of this study, including the principle of “one man, one plot” and restrictions in terms of the extent of land that could be allotted. It is therefore not surprising that opponents of the *Glen Grey Act* were people such as Solomon Khalipa and Mankayi Renqe, both of whom were rewarded with large portions of land for supporting the colonialists.<sup>189</sup> The Xhalanga landholders clearly did not want to hold land under the *Grey Act*. In his letter dated 23<sup>rd</sup> October 1902, Renqe clearly stated: “what is before us and the Government is a clear Title deed of Xhalanga be issued us”.<sup>190</sup> Initially, though, the Xhalanga landholders wanted quitrent title, as issued under the regime of Sir George Grey. Government replied that such titles were no longer issued. In the event, Xhalanga people had indicated they wanted the title that was “similar to those granted to the Embokotwa allotment holders”, hence the name *Embokotwa title*<sup>191</sup> (see also Bundy 1987:155).

Mbokotwa was the name of an area that fell under the jurisdiction of chief Gecelo prior to the demarcation of boundaries in 1883.<sup>192</sup> After the demarcation of boundaries, the area fell under the Elliot district. When Africans moved south of the boundary, they became neighbours with white farmers in Mbokotwa. As neighbours, African farmers were aware of the tenure arrangements in Mbokotwa. White farmers in Mbokotwa held land on similar terms as their African counterparts, namely, on a quitrent basis. The only difference was that, unlike African farmers, the government had committed itself to allowing the white farmers to capitalize their rent and after twenty years take ownership of their farms. It should be recalled that African farmers put a similar position to the

---

<sup>188</sup> CMT, 3/591.

<sup>189</sup> Mankayi Renqe, like Solomon Khalipa, received a farm from Stokwe before the Gun War. We have seen that he assisted Levey when they raided Stokwe’s farm at the end of the war of Ngcayechibi. He fought with colonial forces during the Gun War. With regard to the amount of land that Khalipa had, a ranger in Lumphaphasi has recently recalled “*yayimile loondoda*” (that man was rich). (Interview with Mr Dyantyi, Lumphaphasi, 9 September 1999).

<sup>190</sup> CMT, 3/188.

<sup>191</sup> NA, 696.

<sup>192</sup> It was remarkable to notice how limited the knowledge of the people of Xhalanga is regarding their own history. Most of the elderly people I interviewed did not know Mbokotwa. I am grateful to Mr Rev

Thembuland Commission, but were told that clarification was required from the government.

By rejecting a separate and inferior title, the landholders of Xhalanga showed that they were against segregation. However, Chief Magistrate Walter Stanford and the Cala magistrate were sympathetic to the segregationist tendency. Reminiscing about the meeting between the Xhalanga delegation and Sprigg referred to above, Stanford was of the view that Sprigg fell ‘into the trap’ by giving the Xhalanga deputation the assurance that the council system would not apply in their case (see also Bundy 1987:155). Stanford, whose responsibility it was to extend the *Glen Grey Act* to parts of the Transkei, including the Xhalanga district, was not happy with the position of Xhalanga people. He subsequently organized a meeting on 22<sup>nd</sup> December 1902, in the Cala courtroom that was attended by ‘the Headmen and people of the Xhalanga District’. The seriousness with which the people of Xhalanga took the matter can be judged by the attendance of the meeting. It is recorded that the courtroom ‘was crowded, all available space in the place being taken up by the Headmen and Native representatives of the District’, this despite the fact that, as the Chief Magistrate commented, the meeting was held in the afternoon and in December, a ‘busy time of the year’ for farmers.<sup>193</sup> Stanford used the occasion to once again persuade the people of Xhalanga to accept the council system, pointing out that he is ‘able to judge of its working in other districts’. On the question of title, he told the meeting that although he was ‘not quite certain as to what was meant by ‘*Embokotwa*’ title’, but if it meant, ‘the titles granted to Europeans were those in view’, he ‘did not think they were a suitable kind’.

The essence of Stanford’s position was that what was good for ‘Europeans’ was not necessarily good for ‘Natives’. Whereas ‘Europeans’ could bequeath and mortgage their property, ‘Natives’ were not mature enough to make those decisions. As Chief Magistrate, he had ‘a double duty to perform in having first of all to look at the matter from a Government point of view and in having on the other hand to carefully consider

---

Gxotiwe for directing me to where Mbokotwa used to be (Interview in Cala, 12 January 2000). The area has since been divided into farms that were, until recently, owned by whites.

your interests. Whatever my report will be I wish you to remember that my desire is that you shall remain on the land and that your children should retain possession of it after you”.<sup>194</sup> Stanford also indicated that he was against mortgage of land, concluding, “and that is in your interest, because I know what it would lead to”. He then asked his audience: “Do you want ‘one man one lot’ as in Glen Grey?”

A heated debate ensued. The people of Xhalanga were clearly not impressed by the paternalism and intrigues of Stanford. Pambani Figlan, a farmer at Mbenge location who married an Irish woman,<sup>195</sup> pointed out that the inheritance provisions of the *Glen Grey Act* were “not suitable” as they did not protect the children. “The days are changed”, he declared, “it is now not like in olden times. Now people must get titles as in the Colony to enable the father of a family to apportion his property. Even in England this is done after each son is allowed its sufficient portion”. Mankayi Renqe reiterated his position that they “now only await title”. He further asked Stanford: “Are you not the one to protect us from the *Glen Grey Act*?” January Manqina was forthright: “The Chief Magistrate has said a good word that if we got the *Glen Grey Act* it would be put in force to protect the people, but we do not want protection”.<sup>196</sup> Some, such as Henry Ngwabe, felt that the “matter ought to be decided by the people by themselves”. Agreeing, Timothy Makaba remarked:

I can see that the Chief Magistrate is familiar with the mode of speaking to Natives. We appreciate that. I think the idea is correct that the Chief Magistrate will take as representative the opinion of those who have spoken. Our views ought to be learnt from the first deputation sent. Those men were properly deputed and carried our exact views. We want such a title as was asked for by them. The persons who formed the second deputation were also properly deputed and carried the views of the people as a whole. There are various titles in the

---

<sup>193</sup> CMT, 3/188. The “Native representatives” could have been the landholders who were not headmen.

<sup>194</sup> CMT, 3/188. He recalled the case of East Griqualand “in the early days” where “men ... thought themselves strong and secure and where they nevertheless failed”. He argued that in East Griqualand, people “were not protected in their titles and by the law of inheritance, their valuable properties were sold and when they made wills the result was the same because they generally made a life provision for their widows, and the children after that would disagree”.

<sup>195</sup> Interview with his grandson, B.S.C. Mkumatela at Mbenge, 9 January 2000.

<sup>196</sup> CMT, 3/188.

colony and they are not dangerous things and the people who have them are happy. In these titles the necessary provisions were laid down.<sup>197</sup>

Stanford tried to divide participants by suggesting that he should discuss the matter ‘more fully’ with a deputation, to which Mankayi Renqe appropriately retorted: ‘This is a case of responsibility. We then were sent by the people and we went, but with the people present the Chief Magistrate ought now to discuss the matter direct’. Seti Makiwane, however, provided Stanford with a lifeline when he suggested: ‘we are accustomed to be visited and then discuss matters among ourselves’. Stanford exploited the apparent divisions between those who wanted to discuss the matter among themselves, without the presence of the Chief Magistrate and Magistrate, and those who did not see any need for such a meeting. He indicated that he was ‘not clear as to what the people of this District unite in asking for’. In the end, Solomon Khalipa proposed that they ‘ought to be allowed to retire to discuss the points we have in view. We seem to have arrived at a stage when the Chief Magistrate ought not to be present, to allow us to discuss the matter among ourselves’. It was agreed that Chief Magistrate Stanford ‘should again visit Cala for the purpose of being present at a final discussion of the subject’.<sup>198</sup>

The meeting of December 1902 is a clear illustration of the fundamental differences between the Cape colonial policy of segregation as presented by Stanford, and the Xhalanga landholders. The essence of the debate was captured years later, in a telegram sent by a representative of the Chief Magistrate to the Department of Native Affairs in Cape Town, on 27 January 1911:

The contention of Xhalanga Natives has been that they are no longer under tribal rule, that it would be a retrograde step on their part to enter (the) Council system with its constitutional recognition of tribal state and also that being settled on the land like Europeans they should have Divisional Council instead.<sup>199</sup>

---

<sup>197</sup> CMT, 3/188.

<sup>198</sup> CMT, 3/188.

<sup>199</sup> CMT, 3/873.

The fact that these debates were sustained over such a long period suggests that there was local power that colonialists could not simply ignore or sweep aside. Indeed, it represented a clash between the segregationist tendencies of Stanford and the determination of the Xhalanga landholders to have title deeds and the franchise similar to whites. Finally, the debate casts serious doubt as to the individual character of titles issued in term of the *Glen Grey Act*. It clearly shows that the *Glen Grey Act* titles were not comparable to freehold titles that whites were entitled to. In a nutshell, the differences revolved around the conditions of title: freehold title as opposed to quitrent.

The extent of the local power seemed to be further demonstrated by the fact that Stanford found it necessary to return to Cala after the December 1902 meeting.<sup>200</sup> Once again, the courtroom is recorded as having been “crowded” by ‘headmen and people of the Xhalanga District’.<sup>201</sup> It would appear that Stanford did research on the *Embokotwa* title. He explained that his reading of the provisions of the title was that the *Embokotwa* title had the following restrictions: “any sale is subject to the approval of Government and secondly land cannot under that kind of title be pledged or hypothecated for debt”.<sup>202</sup> In this respect, the *Embokotwa* title was not a freehold title. It had restrictions similar to those of titles held under the *Glen Grey Act*. The main difference seems to be on the question of inheritance. The *Glen Grey Act*, for example, regulated that the eldest son would inherit the land upon the death of the father. The *Embokotwa* title, on the other hand, made provision that a man and his wife could make a will. Where no will had been made, Stanford explained, ‘half of his property goes to his wife and the other half to the children’.<sup>203</sup> Thus, the *Embokotwa* title allowed some legal access to women through inheritance while the *Glen Grey Act* title was totally male oriented. What Stanford did not say, though, was that after a period of paying rent, a period of up to twenty years, white farmers at Mbokotwa would own the land under freehold title.

---

<sup>200</sup> Unfortunately the minutes of this meeting are undated.

<sup>201</sup> CMT, 3/188.

<sup>202</sup> CMT, 3/188.

<sup>203</sup> CMT, 3/188.

The Xhalanga people who attended the meeting with Chief Magistrate Stanford enthusiastically endorsed this aspect of the *Embokotwa* title. Tuis Kasana categorically stated: “we clearly favoured the Colony law, as we regarded it as fair that the owner of land should have the right to make a will concerning it”. However, given the patriarchal nature of land access and politics at the time, the gender aspect, it seems, never sparked any debate. When Stanford wanted to know whether “all agree upon that”, there was a “spontaneous burst of ‘Yes’ and cheers from all sides of the room”. Sam Manzana was emphatic: “What we want is only the Title promised to us”.<sup>204</sup> Although the Chief Magistrate assured the people of Xhalanga that to his mind, “the Embokotwa title seems in the main to fairly meet the requirements of the District”, and he would favourably consider the objection of the Xhalanga people to the *Glen Grey Act*, he did, in his closing remarks, make energetic efforts to market the tenure provisions of the *Glen Grey Act*. He told his audience:

Only the future can prove whether you are right in this decision. Don’t make any mistake about the Glen Grey Act. It has saved to the people of the Glen Grey District their land. ... Here and there in the Act there may be points not quite acceptable but the great advantage derived is this: the Act has saved to the people their land in perpetuity.<sup>205</sup>

These remarks, however, did not deter the people of Xhalanga. Thanking the Chief Magistrate, as he did in the previous meeting, Khalipa remarked, with relief:

We shall go to our homes gladly and inform our wives and families that he (Stanford) is not against the title which has caused such earnest (*sic*) discussions among ourselves. We look to the fact that we were the first to have a survey, and we think we are in front of whatever subsequently occurred and that we ought not to suffer by laws subsequently made, nor by the Glen Grey Act survey. We were afraid that the Glen Grey Act would eventually come to us and that made us restless. We are thankful that our Chief Magistrate feels for us and that he recognizes the fact that we obtained a survey before the Act became law. We were much afraid at first thinking that the Chief Magistrate would “jump” at us, but he has not done so and has given us a kind promise instead.<sup>206</sup>

---

<sup>204</sup> CMT, 3/188.

<sup>205</sup> CMT, 3/188.

<sup>206</sup> CMT, 3/188.

The issue of title was debated in the Cape Parliament in 1904. Schreiner, Member of Legislative Assembly (M.L.A.), one of the diehards who met the Xhalanga deputation in 1902, wanted to know from the Prime Minister, Dr Jameson, “whether it is the intention of the Government to take into consideration the question of exchanging the native certificates of occupation for plots of ground in the Xhalanga district for titles which shall confer security of tenure and absolute ownership of the ground to the same extent as is the case with the titles granted to the European holders of communal allotments (at Embokotwa in the Elliot district”.<sup>207</sup> Dr Jameson did not give a clear response to the question, indicating that the matter would be attended to during the recess. He concluded: “The Government were entirely sympathetic in regard to the matter, and he personally hoped to have the opportunity of finding out from the headmen their opinion on the subject”. A meeting between the Chief Magistrate and the Xhalanga people was subsequently held on 28 July 1904. The people of Xhalanga submitted:

The people are pleased that their father the Government views their application for firm title similar to the Embokotwa titles and thanks the Government. The people of the District have always been opposed to the introduction of the Council and they still object to having it. When the survey of the District was made the allotment holders were promised that on the expiration of 21 years they would get title (sic).<sup>208</sup>

Clearly, the people of Xhalanga never anticipated that the government would reject the recommendation of the Thembuland Commission regarding full title. If the recommendation had been accepted, the Xhalanga landholders would have been eligible for full title, given that, as at 1904, 21 years had elapsed since 1883.<sup>209</sup> But the government was still prevaricating. Dr Jameson avoided a clear commitment on the matter stating that “a definite settlement of matters pertaining to Native land tenure must await legislation, which must be deferred till the report of the Inter-Colonial Native Affairs Commission had been issued and considered by Government”.<sup>210</sup>

---

<sup>207</sup> CMT, 3/873. Letter written by Secretary of the Department of Native Affairs to Schreiner, dated 8 July 191.

<sup>208</sup> CMT, 3/873.

<sup>209</sup> It is not clear whether the undertaking to transfer title after 21 years was written or verbal.

The Inter-Colonial Native Affairs Commission, otherwise known as the South African Native Affairs Commission (SANAC) dealt the cause of equality with whites for the Xhalanga landholders a serious blow. Established in 1903, essentially to make recommendations towards a uniform 'native policy' in anticipation of the Union of South Africa, the commission emphatically opted for segregation as a permanent, mandatory principle of land ownership (Davenport 1987:229). This recommendation was the real forerunner to the 1913 *Native Land Act*. Lacey has strongly argued that the *Glen Grey Act* was influential in the Commission's report. Ironically, one of the champions of the *Glen Grey Act* was none other than Rose-Innes, at one stage a vehement critic of the same *Glen Grey Act*. According to Lacey, Rose-Innes' 'positive evidence' on the *Glen Grey Act* 'undoubtedly swayed the commissioners' (1981:17). The adoption of the 1909 Constitution discriminating against Africans in the proposed Union of South Africa in 1910 was yet another blow to the possibility of equal rights between white and black in South Africa, including rights to landholding. But these developments had been coming along since the *Glen Grey Act* of 1894 and before.

Despite these policy and constitutional moves, the Cape colonial government continued to equivocate on the Xhalanga land tenure issue. For example, when, in 1907, Schreiner asked the Prime Minister, among others, 'whether the Government intended to have a survey of allotments made in Xhalanga district, and to issue full title for the same, and if so, when such survey is likely to take place', the Prime Minister, Dr Jameson replied: 'Government proposed to survey the locations of the Xhalanga district into allotments, due regard being had for the existing rights of occupation, thereafter titles would be issued similar to those held at Embokotwa'.<sup>211</sup> By April 1910, though, there was still no clarity as to how the issues of tenure, and of the establishment of a district council, would be resolved. The Chief Magistrate had told a 'deputation representing the District of Xhalanga' that a survey would be introduced in Xhalanga. The principle of the survey was that people in possession of 'arable lands ... for which certificates of occupation (had) been issued ... (would) get the same title as the people at Embokotwa and

---

<sup>210</sup> CMT, 3/873.

<sup>211</sup> CMT, 3/873.



Gubenxa”.<sup>212</sup> The commitment of the Chief Magistrate to the issue of *Embokotwa* title to holders of certificates of occupation is shown in the telegram sent by a representative of the Chief Magistrate to the Department of Native Affairs in Cape Town on 27 January 1911.

The Xalanga allotment holders were selected from loyal Natives permanently located by Tembuland Land Commission and guaranteed life possession by Government. Vide section 19 of instructions to Commission page IX of its report and a form of title with less secure conditions or heavier burdens would be regarded as a breach of the original conditions and rejected as such, especially if quitrent which was fixed for Xalanga in common with Embokotwa and other European communal settlements made by Commission were doubled while latter remained as originally fixed. I know of no precedent to which Government could point for raising quitrent once determined. The loss of franchise rights established for certificate holders on substitution of Glen Grey title would be an even worse blow. Taking every thing into consideration I am more impressed with the duty of recognizing the facts of the settlement made by the Commission than with the need for imposing precise uniformity of tenure.<sup>213</sup>

If implemented, the concession to the Xhalanga landholders would be highly inconsistent with emerging government policy that was heavily influenced by the *Glen Grey Act*. The question of a uniform native policy was indeed central in the negotiations leading to the Union of South Africa and the main reason for setting up SANAC. It is difficult to explain the differences between the Chief Magistrate and the central state except to suggest that this Chief Magistrate was not as committed to the *Glen Grey Act* provisions as his predecessor, Stanford.<sup>214</sup>

It is worth remarking that the Chief Magistrate appeared to be inconsistent in thinking that it was possible to issue a freehold title to the Xhalanga landholders, while at the same time enforcing the council system. Pambani Figlan, the Xhalanga delegate, had complained that districts such as Xhalanga that had not accepted district councils were “governed by laws” of the General Council for the Transkeian Territories, like taxes on

---

<sup>212</sup> CMT, 3/591.

<sup>213</sup> CMT, 3/873.

<sup>214</sup> I have not managed to establish who the Chief Magistrate at the time was. It is hard to say whether these differences marked a general division between the Chief Magistrate and the central state, as was to be the case when the National Party took over in 1948.

the dipping of cattle. The Chief Magistrate used the occasion to lecture the delegation on the disadvantages of refusing the District Council system in Xhalanga.

I want to tell you people that you are being left behind. Nearly all the other districts have the Council. ... You Cala people will then be the only people with no public means of representing things to Government. You say you are Tembus. Well, the representations of the Council, being those of a large majority of the people in the Transkeian Territories are sent to Government which passes laws as the people ask for them. Some of the proclamations you say you are not consulted about are submitted to the General Council. ... I am pointing out the isolated position in which you Cala people are placing yourselves in having no body to represent your views to Government. You will shortly be practically the only district in the Territories in that position. It is a matter you will have to consider very seriously.<sup>215</sup>

Clearly, the Chief Magistrate did not want to accept that the Xhalanga landholders were against segregation, in both its political and economic forms. That he grasped what the Xhalanga landholders stood for is confirmed by the telegram he sent to the Department of Native Affairs on 27 January 1911 already referred to above. But, in the same telegram, he thought that the opposition to the council system had been weakened:

But I think opposition is not so strong as formerly and that there is a growing inclination in favour of extension and if (the) land question were once suitably settled certificate holders secured against Glen Grey title and election of councilors on popular basis allowed Council system might be extended with safety.

It appears from the above that the chief magistrate did not appreciate that acceptance of the district council would mean the loss of franchise on the part of Africans.

#### *Resolving the tenure debate: Government on the offensive*

Following the establishment of the Union of South Africa in 1910, the government steadily but surely embarked on the offensive to introduce a district council in Xhalanga. Having dealt with the franchise, the next major step was the resolution of the land tenure problem, in particular, the question of whether the *Embokotwa* title would be granted to

the Xhalanga landholders or not. The publication of *Proclamation No. 241* of 1911, although issued in terms of *Crown Land Act 15* of 1887, rather than the *Glen Grey Act*, dashed all hopes that the Xhalanga landholders had of getting a title similar to their white counterparts at Embokotwa. It is important to note that when the Xhalanga people opposed the provisions of the *Proclamation*, the loyalists and collaborators of the immediate past, the Xhalanga landholders, were now being referred to as agitators. Before dealing with the provisions of this *Proclamation*, it would be useful to consider the changing nature and composition of the population of Xhalanga as at 1911.

Despite the intentions of the Thembuland Commission to limit the number of people in Xhalanga to those it recommended, the population in the district grew. Part of this growth was as a result of natural population growth. There were, however, other reasons for the growth. The holders of certificates of occupation had tenants and sharecroppers on their land. Some of them came during and after the Anglo-Boer War of 1899-1902.<sup>216</sup> They were often referred to as ‘loose people’<sup>217</sup> (*amalose*). One of the areas where these people settled was the commonage of Cala Reserve.<sup>218</sup>

Cala Reserve was established as a result of a recommendation by the Thembuland Commission that land be put aside for the establishment of waterworks and allotments under an irrigation scheme. The idea was that these plots would be sold. This recommendation, though not fully implemented, was accepted. In 1887, Cala Reserve was included within the boundaries of the commonage of the Cala Municipality.<sup>219</sup> The Cala Municipality, however, gave up the administration of Cala Reserve on the grounds that the municipal area was too large.<sup>220</sup> In 1892, Cala Reserve was taken out again and 29 allotments were sold at different times under title. According to an attorney, J.M. Turvey, who represented some allotment holders in Cala Reserve, the allotments were purchased by public auction, and the titles issued were different from the certificate of

---

<sup>215</sup> CMT, 3/591.

<sup>216</sup> The post-1994 terminology refers to this as the South African War.

<sup>217</sup> CMT, 3/188.

<sup>218</sup> CMT, 3/873.

<sup>219</sup> Xhalanga District Record Book, Magistrate's Office, Cala.

<sup>220</sup> CMT, 3/188.

occupation.<sup>221</sup> Many of the allotments were initially purchased by ‘Europeans’ but had ‘mostly been bought out again by Natives’.<sup>222</sup> According to magistrate Bell, the ‘Native’ landholders understood that the title gave them ‘the undisturbed use of the commonage which is in the ` Cala Reserve’.<sup>223</sup>

Settling people on the commonage showed how tenuous and insecure the landholders rights were. The understanding that they had undisturbed use of the commonage was flouted when headman Duncan Makhohliso settled people on the commonage. When asked by magistrate Bell how it came about that people were settled on the commonage, headman Makhohliso stated that the then resident magistrate, Levey, had urged him to settle people “as it was a time of war”.<sup>224</sup> Bell was reluctant to accept the explanation by headman Makhohliso. His recommendation to the Chief Magistrate was that “all those on the list who were settled during the war on the ground ... be given written notice to move within three months”. Headman Makhohliso was not in favour of moving these people.

By 1907, the matter had not been resolved. This came out in 1907 when Schreiner asked the Prime Minister, Dr Jameson, “whether the Government is doing anything to protect holders of ground upon certificates of occupation in Xalanga district from being unduly surrounded by newcomers allowed to occupy a portion of the communal ground by the headmen and magistrate”. The Prime Minister replied: “instructions had been issued to the Resident Magistrate to see that no newcomers are admitted to the locations of the Xalanga district. He would warn headmen accordingly, and would in every possible way protect the rights of holders of certificates of occupation”.<sup>225</sup> Whether these instructions were issued or not, is not clear. What is clear is that by 1910, the government was

---

<sup>221</sup> CMT, 3/188. The allotment holders included Simon Sambula and T. Ninow. The ‘loose people’ included W. Rorwana, Arthur G. Cuba, Sikuni Taki, White Godana, Majova, Isaac Nkota, Chas Mvosi and Jonas Cuba.

<sup>222</sup> CMT, 3/188. Letter to the Resident Magistrate, Cala, dated 22 November 1902, under the heading ‘Loose Natives on Emnxe Commonage’.

<sup>223</sup> CMT, 3/188. Letter to the Chief Magistrate dated 24 December 1902.

<sup>224</sup> CMT, 3/188. Letter to the Chief Magistrate dated 24 December 1902.

<sup>225</sup> CMT, 3/873. Note that the Premier suggests that the allotment holders were in possession of certificates of occupation, and does not make the distinction made by attorney Turvey.

equivocating. The Chief Magistrate of Transkeian Territories denied that the government ever had a hand in allowing people to settle in Cala Reserve. Responding to how people were settled in the commonage, he remarked: ‘by whose authority I don’t know – certainly not by the authority of Government’.<sup>226</sup> There was a clear resolve on the part of the government to argue that the intention of the Thembuland Commission was that more than 29 lots should be surveyed, in which case, the allotment holders would not have been given ‘undisturbed use’ of the commonage.

When the district was surveyed in terms of *Proclamation 241* of 1911, the surveyor classified the people of Xhalanga into three ‘classes’:

- The occupiers of allotments under the system of certificates of occupation, introduced in 1885-7, numbering 815, (called ‘occupiers’);
- Hut-tax payers who are cultivating lands but hold no form of title whatsoever;
- Applicants for land (a) who pay hut-tax but cultivate no land, (b) sons of ‘occupiers’ living with their parents but paying no tax.<sup>227</sup>

The main provision of *Proclamation No. 241* of 1911 was ‘the creation of locations and the granting of allotments within the District of Xhalanga in the Territory of Emigrant Tembuland’. The proclamation provided for two categories of titles for the people of Xhalanga, one for holders of the certificate of occupation, and the other for people who were not in possession of certificates of occupation. The *Proclamation* created two categories of landholders - proprietors and registered holders, each with its own form of title. According to the *Proclamation*, a proprietor, also a holder of a certificate of occupation ‘shall mean the holder of a quitrent title issued in terms of this Proclamation, and subject to the conditions set forth in Schedule A hereof’. These title-holders became known as ‘Schedule A’ holders. ‘Registered holders’ held title under ‘Schedule B’. Both titles had severe restrictions and conditions attached and were certainly not the same or similar to the *Embokotwa* title that was, after twenty years, convertible to freehold title. The main difference with the titles pertained to the forfeiture of the granted allotments.

---

<sup>226</sup> CMT, 3/591. Chief Magistrate to a deputation representing Xhalanga District, April 1910.

In the case of ` Schedule A' titles, the title holder would forfeit the land in the event of rebellion, while in the case of ` Schedule B' titles, the holder thereof could lose land in the event of failing to beneficially occupy the allotment for a period of three years, amongst other things (see also Carstens 1981:66).

The significance of this *Proclamation* was that it did not do away with the class divisions that were created when certificates of occupation were issued to landholders. Instead, it created categories of quitrent titles that had severe restrictions compared to the preferred freehold titles of the whites in neighbouring Embokotwa in the Elliot district. Otherwise, the land that was granted to the landholders was not taken away from them. If anything, more landholders were created under ` Schedule B' . As will become clear in the following chapters, no provision was made in 1911 for inhabitants who paid tax, but had no land to cultivate, such as the children of occupiers, on the one hand, and ` those' people, who resided on the land of the landholders, on the other hand. This meant that the vast majority of the rural inhabitants would be left without any legal document conferring land rights on them.

Given that a draft of the *Proclamation* had been discussed with "a representative deputation which recently waited on me from the district of Xhalanga",<sup>228</sup> one would have expected that the publication of *Proclamation 241* of 1911 would settle land disputes in Xhalanga, and would pave the way for the acceptance of the district council. This was not to be. On 9 October 1911, the Resident Magistrate of Xhalanga called a meeting in Cala that was attended by "all headmen and a large number of people" to explain *Proclamation 241* of 1911. The Magistrate read and explained the *Proclamation*, after which there was an adjournment until the afternoon. In the afternoon, headman Richard Tsengiwe spoke on behalf of the people thus:

As the Magistrate has given us time to consider we have a difficult question to put, we ask if this is an *Embokotwa* title or not and secondly we ask if we still

---

<sup>227</sup> CMT, 3/873.

<sup>228</sup> CMT, 3/873. Letter from the Chief Magistrate to the Secretary for Native Affairs dated 12<sup>th</sup> May, 1911.

have an opportunity to talk about the matter. We would like to have a meeting amongst ourselves to discuss the Proclamation.<sup>229</sup>

The magistrate pointed out that he did not have a copy of the *Embokotwa* title. He further indicated that he had no objection to a meeting to discuss the Proclamation, but warned that as the Proclamation had been ‘proclaimed in the Union Gazette as law no alteration could in (his) opinion now be made’. Headman Tsengiwe thanked the magistrate, indicating that they were to hold a meeting the following week and would come back to the magistrate with the result.

A meeting of Xhalanga landholders was held at Askeaton on 9 November 1911. The landholders elected a deputation of ‘17 Xalanga Native farmers, headmen and landowners representing the Native Landholders of the Xalanga district’ to meet the Chief Magistrate. The meeting took place in Umtata on 24 November 1911. Dr Walter Rubusana, a Member of the Provincial Council for Thembuland, accompanied the deputation.<sup>230</sup> Initially, the deputation presented a verbal submission through Dr Rubasana. They then requested the Chief Magistrate to give them time to make a written submission. After giving some background to the land tenure issue in Xalanga, the deputation submitted various objections to *Proclamation 241* of 1911, including problems they had with the conditions of title in ‘Schedule A’ of the *Proclamation*, which were not the same as the *Embokotwa* title. It should be remembered that, unlike the *Embokotwa* title, there was no mention of eventual transfer of land on a freehold title basis in the ‘Schedule A’ title. The deputation also objected, among other things, to the two categories of title, pointing out that those who were not holders of certificates of occupation were not aliens but people who ‘have acquired rights through their proved loyalty and by long undisturbed residence as well as by payment of hut-tax and otherwise’.<sup>231</sup> The main objection to the title for those who were not in possession of certificates was that its provisions were similar to those under the *Glen Grey Act*, which

---

<sup>229</sup> CMT, 3/873.

<sup>230</sup> Rubusana was, according to Pallo Jordan (1984) ‘the first and last African ever to be elected to serve as a member of the Provincial Council ... for the Thembuland constituency’. He won the constituency on 21 September 1910. Apart from Jordan’s excellent piece, see Walshe (1987:32-36) and Karis and Carter (1977:134-5).

<sup>231</sup> CMT, 3/873.

was passionately hated by the people of Xhalanga. The deputation suggested that the same title be issued to all the Xhalanga people, and that the conditions of such title must be the same as those under ` Schedule A', applicable to holders of certificates of occupation.<sup>232</sup> The Xhalanga representatives "assure(d) the Government that the introduction of this Act<sup>233</sup> will be strenuously opposed by them by all lawful means in their power".

Attempts by the Chief Magistrate to convince the deputation that they should accept the *Proclamation* met with stiff resistance. In a letter to the Secretary for Native Affairs, written on 27 November 1911 after a second meeting with the deputation, the Chief Magistrate wrote that he "endeavoured to convince the Deputation of the advantages conferred by the Proclamation, but I regret with but little success so far as the general attitude of its members was concerned, and in conclusion stated that I would submit the representations made as early as possible".<sup>234</sup> The response of government was forthright and uncompromising. In his reply to the Chief Magistrate in a letter dated 5 February 1912, the Acting Secretary for Native Affairs would not accede to the objections of the Xhalanga deputation. On the vital issue of the *Embokotwa* title, the Acting Secretary argued that there had not been a breach of promise on the part of government. According to him, holders of certificates of occupation were promised "title similar to – not the same as – the Embokotwa title".<sup>235</sup> With regard to the position of people who were not in possession of a certificate of occupation, the Acting Secretary stated that "Xhalanga was conquered territory and except for those Natives to whom certificates of occupation were granted no others had any rights whatsoever to occupy land not allotted under certificate in that District". For this reason, according to the Acting Secretary, government did not feel obliged "to mete out exceptional treatment to persons falling within that class; the conditions attached to land granted to them are no worse than those imposed in other districts in the Transkeian Territories in which individual tenure has been introduced".

---

<sup>232</sup> The deputation seems to have been making some concession here that ` Schedule A' titles were acceptable.

<sup>233</sup> Meaning the Proclamation.

<sup>234</sup> CMT, 3/873.



By ‘individual tenure’ the Acting Secretary was, of course, referring to the title issued in terms of the *Glen Grey Act*, a title that was vehemently rejected by Xhalanga landholders in favour of a title comparable to that issued to whites.

The landholders of Xhalanga were not deterred by the negative response of the government to their objections. On 4 April 1912, barely two months after receiving the response, a seven-man deputation from Xhalanga that included Figlan and Renqe, and accompanied by Dr Rubusana, met with the Minister of Native Affairs in Cape Town. Dr Rubusana raised the objections of the people of Xhalanga to the *Proclamation*. The Minister adopted a tough stand and reiterated his position as outlined in the February 1912 letter written by the Acting Secretary for Native Affairs referred to above. He urged the deputation that they should, ‘as responsible men, do everything in their power to press the people to co-operate with the Government, more particularly in the carrying out of the Survey’. He warned that: ‘If the people hold aloof now there will be trouble later and possibly the additional expense of a double survey’.<sup>236</sup>

Reference to the survey on the part of the Minister was significant. There were, at the time of the meeting with the Minister in April, already reports of resistance to the survey by the people of Xhalanga. Resident Magistrate Bell, had written to the Chief Magistrate on 16 February 1912 as follows: ‘The Natives, I regret to say, have assumed a tone of passive indifference to the survey which will not be removed until they have received a reply to the petition recently submitted<sup>237</sup> by them’.<sup>238</sup> On 27 February 1912, the surveyor in charge of location reported, inter alia, he felt it ‘incumbent on me to place on record the fact that the ‘passive resistance’ on the part of the Natives referred to by me before still continues’.<sup>239</sup> He went further: ‘The reason for their attitude appears to be that they are encouraged to hope they may still get Government to agree to their terms

---

<sup>235</sup> CMT, 3/873.

<sup>236</sup> CMT, 3/873. It should be recalled that by this time, the Union of South Africa government was steadily moving towards segregation, rather than assimilation. The 1913 *Land Act*, passed a year later, was to be proof of this.

<sup>237</sup> This referred to the memorandum submitted by the November 1911 deputation to Umtata that was accompanied by Dr Rubusana.

<sup>238</sup> CMT, 3.873.

<sup>239</sup> CMT, 3/873.

and conditions of title, and this in spite of the fact that the Minister for Native Affairs has just replied to their deputation's request declining to accede". There were also attempts to involve the youth in the resistance campaign against the survey. The youth was organised around the "Tembu Young Mens' (*sic*) Association", whose prominent member was a son of Mankayi Renqe. Kalipa, who magistrate Bell still regarded as "a man of considerable influence", was cited by the magistrate, in a letter to the Chief Magistrate dated 5 March 1912, as having been "responsible no doubt for much of the opposition shown".<sup>240</sup>

It is worth noting that, on the question of the survey, the government continued its uncompromising stand and went on with the survey despite resistance from some headmen and Xhalanga people. There were attempts by Figlan and others to participate in the survey. Their attempts were, however, thwarted by the Resident Magistrate on the grounds "that it was too late in the day now ... seeing that nine tenths of the preliminary work was finished".<sup>241</sup> The toughening attitude of Government was further evidenced by the tone of the Chief Magistrate in a letter written on 23 August 1913 to the Secretary for Native Affairs. He wrote:

The conduct of the agitators throughout the survey and the desire so constantly shown in other matter to obtain the benefits of both European and Native laws and escape the corresponding obligations of each have convinced me that the people of Xhalanga should be treated in the same way in regard to corporate affairs as those of other Native districts and given only the form of local bodies designed, and so carefully designed, for the Natives at large.<sup>242</sup>

It is interesting to note that in 1902, Magistrate Bell had written that Renqe was one of the most influential men in this district.<sup>243</sup> Also of interest is that the people who were giving the government a hard time, and who were now being referred to as agitators, were eminent loyalists in the latter part of the nineteenth century. We have seen that headmen and landholders achieved their positions by means of this loyalty. But on the

---

<sup>240</sup> CMT, 3/873.

<sup>241</sup> CMT, 3/873.

<sup>242</sup> CMT, 3/873. See also, in the same file, a letter from the Chief Magistrate, A.H. Stanford, dated 6 February 1913 to the Secretary for Native Affairs, which adopts the same harsh and uncompromising tone.

issue of establishing a district council, and the consequences thereof for land tenure, these eminent loyalists decided to oppose the government, and eventually earned themselves the title of ‘agitators’. Headmen who were not towing the line were also isolated. For example, Magistrate Bell recommended to the Chief Magistrate, in a letter dated 8 December 1911, that the government should dispense with the services of headman Makhohliso of Cala Reserve. According to Bell, Makhohliso was “too much wrapped up in politics to be of much service in that capacity, and he is on the whole an unsatisfactory official”.<sup>244</sup>

It is possible to argue that divisions that were beginning to emerge among the people of Xhalanga encouraged the hardening attitude of the government. Up to 1912, the people of Xhalanga displayed a unified effort. The only dissenting voice was that of Malangeni Gecelo, as revealed in a letter dated 17<sup>th</sup> February 1905 by Magistrate Bell to the Secretary of the Native Affairs Department, on the issue of the introduction of the ‘Council System’. The Resident Magistrate reported that “the headmen and people of this District ... informed me that they are unanimously opposed to the introduction of the District Council”. Having said that, the Magistrate wrote:

I may state that the Petty Chief Malangeni (son of the late Chief Gecelo) had intimated that he and his people (the Gcinas) are in favour of the introduction of the Council. These people are a small community residing on the farms Malangeni and Mbenge in the Tsomo valley.<sup>245</sup>

It is not clear what the circumstances were under which Malangeni made this statement. We have seen above, however, that the self-same Malangeni did not attend a meeting that was held in 1902 at Emnxe where a resolution was taken to reject the council system on the basis of its undemocratic nature, although it is interesting to note that Malangeni was part of an earlier decision endorsing the *Embokotwa* title. According to Solomon Khalipha, “both our chiefs<sup>246</sup> have spoken correctly. We had recently a meeting here partly convened by the Magistrate. Our discussion at that meeting was short and resulted

---

<sup>243</sup> See above.

<sup>244</sup> Umtata archives, 3/27/3/15, headman: Cala Reserve.

<sup>245</sup> NA, 696.

in our unanimous wish for the Embokotwa title”.<sup>247</sup> But Malangeni’s influence did not, it seems, spread beyond his farm.

In the course of 1912, though, the united front presented by the landholders started cracking. In a letter written to the resident magistrate on 17 May 1912, ex-headman P.R. Soga revealed, among others, that when headman Alfred Ayliff Soga was appointed to be part of the deputation to Umtata to protest the 1911 *Proclamation*, he declined.<sup>248</sup> Secondly, P.R. Soga revealed that he never contributed to the collection of money for the Cape Town deputations. He claimed that he cautioned headman Alfred Ayliff Soga “severely that a headman is not supposed to throw stumble-blocks and stones on the way as to hinder a government servant or official, as the Government is not a fool or ignorant”.<sup>249</sup> This clearly encouraged Resident Magistrate Bell to comment, in a letter written to the Chief Magistrate on 20 May 1912, three days after receiving Soga’s letter:

I am sanguine that by degree the opposition will collapse although it is still very keen in some locations. I regret to have to say that some of the Headmen have fanned the feeling of discontent and have failed to render myself and Mr Hall (the surveyor) the straightforward support which it was their duty to do. In this connection, I annex an interesting letter received this morning from ex-headman Phillip Soga whose son Alfred (alias Ayliff) Soga is Headman at Manzimahle and has rendered me much assistance since the work of resurvey commenced.<sup>250</sup>

In a later “confidential” correspondence, dated 12 December 1912, to the Secretary for Native Affairs, magistrate Bell disclosed that Pambani Figlan “has expressed his determination not to attend any further meetings convened by Renqe and his party”. This rift, according to the magistrate, arose as a result of the employment of an attorney, Mangena, to advise the landholders of Xhalanga about their complaints regarding *Proclamation 241* of 1911. Magistrate Bell disclosed in the same letter: “Apparently only a section of the people who are influenced by Renqe are in favour of continued

---

<sup>246</sup> Presumably Gecelo and Stokwe.

<sup>247</sup> CMT, 3/188.

<sup>248</sup> Allison Drew (2000) has written about one A.K. Soga, an editor of an East London based weekly, *Izwi labantu*, in the early part of the twentieth century. This Soga was one of the founder members of the ANC (then called the South African Native National Congress). It seems unlikely that this Soga was the same as the Alfred Aylif Soga mentioned in the text.

<sup>249</sup> CMT, 3/873.

opposition to the Proclamation and survey”.<sup>251</sup> These cracks, it seems, indicated that the landholders did not have a strategy for dealing with a government that was increasingly becoming aggressive in its dealing with Africans.

### **The painful birth of the District Council in Xhalanga**

Xhalanga was, in terms of *Government Notice No. 301* of 1917, eventually sub-divided into 18 locations. In 1927, Cala Reserve, which was originally excluded from the land in the district of Xhalanga, was proclaimed a location in conformity with the provisions of *Proclamation No 241* of 1911. When the 1920 *Native Affairs Act*, which introduced a uniform system of rural local government based on the district council model in all the former Reserves, was passed, the rural residents of Xhalanga were forced to accept the notion of the district council. The *Act*, as has been shown, anticipated that local councils would be complemented by a provision to summon a Native Conference that could evolve into institutions representing all ‘natives’, and not only the inhabitants of the former Reserves. However, by 1924, when the Pact Government led by Hertzog came to power, there was no clarity as to whether the proposal of a district council in Xhalanga based on the 1920 *Act* was acceptable or not. It appeared as if central policy had not filtered down to the local district level. Hertzog was fanatically committed to segregation. Instead, on 2 December 1924, the newly elected Hertzog government issued *Proclamation 301*, establishing the District Council in the Xhalanga district. That this District Council was imposed on an unwilling population of Xhalanga is evident from the reminiscences of the arch-segregationist, Stanford:

Twenty-three years passed before the Government, now of the Union, at last realized that Sir Gordon’s promise (made in 1902, as indicated) exceeded his powers and could not therefore be binding on his successors. Without the majority vote the Council system was applied in 1925 to the district with the same good results as elsewhere. Happily Sir Gordon blundered only in respect of this one district” (Macquarrie 1958:233).

---

<sup>250</sup> CMT, 3/873.

<sup>251</sup> CMT, 3/873.

How successful the imposition of the District Council in Xhalanga was, will be the subject of the next chapters.

## **Conclusion**

This chapter has focused on the establishment of the Xhalanga district and the evolution of local government in the rural areas of the district. Particular attention has been given on the protracted process leading to the establishment of the Xhalanga District Council in 1924. The chapter has shown that the Xhalanga rural population was not homogeneous, that it was not only divided socially between the so-called 'school' and 'red' people, but along class lines - those who had access to land for cultivation and were given quitrent title, and those who paid hut tax, but did not have any access to land for cultivation. Some of the latter resided on the farms of the landholders and were often referred to as the 'loose' people, a term derived from white farms. The social division, it has been pointed out, was further complicated by the ethnic division between amaMfengu and abaThembu. AmaMfengu were 'school' people, while the majority, though not all, of abaThembu were 'red' people. It has been demonstrated in the chapter that there was a coincidence between the social and class divisions. The majority of the landholders were 'school' people, and therefore amaMfengu.

With regard to chiefs in the district, it has been argued in the chapter that chiefs and chieftainship in Xhalanga never managed to entrench itself. There were two principle, and interconnected factors leading to this situation. Firstly, it was a result of the drive by the Cape Colonial government to destroy the power of chiefs and chieftainship following various wars that were fought with Africans under the leadership of chiefs in the Eastern Cape in the nineteenth century. Secondly, chieftainship was undermined by internal factors such as the divisions between the 'school' and the 'red' people. Unlike the 'red' people, 'school' people, especially amaMfengu, did not respect the rule of chiefs. They aspired for full citizenship rights similar to those that were enjoyed by the whites. This chapter, and indeed the study, demonstrates that the relationship between chiefs and subjects is dynamic and changeable. The final official blow against chieftainship in

Xhalanga was delivered when the two chiefs, Gecelo and Stokwe, were stripped of their chiefly power following their participation in the 1880-81 Gun War.

In tracing the protracted process of establishing local government in Xhalanga, this chapter has investigated the forces behind the opposition. The chapter has demonstrated that it was primarily the landholders who stood in opposition to the formation of the Xhalanga District Council. Inspired by the colonial promise of incorporation into the colonial political and economic system, the landholders rejected the segregationist aspects of the *Glen Grey Act*, the *Act* that established the district councils. After all, these landholders were `loyalists' who fought on the side of the colonialists in the 1880-1881 Gun War precisely because of this colonial promise of political and economic equality. The hopes of the landholders, it has been argued, were kept alive by the ambivalent position of the Cape colonialists, which vacillated between assimilation and segregation. In theory, Cape liberals gave the pretence that they were in favour of assimilation. In practice, though, Africans were in general systematically marginalized and discriminated against.

However, African hopes of common citizenship rights were finally dashed when the 1909 constitution, that established the Union of South Africa in 1910, opted for segregation. The chapter has shown how this settlement laid the basis for the 1911 *Proclamation* that conferred on the landholders a quitrent title, which imposed severe restrictions compared to the freehold title of their white counterparts in the neighbouring Elliot district and elsewhere. By this time, largely due to the insistence of the landholders on the fulfillment of the colonial promise, `loyalists' had become `agitators' in the minds of the colonial masters. Having resolved the franchise and tenure issues, the district council was imposed in Xhalanga. The next chapter will look at how this operated.

## CHAPTER 5

### **The District Council in Xhalanga: the struggle continues**

#### **Introduction**

Although initially rejected by some sections of the rural population, in particular the landholders who included headmen, the Xhalanga District Council had, by the late 1920s and early 1930s, managed to co-opt some of its critics and gained a measure of acceptance. Some of the critics thought that the District Council was making some positive contributions towards the development of Xhalanga. The District Council was responsible for a range of activities, including the promotion of agriculture, livestock production and maintenance of roads. However, the lull of criticism proved to be short-lived. By the 1940s, there was, once again, a groundswell of opposition against the District Council and headmen. The introduction of the Betterment Scheme in the late 1930s was undoubtedly the main cause of this round of resistance. The opposition to the District Council from the late 1930s included even those landholders who thought that the District Council was promoting development in the area. The force of the opposition partly reflected a growing militancy in the country as a whole. At the forefront of the militants in Xhalanga were retired migrant workers, some of whom had been members of political organizations. Oppositional politics in this period contrasted with previous forms of struggle, characterized as they were by strategies based on deputations and delegations. We saw in the previous chapter that the Xhalanga landholders considered the government as “our father”. As will be shown, some meetings that were organised by the Magistrate to explain the Betterment Scheme were disrupted and threats of assault were made, resulting in the unceremonious closure of some of these meetings.

Throughout the period of the District Council in Xhalanga, the dethroned Chiefs in Xhalanga played a marginal role in rural local government. This was particularly the case with Stokwe. The other dethroned Chief, Gecelo, exercised some influence at Mbenge, a location that was established on his farm where he was also headman. The descendants of Stokwe, on the other hand, never managed to work themselves into the



colonial structures. Their influence affected a few supporters who remained loyal to the chieftainship of Stokwe. A development that would be pertinent in the chiefly debate was the involvement in the 1940s of Chief K.D. Matanzima in the affairs of Xhalanga. Matanzima established a foothold in Xhalanga when there were debates around the establishment of a secondary school in the district.

This chapter focuses on the era of the District Council in the Xhalanga district from its establishment in 1925, up until 1956, when Bantu Authorities replaced the District Council model of rural local government. It explores the intricate processes of establishing the Xhalanga District Council, the state's attempts to co-opt some of the opposition to the establishment of the District Council and how, after the introduction of the Betterment Scheme, there was renewed opposition to the District Council. In addition, the complexities of chieftainship in Xhalanga will be explored. The focus here will be on the role of the dethroned Xhalanga Chiefs, on the one hand, and the emergence of Chief K.D. Matanzima on the Xhalanga scene. By way of conclusion, developments in Xhalanga will be viewed against the background of a broader militant mood in other parts of South Africa's countryside in the former Bantustans.

### **The District Council in Xhalanga**

Deep divisions marked the introduction of the District Council in Xhalanga. The main bone of contention was the type or kind of District Council that was preferred, rather than its' introduction in principle. As pointed out in the previous chapter, when the Xhalanga rural residents were forced to compromise and accept the District Council, they argued that they were in favour of one that was modeled along the provisions of the 1920 *Native Affairs Act*. This *Act* extended the council system to the rest of the rural areas of the reserves. In addition, section 16(1) provided for the establishment of "Native conferences" that would ascertain the "sentiments of the native population of the Union or of any part thereof, in regard to any measure in so far as it may affect such population". This latter provision was accommodated in the Transkei Proclamation. However, when the people of Xhalanga asked for a Council under the 1920 Act, the

Magistrate told those attending the meeting that the Council under the 1920 Act could not be established.<sup>252</sup> No reasons, it appears, were given. The reason why the people of Xhalanga preferred a Council established under the 1920 *Act*, appears to have been the provision of “Native Conferences”.

### *Setting up the District Council*

The process of establishing the District Council commenced early in 1925. For the purpose of electing councillors, the district of Xhalanga was divided into seven wards. Each ward was supposed to elect three candidates, out of which four councillors would be nominated. As already shown, District Councils outside Phondoland were made up of six representatives, four of whom were nominated from candidates elected by taxpayers and the remaining two nominated by the Magistrate as nominees of the Governor-General. In Xhalanga, the Magistrate, Whitfield, held a meeting in each of the seven sections for the nomination of candidates for the Xhalanga District Council. These meetings were held between 2 and 6 March 1925. In five of the sections, nominations took place while in the other two, none occurred. What follows is an account of what happened during the various nominations.

At the first meeting of 2 March 1925, held at Figlan Trading Station on Figlan farm, one Mbangwa Tunzi of Manzimdaka location told the Magistrate that he had been “deputed ...to speak because we are appealing against the action of the Government in introducing a Council under the Transkeian system”. Consequently, according to him, they had decided not to make any nominations.<sup>253</sup> Headman Malangeni Gecelo objected stating that Tunzi did “not represent the views of the people of my farm”. Gecelo reminded his audience that they belonged to Thembuland “and cannot abandon our chiefs and join a Council system intended for people across the Kei river”. He “heartily” thanked the

---

<sup>252</sup> 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers of Indwana, Seplan and Stokwe’s Basin Locations and Toise, Madliwa, Mahonga, Emma, Seplan Pama and Bumbana farms held at Askeaton in Indwana Location.

<sup>253</sup> 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers of Hota-Mbeuleni, Manzimdaka, Mbenge farm, Hota farm, Sigenu farm, Mxatu Farm, Malangeni farm, Figlan Farm and Kasana Farm.

Government “for giving us this Council” pointing out they intended “to make good use of it”.<sup>254</sup> Despite these divisions, elections took place.<sup>255</sup>

The second meeting that was held on the same day at the Lower Lufuta Trading Station followed a similar pattern. Richard Buti of Upper Lufuta told the Magistrate that “the people of” his section “voted for a Council under the 1920 Act and will have no other”.<sup>256</sup> He was subsequently challenged on the grounds that he did “not set forth the views of all the people of this section”. Headman Arthur Tsengiwe of Tsengiwe Location added his voice, stating that he “also deeply deplored the conduct of the people in opposing the Government in this matter”. In the end, three candidates were elected.<sup>257</sup>

In Manzimahle, where the third meeting was held on 4 March 1925, it was not clear why the Council was rejected. After some deliberations, one of the participants, Jonas Tshetsha, of Mtingwevu declared: “We are tired of these everlasting and endless discussions on Government measures by the Indwana and other people. Their perpetual opposition to Government is futile and we do not desire to be identified with it”. Headman Sandi Mata accused one Mnyaka Mata “and his faction” of “ratting”, and of being “got(ten) at by malcontents from Indwana Location”. He concluded by committing the “thoroughly loyal and submissive” people of Langanci and Manzimahle to accepting “the decision of the Government in this matter as final”. The Indwana location headman Mata was referring to is a nearby location to Manzimahle that was known for its opposition to the Council system in the early 1900s. Sandi Mata, Jonas Tshetsha and James Soga were eventually elected.<sup>258</sup>

---

<sup>254</sup> Gecelo showed remarkable consistency in supporting the policy of the government. We have seen that he never opposed the Council system even as the majority of headmen and landholders rejected it in the early 1900s.

<sup>255</sup> Three people were elected, Ayliff and Alexander Gecelo (both from Mbenge farm) and Henry Kasana (from Kasana farm).

<sup>256</sup> 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers of Upper and Lower Lufuta, Tsengiwe and Nyalasa Locations.

<sup>257</sup> Arthur Tsengiwe, John Nkohla and Seti Makiwane were “duly elected”.

<sup>258</sup> 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers of Mtingwevu, Manzimahle and Langanci Locations.

The fourth meeting was held at Askeaton in Indwana Location, the site of opposition to the *Glen Grey Act* in early 1900s.<sup>259</sup> The spokesperson for the opposition, January Manqina, argued that the Government had asked them “to select whether we would take one either under that system or under the 1920 Act”. It is not clear from the minutes what the decision of the Xhalanga people was. What is recorded is that Manqina further claimed that they had a Council that was established “under the Tembuland Settlement Commission”. It was not clear which Council Manqina was referring to under the Tembuland Settlement Commission. He apparently could not respond when the Magistrate contested the claim. On the issue of the status of the 1920 *Act*, the Magistrate reminded those attending the meeting that when the people of Xhalanga asked for a Council under the 1920 *Act*, “they were informed that they could only have one under the Transkeian Proclamation”. The Magistrate explained that the Council under the 1920 *Act* could not be established. His attempts to convince those attending the meeting about the advantages of the Transkeian system did not succeed. After requesting time to consult, Peter Nxazonke, the spokesperson, reported that they declined to nominate delegates pending an “appeal to Government against the introduction of a Council under the Transkeian system”. No elections took place, despite the Magistrate’s attempts to split participants by making assurances that flouted principles of democracy that “if there was a minority in favour of electing the delegates it had every right to do so and was not bound by the decision of the majority”.<sup>260</sup>

At Garry Owen in Upper Cala<sup>261</sup> Location, where the fifth meeting was held on 5 March 1925,<sup>262</sup> it emerged that there was an appeal made to the government against the establishment of the District Council. One of the participants, Mpayi Nqayi, of Lupapasi location, politely requested the Magistrate to postpone the nominations to after 19 March

---

<sup>259</sup> Mankayi Renqe came from this location.

<sup>260</sup> 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers of Indwana, Seplan and Stokwe’s Basin Locations and Toise, Madliwa, Mahonga, Emma, Seplan Pama and Bumbana farms held at Askeaton in Indwana Location.

<sup>261</sup> This area is popularly and confusingly known as Mchewula, despite the fact that there is another area close by and also in the Xhalanga district with the same name. It has been possible to establish the source of this confusion.

<sup>262</sup> 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers for Mceula, Lupapasi and Upper Cala Locations and Mgcodo, Mama, Nombewu, Funani, Landula, Kalipa, Solomon, Saul, Ncamiso and Taliwe farms.

1925, “when we shall have heard the reply of the Government to whom we have appealed against the establishment of a Council under the Transkeian system to which we have always been opposed”. He reiterated that they wanted a Council under the 1920 *Act*. Matinisi Nqose of Upper Cala and Ben Ngaka of Mchewula supported him. The Magistrate refused to grant the postponement stating that he “had strict instructions to expedite matters in view of the near approach of the General Council session”. He further warned that the “continual attitude of obstruction and opposition to Government measures introduced for” the benefit of the people of Xhalanga was “detrimental to the progress of the District”. This did not persuade those attending to change their mind. Consequently, no elections took place. It appears as if this was the only meeting where divisions were not reported.

Deep divisions characterized the elections at Emnxe (the sixth meeting) and Qiba (the seventh and last meeting). However, as with the first three meetings, delegates were elected despite the divisions.<sup>263</sup> As already indicated, this meant that elections took place in five of the wards, with the other two refusing to elect delegates.

The 15 delegates elected in the five sections assembled at the Magistrate’s Office in Cala on 7 March 1925 to elect the first councillors of the Xhalanga District Council. The Magistrate chaired the meeting. The delegates elected the following: Reverend Jacob Manelle (Emnxe), Seti Makiwane (Lower Lufuta), Clifton Kula (Cala Reserve) and Alexander Gecelo (Mbenge). The Magistrate indicated that he would nominate Arthur Tsengiwe (Tsengiwe), who had earlier lost in the election and received only five votes, and Elijah Qamata (Upper Cala), who was not nominated by any of the sections, as nominees of the Governor-General.<sup>264</sup> In the eyes of the Magistrate, the councillors were representative of the different sections. In reality, this was not the case, as some sections did not elect.

---

<sup>263</sup> At Emnxe, headman Booy Nopoto, Reverend Jacob Manelle and Clinton Kula were elected, while Jacob Nkomo, Whittington Makiwane and Hamilton Kraai were elected at Qiba.

<sup>264</sup> Elijah Qamata was a member of all the councils, save for a brief moment between January 1946 and 31 December 1948 when he resigned after being convicted of a criminal charge involving liquor. He was in most cases appointed as a nominee of the Governor-General.

Having accomplished his task, Magistrate Whitfield dutifully reported to the Chief Magistrate about the election process and outcome. He gave a detailed report of what happened. He attributed the opposition to the Council to two reasons. First, he accused ‘the late member for Tembuland, Mr. W.H. Stuart’ who, ‘in the past spoke disparagingly of the Transkei Council system and as one unfitted and unsuitable for the more advanced and civilised District of Xhalanga’. The other reason was that the people of Xhalanga were apparently ‘entirely opposed to Government Officials taking part in the deliberations of the Councils’.<sup>265</sup> As was customary,<sup>266</sup> the Magistrate attributed resistance to the Council to ‘one or two persons only ... headman Job Renqe of Indwana Location, Jonah Ngcwabe of Lupapasi and Peter Nxazonke also of Indwana Location’. He urged the government to take ‘a firm stand against the malcontents’, warning that ‘giving way to them will encourage opposition to future Government measures and will render the administration of this and other districts difficult’.<sup>267</sup> Quite clearly, the Magistrate refused to accept that the government’s segregation policy was at the heart of these struggles.

It is worth noting that in theory, the colonial government was still committed to a consultative process involving rural (male) residents. The purpose of consultation was to elicit the views of the rural inhabitants and, in the case of establishing the District Council, to give them an opportunity to vote for their candidates. The above meetings are an example of that commitment. However, in practice, consultation was reduced to an exercise where the rural people were expected to endorse government policy. This is clearly demonstrated by the fact that the Magistrate castigated and labeled as malcontents those who questioned the District Council, or the manner in which it was introduced.

It must be pointed out that the Magistrate was not consistent on the question of being firm against the malcontents. He dangled the proverbial carrot in order to co-opt the so-called

---

<sup>265</sup> 1/XAA, 5/1/57. Letter dated 9 March 1925. It was not clear who these Government Officials were. Presumably the Magistrate referred to headmen.

<sup>266</sup> See previous chapter.

<sup>267</sup> 1/XAA, 5/1/57.

malcontents. For example, when Clifton Kula, who was a pensioner, resigned on 17 December 1926, Peter Nxazonke, one of the so-called malcontents from Indwana, was appointed to the District Council. In a letter dated 28 December 1926, recommending Nxazonke to the Secretary of the General Council, the resident Magistrate argued, that he ‘bears a good character, is a man of considerable influence and ability, is one of the best of the faction that opposed the introduction of the Council system in the District’. He added, ‘I am particularly anxious that this section of the people of the District should be represented upon the council in order to counteract evil and other influences therein. I think too that the appointment will gratify this section and tend in a measure to bring it to a better frame of mind’.<sup>268</sup> The other case arose when Sete Makiwane, also a pensioner, died on 7 February 1927. He was replaced by Jonah Ngcwabe of Lupapasi,<sup>269</sup> who, only two years before, had been regarded by Whitfield as one of the ‘agitators’ and ‘malcontents’. Yet, time was to tell whether this strategy of cooption would work or not.

### **The Xhalanga District Council in operation**

The first meeting of the Xhalanga District Council was on 26 March 1925. This was merely days after the consultative meetings. This is not surprising given the Magistrate’s eagerness to establish the District Council ahead of the General Council session.<sup>270</sup> The Magistrate, as was required by law, chaired all its meetings. The District Council made recommendations to the General Council with its seat in Umtata. It was also a vehicle to convey the decisions of the General Council. Given that there were few councillors in relation to the vastness of Xhalanga district, the District Council worked closely with the headmen in the implementation of its programmes. In addition, councillors participated in the quarterly meetings that involved the headmen of the district and men from the various villages. These meetings were held in the Court Room in Cala and were chaired by the Magistrate. The meetings were important channels of communication between the government and rural residents. The Magistrate and councillors used these quarterly

---

<sup>268</sup> 1/XAA, 57.

<sup>269</sup> Cala District Record.

<sup>270</sup> See the Magistrate’s statement at the Garry Owen meeting on 5 March 1925.

meetings to read and explain circulars from the General Council and to get the views of the rural people.

The District Council dealt with a wide range of issues, including cattle dipping operations, roads, dams, 'kraal' sites, weddings, liquor laws, agricultural shows, pensions, teachers, scholarships, police and preachers allotments.<sup>271</sup> However, a close reading of the minutes of meetings suggests that the focus of the Xhalanga District Council was on agriculture and the improvement of livestock in the rural areas. Land held under 'Schedule A' was excluded from the activities of the District Council.<sup>272</sup> There was a lot of discussion, for example, from dipping and repairing tanks to hiring personnel. There was also discussion on how to help cattle owners with livestock sales. A great deal of interest seems to have been shown in Agricultural Shows. Barely three years after its establishment, the District Council resolved to 'respectfully' request the government 'to detach an official to devote his time entirely to the advance of Native Agricultural Shows'.<sup>273</sup>

It must be noted that the decisions of the District Council were not always popular, especially when it came to levying taxes. One of the attractions of the District Council for Cecil John Rhodes was that rural residents would, through it, pay for their local development. In this regard, the District Council, aided by headmen and the Magistrate, levied various taxes on its constituency. One such tax that proved not to be popular was the dipping fee. It is this fee, it will be recalled, that Figlan, one of the members of a deputation to the Chief Magistrate in April 1910, complained about. It would appear that Xhalanga had its own 'Dipping Committee'. One of the objections was that the District Council would replace the Dipping Committee, and thus levy further taxes. Peter

---

<sup>271</sup> 1/XAA, 97. Minutes of Council meeting held at Cala on 21 November 1944.

<sup>272</sup> The farm of Gecelo was, for reasons that will be shown below, an exception.

<sup>273</sup> 1/XAA, 97. Letter dated 20 December 1927 from Magistrate to Chief Magistrate. The meeting was held on 27 November 1927.



Nxazonke had complained to Magistrate Whitfield at the meeting of 4 March 1925 that their Dipping Committee was ‘kicked out like dogs for no good reason’.<sup>274</sup>

When headman Arthur Tsengiwe, a nominee of the Governor-General in the District Council, introduced a levy of two (British) pounds ‘per kraal’ for the ‘erection of a schoolroom’, he met with stiff opposition from some quarters of his location, Tsengiwe.<sup>275</sup> However, headman Tsengiwe bitterly contested this complaint on the grounds that the ‘sole object is to stigmatize the status of my post and present career in the government service’.<sup>276</sup> The resident Magistrate came to the rescue of the headman and brushed these complaints aside, arguing that Tsengiwe was ‘a staunch advocate for the establishment of a District Council under Proclamation No. 152 of 1903. On this account he incurred the ill will of the complainants and others. He interested himself in school matters and worked hard for the improvement of educational facilities in his location’.<sup>277</sup>

The vexed issue of land tenure in Xhalanga also cropped up in the District Council’s discussions. Nxazonke wanted to know who was responsible, the General Council or the government, for not effecting the decision that ‘Natives in the district’ who were ‘loyal and law abiding ... would eventually be granted freehold title’.<sup>278</sup> In ‘ducidat(ing) the position’, councillor Qamata pointed out that this question was fully dealt with ‘both by the Native Representative Council when he was a member and by the General Council’, pointing out that ‘these bodies had come to the conclusion that the grant of freehold title would not be in the interests of the people’.<sup>279</sup> On the allocation of land, the District

---

<sup>274</sup> 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers of Indwana, Seplan and Stokwe’s Basin Locations and Toise, Madliwa, Mahonga, Emma, Seplan Pama and Bumbana farms held at Askeaton in Indwana Location on 4 March 1925.

<sup>275</sup> Before the National Party declared the Republic of South Africa, the British currency was in use. The administrative area/location of Tsengiwe was named, it appears, after headman Tsengiwe or his father.

<sup>276</sup> Umtata archives, file 3/27/3/18, headman, Tsengiwe location, letter to resident Magistrate.

<sup>277</sup> 1/XAA, 5/1/92. Letter dated 12 November 1925 to the chief Magistrate.

<sup>278</sup> 1/XAA, 5/1/60. Minutes of the quarterly meeting that was held on 29 December 1944.

<sup>279</sup> 1/XAA, 5/1/60. Minutes of the Quarterly Meeting of Headmen held in the Court Room, Cala on 29 December 1944.

Council resolved towards the end of 1946, that “the Headman and his *ibandla*<sup>280</sup> or Council” should consider applications and make recommendations to the Magistrate.<sup>281</sup>

It was striking to observe how little elderly people in Xhalanga knew and remembered about the activities of the District Council. Mlotha was by far the most knowledgeable. Born at Emnxe in 1908, he qualified as a carpenter at St. Matthews College in the Eastern Cape. After working in Cape Town as a migrant worker, he returned to Emnxe and became a herbalist and farmer on his father’s land. The latter was a landholder. This was in 1943. Mlotha remembers the District Council<sup>282</sup> as having introduced “agricultural officers and people were introduced to voting”. Its focus, according to him, was on agriculture and organising “agricultural shows”.<sup>283</sup> The only thing that another informant, H.M. Tsengiwe, remembered about *iBhunga* was the fever around elections: “What I remember is that when elections came, there would be campaigns ... after that, things would be quiet”.<sup>284</sup> The rest of the elderly people I interviewed and talked to, remembered the name, but hardly anything about what the District Council, popularly known as *iBhunga*, actually did. Part of the explanation could be that the members of the District Council were few, covering a vast territory, and were not directly involved in implementing programmes. Interestingly, rural residents express similar sentiments about post-1994 elected rural councillors.

### **The Betterment/Rehabilitation Scheme in Xhalanga**

The involvement of the District Council in the formulation and implementation of the Betterment/Rehabilitation Scheme permanently damaged whatever credibility it was building. We have seen in an earlier chapter that this scheme was launched primarily as a conservation project in response to soil erosion that was, by the 1930s, becoming a feature of a number of areas in the Transkei, including Xhalanga. Only in 1865, when

---

<sup>280</sup> Councillors.

<sup>281</sup> 1/XAA, 97. Minutes of District Council meeting held at Cala on 21 November 1946.

<sup>282</sup> He used the term “*iBhunga*”.

<sup>283</sup> Interview conducted in Cala, 5 January 2000.

<sup>284</sup> Interview, Queenstown, 24 January 2001.

abaThembu settled in the area, Sir Walter Stanford (Macquarrie 1958:27) described Xhalanga in these terms:

It had never been overpopulated or over-stocked and its condition after the seven years' rest was superb.<sup>285</sup> The pasturage was luxuriant everywhere. The forests were beautiful and mimosa trees were abundant in many a valley. With the grass so thick as to retain the rain water as it fell and allow it slowly to distil towards the main river channels there were no erosions of the soil and running streams and fountains were abundant in every part. Game had multiplied.<sup>286</sup>

Yet, by the 1930s, the Magistrate of Cala, Fred J. Kockott was to give a 'Notice of Motion' to the General Council in October 1933 for preservation measures to be taken in the rural areas of the Transkei in order to combat soil erosion and improve "the grade of stock in the Native locations". He had, consequently, recommended, amongst other things, that legislation be passed imposing levies "upon all classes of stock graduated according to number, with provision for exemption for minimum numbers" and "the management of (the) commonage" (Pim 1933:76; see also Chapter 2).

While legislation was still being awaited, soil preservation measures were implemented at Cala Reserve, Emnxe and Seplan in 1935. The Magistrate at the time, J.H. Steenkamp was, however, critical of this scheme. His argument was that these measures were more welfare, poverty relief programmes, than addressing the problem of soil erosion. In a letter to the Chief Magistrate, he protested, "the object of these Soil Erosion works was primarily to relieve poverty amongst the natives and therefore only labourers who were not fit for employment on the mines were engaged. Many cripples were employed and I make bold to state that five of such labourers were hardly worth the value in labour of one physically fit native. Fortunately the gang of labourers now consists of natives who are able to do a good days work".<sup>287</sup>

---

<sup>285</sup> This refers to the period between the defeat of Sarhili in 1958 and the resettlement of abaThembu in 1865.

<sup>286</sup> The other areas covered by this description were the Fingoland districts of Butterworth, Nqamakwe, Tsomo and St Marks.

<sup>287</sup> 1/XAA, 5/1/61. Letter dated 16 October 1935.

It was important for the colonial state that land degradation in the reserves be 'stabilised'. I have argued, following Lacey (1981) that the reserves were central to the migrant labour system upon which mining, in particular, depended heavily. The reserves were critical both in justifying cheap labour and in limiting the development of a permanent urban African population. Thus, the twin purpose of these reserves was African resettlement and subsistence, at least to the extent of maintaining limited livelihood for the family of the migrant worker. It is against this background that the 1936 *Land Acts* and the Betterment Scheme should be understood. The 1936 *Natives Land and Trust Act*, for instance, established the South African Native Trust to purchase land for settlement, while the Betterment Scheme was meant to ensure the conservation of land.

The Betterment Scheme was introduced by way of *Proclamation No. 31* in 1939. The initial focus of betterment was on stock control and improvement. This included rotational grazing, fencing of grazing land, improvement in the quality of stock, culling, regular dipping and promotion of department-sponsored cattle sales (Evans 1997:216). The *Proclamation* thus incorporated the main recommendation of Kockott regarding limitation of stock as a means of combating soil erosion in the rural areas of the former Bantustans. Other soil preservation measures included the erection of contour banks to prevent soil erosion.<sup>288</sup>

The government seems to have made a general claim that the introduction of the Betterment Scheme was 'met by cold silence', which the Magistrates interpreted as endorsement of the scheme (Westaway 1997:23; see also Beinart 1984:81). The Magistrate of Xhalanga was no exception. He announced in late 1942: 'the majority of the headmen report that their people are in favour of the proposal'.<sup>289</sup> This was despite earlier fears that the Scheme would be rejected in Xhalanga, especially given the history of resistance against the District Council in the area. At the time, the Magistrate of Xhalanga 'instructed' those attending the Quarterly meeting of headmen and the people,

---

<sup>288</sup> As stated in Chapter 2, the Proclamation did not consider redistribution of land to ease overcrowding as a solution. It is worth noting that even the chairman of the Thembuland Commission of 1883, John Hemming raised the possibility of stock limitation during the proceedings of the Commission. G. 66 - 83:578.

held at Cala on 8 October 1940, ‘that it is their duty to report the existence of subversive rumours amongst them’.<sup>290</sup> It was not clear, though, whether the Magistrate was referring to the proposal on the culling of stock or that concerning prevention of soil erosion measures, such as the erection of contour banks, or both. Archival records and oral testimony have made it very difficult to establish whether the Betterment Scheme was implemented in the period before the mid-1940s. It should be remembered that this was the period of the Second World War.<sup>291</sup>

By the mid-1940s, the government had accepted that the Betterment Scheme had largely failed. According to Evans, the Scheme had not been ‘preceded by intensive study or implemented in accordance with a larger plan, other than arresting the most visible signs of decay in particular districts’ (1997:216). A new programme, the Rehabilitation Scheme was announced in 1944 by the Minister of Native Affairs. In terms of this programme, also referred to as ‘A New Era of Reclamation’, an extensive land-use plan was introduced according to which betterment areas would be divided into three distinct portions to be used exclusively for residential, arable and grazing purposes (Westaway 1997:21). The establishment of ‘doser settlements’ in rural areas should be seen against the background of land shortage for agricultural and grazing purposes, and the state’s attempt to create ‘rural villages’ that would accommodate migrant workers.<sup>292</sup> The other measures included the conservation of the veld, and limiting stock to the carrying capacity of the land (Hendricks 1990:105).

In order to meet the above obligations, a Transkei Planning Committee (TPC) was established in mid-1945 as one of the regional Planning Committees that were set up in the so-called Native Affairs Zones. The main function of these committees was to collect information and statistics, draw up coordinated plans for the rehabilitation of the area and supervise the implementation of approved plans. The composition of the committee

---

<sup>289</sup> 1/XAA, 5/1/60. Letter to Chief Magistrate, dated 23 November 1942,

<sup>290</sup> 1/XAA, 5/1/60.

<sup>291</sup> According to Evans, the War ‘brought the department’s activities to a complete standstill in the reserves as resources and administrative personnel were diverted to the war effort’ (1997:217).

<sup>292</sup> For an interesting analysis of the Secretary of Native Affairs’ proposal to the Ciskeian General Council, see Evans (1997:218).

included an administrative officer, an agricultural officer, a soil chemist, a surveyor, a draughtsman, clerical staff, and the Native Commissioner with a Native member for the district (Hendricks 1990:107).

Signs of discontent in Xhalanga surfaced at a Quarterly meeting that was attended by all the headmen, two councillors and 100 rural residents. At this meeting, the Magistrate read minutes from the Chief Magistrate on the rehabilitation of Native areas and the White Paper “A New Era of Reclamation”.<sup>293</sup> The two councillors attending, Qamata and Tyaliti, dutifully associated themselves with the spirit of the minutes in their address. When headman Ngonyama Gecelo wanted to know if privately owned farms would be included in the scheme, the Magistrate responded: “this was the intention”. Gecelo was clearly agitated and dissatisfied with this response and immediately criticised the General Council for accepting the scheme “without first consulting the people”.

The intention to include privately owned African farms in the Rehabilitation programme was further proof of how insecure the land rights of Xhalanga people holding land under Schedule A were. It also provides a justification for the struggles that were waged by the Xhalanga landholders for a freehold title similar to that of their white counterparts. Privately held white farms were clearly not part of the Rehabilitation, or a similar programme. What is intriguing, though, is that the person who expressed concerns about the inclusion of privately held farms in the Rehabilitation scheme, and who appeared to be pursuing the freehold title route was Gecelo, a traditional authority. It appears as if he did not hold the then-current view of traditional authorities that freehold title is a ‘Western’ notion.

The view that the District Council was not democratic was gaining currency. Although not explicitly accusing the District Council of undemocratic behaviour, one William Kubukeli, “expressed hope that the Council would not rush in blindly especially as they

---

<sup>293</sup> No. 3/252/27. Minutes dated 27 July 1945.

were still satisfied with present control under magistrates”.<sup>294</sup> In the same meeting, headman S. Mato exposed another undemocratic practice when he alleged that the councillors “moved in matters in the General Council without consulting the people”.

It seems as if scant attention was given to headman Gecelo’s objections that the General Council did not consult the people when it took a decision to include the privately held farms in the rehabilitation programme. If anything, Magistrate Mundell informed the meeting that arrangements had been made for men to visit the rehabilitation areas at Butterworth on 4 October 1945. These were special demonstration villages that had been planned along the lines of the Rehabilitation Scheme. Fingoland was thus a model. The July 1945 meeting elected six men,<sup>295</sup> but the number was later reduced to three.<sup>296</sup> At the same meeting, the Magistrate promised those attending that he would address meetings at each location “on this matter as soon as possible”. In the meantime, he urged headmen to “bring the scheme to the notice of their people as widely as possible and acquaint them fully with its provisions”. Giving an indication that the government was willing to forcibly implement rehabilitation, the Magistrate further “reminded” headmen of the provision in the *Native Administration Act* of 1927 making it an offence for rural residents to disobey any lawful order given by the headman. He advised the headmen to use the law “in exercising control and particularly in securing attendance at meetings”.<sup>297</sup>

Despite a favourable report from the “three influential Natives” who visited the Betterment areas in the Butterworth district, the Magistrate conceded that very little interest was shown “by the Natives generally”, including the people of Cala Reserve, “the worst affected area in this district”.<sup>298</sup> He attributed the lack of interest to two reasons: the concern that “badly eroded land that has been surrendered would not be compensated” and the possible “removal of kraals in the event of this being considered necessary by the Planning Committee”. The latter reason directly motivated landholders

---

<sup>294</sup> It is interesting that Khubukeli did not seem to see the Magistrate as a critical role player in the implementation of the policies of the government. This is evident from the role of the Magistrate throughout the process of establishing a District Council in Xhalanga.

<sup>295</sup> 1/XAA, 5/1/60.

<sup>296</sup> 1/XAA, 5/1/92.

<sup>297</sup> 1/XAA, 5/1/60.

to reject rehabilitation. The Magistrate concluded by pointing out that he intended to hold meetings in each location ‘to ascertain the views of the people’.<sup>299</sup> The Magistrate later made a similar report about the visit to Butterworth to a meeting of the Xhalanga District Council held on 27 November 1945.

Councillors and headmen had the onerous task of informing people in their administrative areas about the Rehabilitation Scheme. The Magistrate used the quarterly meetings to convince the headmen about the need to secure popular support for the Scheme. In fact, legislation required administrators to consult. For example, on 28 June 1946 the Magistrate, R.A. Bowen, urged headmen to use every means of inducing their people to agree to the proclamation of locations as Betterment Areas, as this was the first step to be taken under the Rehabilitation Scheme.<sup>300</sup> But it seems as if these pleas did not meet with any measure of success. The key issue appears to have been the soil erosion measures that were implemented, in particular, the contour banks that were erected. These, apparently, were seen by the inhabitants to reduce their portions of land, and hence they showed little ‘interest’ in these measures. In this regard, the Magistrate had reported to a meeting of the General Council held on 21 November 1946 that ‘some contour banks erected at great expense by the Council’ in Seplan location, ‘had been ploughed over’. As with the headmen, Bowen prevailed upon the councillors ‘to persuade the people to look after the soil’. He indicated that he would be holding community meetings soon to discuss the rehabilitation programme.<sup>301</sup>

It became clear in the first months of 1947 that the majority of rural residents and headmen joined forces in their rejection of the Rehabilitation Scheme in Xhalanga. A report from Magistrate Bowen to the Chief Magistrate revealed that during January and February 1947, Bowen held a number of meetings to explain the rehabilitation measures. His first meeting was at Seplan, ‘one of the driest areas in the district’, according to the magistrate. Referring to this meeting, Bowen explained that it soon became ‘obvious

---

<sup>298</sup> The three delegates were messrs. A. Ramokuena, S. Mrwetyana and M. Solundwana.

<sup>299</sup> 1/XAA, 5/1/92.

<sup>300</sup> 1/XAA, 5/1/60.

<sup>301</sup> 1/XAA, 97. Minutes of District Council meeting held at Cala on 21 November 1946.



that the meeting was opposed in toto to the proposal ... in spite of the advantages enumerated in the pamphlet (“*A New Era of Reclamation*”). The Magistrate decided to close the meeting without taking a vote, as he “feared that an adverse decision at this meeting might influence other locations”. He merely indicated that he would return at a later date “to hear their answer when they had discussed the matter amongst themselves”. Bowen held meetings in other locations but did not report what happened in these areas. His only comment was that women did not attend “any of these meetings although there is much of interest and advantage for women in the Department’s rehabilitation schemes”.<sup>302</sup> It is interesting that Bowen should be gender sensitive when he was meeting stiff resistance from men. Perhaps he thought women could sway the vote in the colonial direction.

One of meetings that Bowen did not report about was held at Hota-Mbewula on 22 January 1947. Some residents later alleged that they categorically told Bowen: “The scheme was accepted by a few. Others asked questions”.<sup>303</sup> They also accused Bowen of conniving with headman Upington Mxatule. The latter is alleged to have “killed” a sheep for Bowen. It appears as if, for the first time, the link between the Rehabilitation Scheme and stock limitation was made. At a subsequent meeting on 3 February 1947, headman Mxatule is alleged to have told the Magistrate: “We who were in favour of the introduction of the rehabilitation scheme in this location when you came to the location have decided that we call you. I have heard that the stock inspector who has just come is advising the people not to accept the fencing of the location, because once the camps are made that will be the end of their cattle. He has seen that happen where he has come from”.<sup>304</sup> The Magistrate allegedly rejected the advice of the Stock Inspector as ‘nonsense’. When the issue was put to a vote, the Magistrate is alleged to have refused to count the number of votes: “I shall not even count because I can see the thing is not wanted in Block 7 (Hota-Mbeula)”. He promised to report to the Chief Magistrate with

---

<sup>302</sup> 1/XAA, 5/1/92. Letter to the Chief Magistrate, dated 7 March 1947.

<sup>303</sup> Umtata archives, file 3/27/3/7, headman: Hota-Mbeula. A letter of complaint dated 16 May 1947 written by the residents of Hota-Mbeula. This letter was apparently not signed when it was sent to the Magistrate. It later turned out that the letter was written by one Nicholas Mdunyelwa, and listed a number of residents.

<sup>304</sup> Umtata archives, file number 3/27/3/7, headman: Hota-Mbeula.

the warning: ‘I must however tell you that the government desires you to accept the rehabilitation scheme. It can still be forced against your will’.<sup>305</sup>

Magistrate Bowen never disputed that these meetings took place. For obvious reasons, though, he did not admit that the headman had given him a sheep.. He made the following explanation:

During the early months of 1947 I held meetings throughout the district to explain to the people the Government’s Rehabilitation proposals. At every meeting I asked the people to think about what I had said and informed them that I would return at a later date. ... The real grievance is that the headman (one of the very few in this district) supported the rehabilitation proposals.

The headman he was referring to was that of Hota-Mbewula, Upington Mxatule.

The rejection of the scheme did not discourage Bowen. By 1947, Cala Reserve had been declared a Betterment Area. Clearly boosted by this development, the Magistrate announced that ‘a favourable verdict’ had been obtained at Manzimdaka. Bowen wanted to use Manzimdaka as a case study to win support. He recommended to the Chief Magistrate that plans should be urgently put ‘into operation in the Manzimdaka location’. He reasoned that Manzimdaka should be used to prove to the people that the Rehabilitation Scheme was ‘effective and beneficial’. Bowen enquired from the Chief Magistrate whether there was any chance of the Planning Committee visiting Xhalanga ‘in the near future’.<sup>306</sup> He would presumably use the meeting to market his strategy.

But Bowen was aware that Cala Reserve and Manzimdaka were not necessarily setting a new trend in favour of the Rehabilitation Scheme. In a memorandum dated 13 March 1947 to ‘all Headmen’, he brought to their attention that he was aware of ‘certain persons in this district’ who were ‘trying to persuade the people not to accept’ the Rehabilitation Scheme. He told the headmen that these ‘persons have been spreading lies and making false propaganda’. He asked the headmen to convene meetings and ‘call

---

<sup>305</sup> Umtata archives, file number 3/27/3/7, headman: Hota-Mbeula.

<sup>306</sup> 1/XAA, 5/1/92. Letter dated 7 March 1947.

upon these persons ... to state publicly what their reasons are for their opposition". Bowen challenged those who were opposed to the government's proposal to a debate at the next quarterly meeting.<sup>307</sup> At the same time, the Chief Magistrate urged Bowen not to "cease in your efforts", and encouraged him to embark on a "continued and sustained propaganda to bring home to the people the vital necessity for accepting the Department's rehabilitation aims".<sup>308</sup>

At the next quarterly meeting of 28 March 1947, which was attended by all the headmen and over 250 people, the Magistrate threw down the gauntlet and stated "that certain persons were spreading false statements regarding the Department's Rehabilitation proposals". He challenged those who were not happy with the proposals to stand up and state their reasons, and "invited discussion on the subject". A "general discussion followed", where the Magistrate explained "the ideas underlying the betterment proposals". Bowen, the Magistrate, concluded with an "exhortation" that the people should not listen "to idle tales and to seek the truth direct from him on points of doubt". He "stressed ... that it is for the ultimate good of the Native people that the rehabilitation plans had been devised".<sup>309</sup> Bowen's exhortations did not improve the situation in Xhalanga. Instead, resistance towards the rehabilitation measures became more and more militant. In this regard, Bowen reported to the Chief Magistrate: "at some centres the opposition amounted almost to open hostility".<sup>310</sup>

The mood displayed against the rehabilitation measures contrasts sharply with the resistance to the District Council especially before its establishment in 1925. Before the establishment of the Xhalanga District Council, the methods used by the landholders were gentle, persuasive and even servile. However, we have seen that since the imposition of the District Council, and particularly after the introduction of the rehabilitation measures, resistance became more direct and confrontational. This militant atmosphere could be partially explained in terms of the changing political mood,

---

<sup>307</sup> 1/XAA, 5/1/92.

<sup>308</sup> 1/XAA, 5/1/92. Letter dated 25 March 1947.

<sup>309</sup> 1/XAA, 5/1/60. Minutes of meeting of headmen and people held at Cala on the 28 March 1947.

<sup>310</sup> 1/XAA, 5/1/92. Letter dated 7 March 1947.

especially from the late 1940s, in the country as a whole. The establishment of the ANC Youth League in 1943 and the resurgence of the Communist Party of South Africa, coupled with the activities of the All African Convention, contributed to this political climate. Unlike the earlier period of peaceful pleadings and deputations, this era was marked by direct and organised action in the form of boycotts, strikes and civil disobedience. For example, on the labour front, there was a strike of mine workers in 1946 that would have had some influence on migrant workers. As noted in chapter 2, there was organised resistance against the Rehabilitation Scheme in Zoutspansberg and Witzieshoek in the early 1940s and 1950. In 1949, the ANC Youth League adopted a programme of action that was immediately followed by the Defiance Campaign of 1952.<sup>311</sup> As we have seen above, Xhalanga landholders, and inhabitants in general, were prone to being influenced by politicians as the district was a hunting ground for vote-seeking politicians, given the sizeable number of landholders who qualified for the franchise. The Cape liberals, the 'fr iends of the natives', exerted the initial influence. When the Communist Party of South Africa shifted its focus towards organising and mobilising Africans from the mid-1920s (Drew 2000; Ntsebeza 1988; Grossman 1986), Xhalanga was one of the targeted areas. This is shown in the evidence of the trial in 1929 of leading members of the Communist Party, Sidney Percival Bunting, his wife, Rebecca and Garner (Gana) Makabeni.<sup>312</sup> One of the key activists in Xhalanga in the late 1950s and early 1960s, Abel Mavandla Ntwana, was a member of the Communist Party of South Africa. But it must be emphasised that it was not possible to find any evidence of the direct involvement of political organisations in Xhalanga in the 1940s and early 1950s.

In 1954, the government shifted from the rehabilitation policy to 'stabilisation'. Following poor co-ordination of efforts, the Planning Committee, which was established in 1945, was, by the early 1950s, 'virtually defunct' in Evans' words (1997: 218). Mbeki (1984:95) attributes the non-effectiveness of the Committee to rural resistance. The two positions, however, do not exclude each other. It is as a result of the poor performance of

---

<sup>311</sup> For accounts of these political developments see, amongst others, Tabata (1950); Roux (1964); Simons and Simons (1983); Lodge (1983).

the Planning Committee that a less complicated, but more extensive, conservation system called 'stabilisation' was introduced in 1954. This was on the eve of the introduction of Tribal Authorities. This policy put more emphasis on soil preservation measures and dropped the controversial stock culling provision of previous policies (see Lodge 1983:262-268). As Hendricks (1990; 1988) would put it, under the stabilisation policy, the state embarked on 'loose planning'.

This study, however, argues that these phases did not denote any fundamental shifts in government thinking and practice. At the heart of these conservation measures was the colonial and apartheid states' policy of restricting access to land of the vast majority of Africans to small, overcrowded and overstocked 'Reserves'. Instead of accepting that the problem was indeed overcrowding, successive colonial and apartheid governments resorted to culling livestock and introducing contours that further reduced the size of the already small fields.

It is thus not surprising that the adoption of the stabilisation policy did not alter the attitude of Emnxe people to government policies. This location was one of the most resistant in Xhalanga.<sup>313</sup> The resident Magistrate confirmed this when motivating for the removal of headman Paulus Mguli: 'He appears to be over seventy years and has no longer any control over his location *which is an extremely difficult one to manage*' (own emphasis).<sup>314</sup> Throughout the period of the existence of the District Council, 'the (Emnxe-Ehlathini) taxpayers consistently refused to vote at District Council elections'.<sup>315</sup> They were also opposed to the government's conservation policies, including stabilisation. As will be seen, their opposition to government policies from the mid-1950s became more and more aggressive. For example, in a letter to the Magistrate, headman Archibald Dichaba Duna Manzana reported: '(M)any in this location are

---

<sup>312</sup> Pretoria archives, BAD (Department of Native Affairs), 67/331, Rex vs Bunting and two others.

<sup>313</sup> We saw in the previous chapter that a representative from this area, Eleazer Masoka, bluntly told the Magistrate on 5 March 1925 that they were not going to elect candidates for the Xhalanga District Council.

<sup>314</sup> Umtata archives, Headman file, eMnxe location, file 3/27/3/4, Part II. The motivation was dated 12 September 1933.

<sup>315</sup> CMT, 3/1484. Confidential letter from the Chief Magistrate to the Secretary for Native Affairs, dated 19 September 1958.

bitterly opposed to it”<sup>316</sup> An Agricultural Officer and a constable were to recall the reaction of the residents of Emnxé to the Magistrate’s attempts to introduce the stabilisation policy. According to the Agricultural Officer, Wycliffe Howard Matsiliza, a meeting, which could easily be described as a ‘baptism of fire’, was held at Emnxé on 17 August 1956:

I assumed duty at Cala in August 1956. I know to my own knowledge that every attempt by the Authorities to secure the cooperation of the people of Xalanga District in regard to stabilisation of the various locations in this District has failed. In particular, the people of Emnxé Location No. 11 have refused to have anything to do with stabilisation of their location.<sup>317</sup>

Constable Barnabas Samuel Buhle Mdoana, popularly known in the area as ‘Oom Waal’ (from Valela), recalled a meeting where he accompanied Magistrate Collen to a meeting on stabilisation at Emnxé School.<sup>318</sup> He acted as an interpreter. Mdoana recalled the drama when ‘one man, Lawrence Silwana’ pointed to the Magistrate, telling him ‘that he was even prepared to go to gaol’. According to Mdoana, another man, Abel Ntwana assured Silwana: “Do not worry to explain anything. We are not prepared to accept anything that comes from the Government”. A third man, Mabanga Mboyiya, allegedly threatened: ‘Mdoana, if you do not want to be assaulted here, you had better tell your Magistrate that the two of you should clear out’. Mdoana further alleged that Mboyiya ‘shouted to me that they were going to see to the men who had voted in favour of stabilization’. Mdoana concluded:

At the time we took a vote these people became very wild and wanted to hit us, and it was then that the Magistrate closed the meeting. These people were ready to stone us and with my own eyes I saw the pile of stones that had been prepared for this purpose. Abel Ntwana told the people that they should not vote for stabilization because by voting for stabilization they were bringing trouble upon themselves.<sup>319</sup>

---

<sup>316</sup> Umtata archives, headman file, eMnxé location, file, 3/27/3/4, Part II. Letter from the residents of Mnxé location dated 19 January 1956, and letter from Magistrate to Chief Magistrate, dated 20 February 1956.

<sup>317</sup> CMT, 3/1484. Affidavit dated 30 September 1958.

<sup>318</sup> This was, according to him, “about three years ago”, which suggests that this meeting took place around 1955.

<sup>319</sup> CMT, 3/1484. Affidavit dated 30 September 1958.

Emnxe arguably became the hub of opposition to the introduction of Bantu Authorities in Xhalanga in the late 1950s and early 1960s. It has been difficult to establish from the people of Xhalanga why it was at Emnxe that opposition to the government's policies was so strong and sustained. The following could provide part of the explanation. Emnxe was dominated by amaMfengu, generally referred to as the 'school people'. We have seen that, in class terms, it is mainly amaMfengu that were landholders with titles issued under Schedule A. They were thus the ones who would immediately be affected by the conservation schemes, and especially by their implications for land available for cultivation and removals. This aspect of the conservation policies would not affect those rural residents who did not have access to land for cultivation. In fact, the establishment of 'closer settlements' was more likely to be of benefit to the landless, especially given that they could at least have a residential site. Given that Emnxe had a significant number of landholders, it is not surprising that they were so militantly opposed to the conservation measures.

By including the need to control and cull stock, the Betterment and Rehabilitation Schemes, on the other hand, affected both landholders and the landless. Ownership of stock was not tied to access to land, with the result that some of the landless, or those who only had residential plots, were stockowners. This meant that the landless could be mobilised in the struggles against government policies. By dropping the stock control and culling measures, a substantial number of rural people, the landless, did not have any material basis to join the struggles of the landholders.

Apart from rallying around land, there appears to have been a social basis in explaining why the people of Emnxe were militant. The location was for a long time regarded as an advanced educational centre in the rural areas of Xhalanga. According to Mlotha, the people of Emnxe respected education, and their youth activities were different from those of the 'red people'. They organised 'functions' and not 'imitshotsho' of the 'red people'. He claimed: "We (Emnxe people) were the first to organise 'functions'".<sup>320</sup> One of the

---

<sup>320</sup> Interview conducted in Cala, 5 January 2000. 'Functions' refer to the social activities of the 'school' youth, usually held on Saturday evenings (own experience).

first primary schools that went up to standard six (grade eight) was the Emnxe Primary School. Students used to walk long distances to attend school at Emnxe. Mrs. Mandlangisa Mguli, who was 91 years at the time of the interview, recalled: ‘Emnxe already had standard six when I married here in 1928’.<sup>321</sup> In addition, Emnxe is close to the town of Cala. In the 1950s, Emnxe is reputed to have been “the centre of political education”.<sup>322</sup>

As already noted, there were two fundamental issues that were at the heart of the opposition - soil erosion and stock limitation measures. The key issues around the soil erosion measures centred on the perception that landholders would not be compensated for degraded land and also that the contour banks that were erected minimised the amount of land. There was also the fear that the Rehabilitation Scheme would involve relocation to smaller residential plots. It is landholders who would be affected by the soil measures. Stock limitation measures, on the other hand, affected a much wider group of rural residents.

The precise role of the District Council and headmen in the government’s drive to impose conservation measures is difficult to measure. This is partly due to the dominating role that Magistrates played in ‘native’ administration. Headmen and councillors often found that their positions were Janus-faced, having to please their paymasters, while at the same time subjected to pressure from below, from their kith and kin, and fellow residents – a classic example of what Gluckman has described as an ‘intercalary’ authority (1949). We have seen how, especially when the Betterment Scheme was introduced, headmen aligned themselves with the rural inhabitants, while councillors such as Qamata supported the Betterment Scheme.

Mlotha expressed the general view of those interviewed when he described the District Council as ‘good’ and ‘skewed’. It was ‘good’ in so far as it promoted development, such as agriculture and agricultural shows. ‘But it was skewed in this way (yayikekele

---

<sup>321</sup> Interview, 9 January 2000.

<sup>322</sup> Interview with Tsengiwe, Queenstown, 24 January 2001. Tsengiwe, though, could not elaborate.



ngolu hlobo), it limited the number of stock. They robbed us and sold them cheaply. They made a distinction between culls and good stock. All the culls had to be disposed of?<sup>323</sup> Headman Fani of Cala Reserve emphasised another dimension of the Rehabilitation Scheme. Ntlalontsha (the new settlement scheme), according to him, was perceived as an attempt to get rid of goats and reduce the size of residential plots: ‘It was alleged goats were troublesome and will destroy plantations and jump over the fence. ... Yet, goats are important for ritual purposes’.<sup>324</sup> But it is true to say that it was the Magistrate who was the driving force behind the introduction and implementation of government policy in this period leading up to the introduction of Tribal Authorities.

Unlike the opposition to the District Council in the period up to the 1920s, it has not been possible to establish what, in positive terms, the opponents of the conservation measures actually wanted. The earlier opposition specifically rejected the District Council precisely because it did not accommodate their aspirations to acquire land and political rights similar to their white counterparts. Their example with respect to land was the Embokotwa title. They were, in short, in favour of citizenship rights in an integrated, rather than a segregated society. By contrast, the anti-conservation lobby tended to be reactive, and it was not clear what their positive demands, other than opposition to the government policies, were. This silence could be the result of the demise of the Cape liberal project and its dubious promise of incorporating ‘civilised natives’ into the colonial edifice. It is also important to note that there does not appear to be any evidence that the Xhalanga resistance to the conservation measures was in any way linked to the AAC campaign which started in the late 1940s and in which Tabata played a prominent role. The Xhalanga case appears to have been an isolated attempt by rural residents to defend their interests in land. Despite the lack of clear alternatives and links with other campaigns, the resistance in Xhalanga, and Emnxé in particular, was militant in the sense that it was based on disruption of meetings and threats of violence. Gone were the days of delegations and deputations.

---

<sup>323</sup> Interview conducted in Cala, 5 January 2000.

<sup>324</sup> Interview, Cala Reserve, 15 March 2000.

## **Chiefs in Xhalanga**

Throughout the period of the Xhalanga District Council, the involvement of the dethroned Chiefs of Gecelo and Stokwe in the District Council was marginal. Of the two Chiefs, Gecelo seemed to be the more prominent, to such an extent that people such as headman Duncan Makhohliso of Cala Reserve attempted to renegotiate his chiefly recognition. Makhohliso was part of a deputation of Xhalanga landholders that met the Chief Magistrate in Umtata in April 1910. He pleaded: ‘Do you know this, Sir? – that a Native man places his Chief next to God. We ask you, sir, that you should give this Chief his rights of chieftainship. He is our chief’. The headman tried to convince the Magistrate that the Chief wielded great power that could be used to the advantage of the government: ‘It is a painful matter. You must excuse me if I break into tears. ... If you send instructions to Malangeni our Chief they will be obeyed because he is our chief. I pray you, Sir, to consider this matter. I stop here. I don’t know the Government – I know him’.<sup>325</sup>

The response of the Chief Magistrate was indicative of official ideology, and particularly of the state’s ambiguous position regarding assimilation and segregation. He accused Makhohliso and the people of Xhalanga of double standards. According to him:

In some things you say you are European – when I was last at Cala you said you had risen above everything that was Native and that you were white people in all but colour, and you would rather have a Divisional Council. ... But a lot of your requests are those of Native people. With the one hand you want everything white – with the other hand everything Native.<sup>326</sup>

On the specific issue of the recognition of Malangeni Gecelo’s chieftainship, the Chief Magistrate reminded Makhohliso and his deputation the terms of the Thembuland Commission; namely that the people of Xhalanga would be drawn from different ‘tribes’. According to the Chief Magistrate: ‘The land was occupied after war (the 1880-81 Gun War) and the settlement was distinct from any chieftainship whatever’. To add insult to injury the Chief Magistrate concluded:

---

<sup>325</sup> CMT, 3/591.

<sup>326</sup> CMT, 3/591.

You ` Europeans' now want a Chief, so you are in a difficulty. I am glad to hear you speak well of Malangeni (son of Gecelo) and I am not going against you but am pointing out that Government does not recognize a chief in the district which was located on a principle different from tribal occupation. The idea was to bring you up to European standards.<sup>327</sup>

The Magistrate here continued to give the impression that the state was committed to assimilation. It will be recalled that the 1883 Tembuland Commission recommended that Xhalanga be established as a buffer between white farmers and communal areas. This entailed dethroning the Chiefs in the area and surveying the district and allocating land to individuals, with title, rather than as tribal groups. Yet, the meeting took place on the eve of the inauguration of the Union of South Africa, which was established along clear segregationist lines. The Xhalanga landholders had officially lost their struggle for secure land tenure comparable to that of their white counterparts at Embokotwa.

Whether Gecelo enjoyed support amongst his subjects is questionable. As already stated, Gecelo survived the Gun War by surrendering, later giving evidence to the Tembuland Commission. It is on this basis that he was pardoned and given a substantial piece of land. He settled most of his supporters on his farm at Mbenge. At the same time, the Mbenge farm, though allocated to him, was also recognised as a location under a headman. As will be seen below, Gecelo held the position of headman. This made Gecelo both a headman and landlord, and the residents on his farm were thus both his subjects and tenants. This arrangement, which lacked any clear definition of the land rights of the people residing on the farm, exposed these people to victimisation in the event they antagonised their landlord, Gecelo. For example, when the uncle of Ngonyama Gecelo was convicted of an assault charge arising from beer drinking at Mbenge farm, Gecelo threatened to evict the complainant on the grounds that the complainant was a herbalist.<sup>328</sup> Although it is not clear what ultimately happened to the complainant, the point is that people residing at Mbenge were vulnerable. This would

---

<sup>327</sup> CMT, 3/591 Minutes of a meeting held at Umtata on the 8<sup>th</sup> April, 1910, between the Chief Magistrate of the Transkei Territories and a deputation representing the District of Xhalanga.

<sup>328</sup> Umtata archives, file 3/27/3/20. Letter from Magistrate to Chief Magistrate dated 27 June 1930.

cast doubt on any claims that obeying Gecelo meant that the people respected him, or his chieftainship.

Gecelo's position was also strengthened by the fact that the headmanship of Mbenge, unlike other locations, was the undisputed property of the Gecelo family. The issue of the headmanship of Mbenge was given the backing of the government in an interesting exchange between Kockott, the Magistrate of Cala and the Chief Magistrate. Tracing the history of headmanship in Mbenge, Kockott told the Chief Magistrate:

From the records in this office it would appear that on a date prior to the year 1898 a late Chief of the Gecelo family and the owner of (Mbenge Farm) was appointed a headman and received a Government subsidy. Upon the death of this chief, an attempt was made by the late Mr Levey to oust the succeeding owner of the farm from the headmanship, but it was decided that this position could not be dissociated from the ownership. Since then the owner of the farm has been the headman.<sup>329</sup>

Kockott wanted a ruling on whether "the acceptability of an appointment as a subsidised headman" was "not a tacit agreement to administer the affairs of the residence of the farm in the same manner subject to necessary variations, as in any ordinary location". If this was the case, according to Kockott, "a resident should not be liable to expulsion except for good cause and with the necessary approval of the Magistrate. If not, it is difficult to understand what the headman's position is as a subsidised government official and yet not subject to control in respect of the very people who justify his appointment". Kockott also wanted to know whether the residents of this farm should continue to pay local tax, and participate in the coming Council elections.

In his response, the Chief Magistrate, Mr W.T. Welsh argued:

(A)s the farm is not a Native Location but private property, and occupied by a large number of Natives, it is a matter of convenience, from an administrative point of view, to regard the owner as the medium of communication between residents and the authorities and to look upon him as the recognised officer for maintaining law and order. The payment to him of a subsidy for any services he

---

<sup>329</sup> Umtata archives, file 3/27/3/20, Headman Mbenge Farm. Letter dated 27 June 1930.

may render in this respect does not necessarily bring him into the category of a Government headman in charge of a Native Location. The ejection of a resident is accordingly the private concern of the owner and a matter affecting the relations between landlord and tenant in which it is not possible to interfere.<sup>330</sup>

The case of Gecelo presented great problems for the state, and was another instance that made the Xhalanga case study different. At one level, the state allowed Gecelo to settle people on a farm allocated to him. At the same time, the state wanted to have control over the people residing on the farm, hence the decision to declare the farm a location. Clearly, the Chief Magistrate was trying to strike a balance between recognising Gecelo as a landlord, but at the same time ensuring the residents on his farm were subjected to the same control which rural inhabitants in other communal areas were subjected to. This led to all sorts of compromises on the part of government. It meant that even when Gecelo was convicted of an offence, his position as headman would not be affected.

Ngonyama Gecelo, for example, was convicted on a number of occasions without this affecting his position as headman. On 26 July 1928, he was convicted “on a charge of imputing witchcraft”. He was suspended for one year. Alexander Gecelo temporarily replaced him.<sup>331</sup> Ngonyama was reinstated on 1 September 1929. He was again convicted and fined 5 pounds (R60) or one month’s imprisonment with hard labour on a charge of assault. This was on 20 September 1936.<sup>332</sup> In 1938, he was again arrested and detained for perjury and defeating the ends of justice. Usually, Magistrates would have removed Gecelo as headman. However, as the Cala Magistrate noted, following the ruling of the Chief Magistrate in July 1930, “the headman is the owner of a private farm and unfortunately such ownership cannot be dissociated from the Headmanship otherwise I would have had no hesitation in recommending the dismissal of the headman in view of the previous suspension”. It was recorded, around the time of the death of Malangeni

---

<sup>330</sup> Umtata archives, file 3/27/3/20, letter dated 5 July 1930.

<sup>331</sup> Umtata archives, file 3/27/3/20, Headman Mbenge Farm.

<sup>332</sup> Umtata archives, file 3/27/3/20, Headman Mbenge, letter dated from acting Magistrate to Chief Magistrate.

Gecelo on 27 December 1926, that there were ‘280 general taxpayers residing thereon’.<sup>333</sup>

Outside Mbenge, though, the people of Xhalanga did not recognise Gecelo as their Chief. According to Mlotha, Gecelo ‘was a chief in Mbenge. We did not care for him (*Sasingena msebenzi naye*). Even Matanzima used to come, but we did not care for him’.<sup>334</sup>

The position of Stokwe was different. The death of Stokwe during the Gun War in 1880, coupled with internal conflicts outlined in the previous chapter, created serious problems for that chieftainship. Unlike Gecelo, the Stokwe family did not wield any significant influence. According to Mazibuko, a former headman of Askeaton and acting head of the AmaQwati Tribal Authority, the family of Stokwe was, after the Gun War, resettled to Nquqhu near Mthingwevu. This was a form of punishment. Although, as with Gecelo, Stokwe’s wife, Emma, was offered a farm, her farm was not declared a location as was the case with Gecelo’s Mbenge farm. When she returned, the location in the area, Askeaton, was already under the system of headmen. Her son, Nyamankulu, remained at Nquqhu, even when the majority of amaQwati followed Emma to Askeaton. With the headmen already in place at Askeaton, there was no place for the brothers of Nyamankulu. Mazibuko summed up the position: ‘The chief here was just an ordinary person (*yindod’ elali nje*). No one went to him for anything. But people respected the chief, as they knew him. They referred to the farm (Emma’s) as the great place (*komkhulu*). ‘Red’ people respected their chief, but the chief could not even preside over their cases’.<sup>335</sup>

Mazibuko’s reference to the ‘red people’ and their continued loyalty to the Chief suggests a continuation of the elitist attitude of the ‘school people’ towards the Xhalanga dethroned Chiefs. Each time a member of the Stokwe chieftaincy stood for election as

---

<sup>333</sup> Umtata archives, file 3/27/2/20, headman: Mbenge Farm.

<sup>334</sup> Interview conducted in Cala, 5 January 2000.

<sup>335</sup> Interview, Askeaton, 25 January 2001. See also: Interview with headman Fani, Cala Reserve, 15 March 2000.

headman, a 'school person' would oppose him. Mazibuko recalled that when the term of office of one headman, Job Rengqe came to an end, one Ernest Vumazonke and Stokwe stood for elections. Vumazonke was eventually elected headman, although Mazibuko alleged that "our educated people (*amakhumsha akuthi*)" manipulated the election process by suggesting that Stokwe was a farmer, conveniently forgetting that Job Rengqe was himself a farmer.<sup>336</sup> The main reason, it would seem, was that the Chief was not educated. In addition, as Mazibuko has suggested, amaQwati were perceived as too fond of liquor. In the words of Mazibuko: "*Yayingabantu botywala kakhulu* (They liked liquor very much)". The remark that the 'red people' liked liquor should, however, be seen against the background that given that the majority of them were not Christians, they usually entertained and held their rituals on weekends, including Sundays. These rituals and entertainment invariably entailed beer drinking.<sup>337</sup>

Indeed, the biggest drawback for the Chiefs in Xhalanga, it seems, was that they were not educated, and their followers mainly came from the 'red people'.<sup>338</sup> These seem to be the main reasons why 'school people' were dismissive of them. At the risk of making crude divisions, it could be argued that this social division largely determined support and non-support for Chiefs in the district. Given that, historically speaking, the bulk of the 'school people' in Xhalanga were mainly amaMfengu, who also formed the bulk of landholders, there was an assumption that the latter were anti-chiefs. Interviews suggest that the social divisions between 'school and red people' were still evident. However, there was an admission that these divisions were beginning to blur as a result of inter-marriages and the fact that some 'red people' were sending their children to schools. The role of migrant work in blurring these divisions could not be confirmed.

The issue of chieftainship and its support in Xhalanga was made even more complicated and complex by the involvement of Chief K.D. Matanzima in the struggle for control of secondary school education in Xhalanga in the 1940s.

---

<sup>336</sup> Interview with former headman Mazibuko, Askeaton, 25 January 2001.

<sup>337</sup> Interviews and conversations with various rural inhabitants, both men and women.

## Chief K.D. Matanzima in Xhalanga

Discussions in the 1940s about the establishment of a secondary school in Xhalanga led to the direct involvement of Chief K.D. Matanzima in the affairs of the district. The need to establish a secondary school in Xhalanga was discussed by the District Council from around 1938.<sup>339</sup> By 1944, however, the school had not been established, and it was not clear what had happened to the District Council's discussions. When the issue re-emerged in 1944, it led to acrimonious debates which caused schisms among the people of Xhalanga. It is, it seems, at this point that Matanzima emerged as one of the key actors in the debate, casting his lot with one of the factions. This section will argue that Matanzima used his involvement not only to engage in the educational debates, but also to entrench his position as Chief of Emigrant Thembuland, including Xhalanga.

The decision of the Dutch Reformed Church (D.R.C.) in 1944 to open a secondary school in Xhalanga was undoubtedly the spark behind these debates. When the decision was initially tabled before the District Council, there was apparently no objection from its members. In September 1944, though, the Council raised objections to the establishment of a D.R.C. secondary school. The argument was that the school should not be dominated by one church, but should be interdenominational. However, the D.R.C. minister in Cala, J. Pretorius, suspected that there was more to the argument and that ultimately, the lobby was anti-D.R.C. and anti-white. According to him:

*Vier van die ses lede van die raad is wesliane en die gif kom natuurlik van hul ou leraar wie 'n aardsvyand van ons kerk is en 'n groot vriend van Reverend Dekeda ... Ou Tsengiwe sê aan my dat hierdie persoon ook een van die is wat teen die Blanke gekant is. Hy maak van nou van die botsing gebruik vir propaganda teen ons.* (Four of the six members of the council are Wesleyan and the poison comes naturally from their old minister who is an archenemy of our church and a great friend of Reverend Dekeda ... Old (man) Tsengiwe said to me that this person is

---

<sup>338</sup> Interview in Cala, 5 January 2000.

<sup>339</sup> 1/XAA, 5/1/60. Minutes of proceedings of the Quarterly Meeting of Headmen held in the Court Room, Cala, on 29 December 1944.



also one of those who are opposed to Whites. He is now using this conflict as propaganda against us).<sup>340</sup>

Despite this, Pretorius was optimistic that, on the strength of assurances from the Magistrate and support from the elders in the district, “things will sort themselves out” (“*dinge sal regkom*”). He was convinced that the District Council would again change its mind. (“*die raad sal nog weer draai*”).<sup>341</sup>

By December 1944, the issue had not been resolved. Councillor Tyaliti complained at the December 1944 quarterly meeting that the matter had been “before the District Council as well as the Education Department about six years ago when the previous Inspector of Schools had investigated the question of a site for the school”. Various speakers at this quarterly meeting supported the need for a secondary school, and saw it as “essential in this district owing to the long waiting lists at secondary schools in other districts and the difficulty experienced in gaining admission for local children”. There were differences of opinion as to whether the school would be under the control of one of the churches or be an inter-denominational institution. The proposed site of the school, at Askeaton, was also questioned. In the final analysis, the Magistrate undertook to take up the matter with the government.<sup>342</sup> The General Council later recommended that the school be built on the Council Depot farm at Emnxé. On 19 June 1945, Magistrate Mundell reported that he had not received any response from the government.<sup>343</sup>

In the meantime, the D.R.C. opened a private school, the D.R.C. Native Secondary School, at the beginning of 1945. This school was temporarily housed in the D.R.C. ‘native’ church building opposite the Roman Catholic Convent in Cala.<sup>344</sup> In response,

---

<sup>340</sup> It is not clear who the “*ou leraar*” was. On this debate, Xhalanga retired educationists, B.S.C. Mkumatela and H.M. Tsengiwe, felt that “*Amabhulu* (the boers)” wanted to be accepted and used education as their entry point.

<sup>341</sup> D.R.C. archives, Cape Town. Letter from J. Pretorius, Sending Pastorie, Cala, dated 25 September 1944, to Ds. G. de C. Murray.

<sup>342</sup> 1/XAA, 5/1/60. Minutes of proceedings of the Quarterly Meeting of Headmen held in the Court Room, Cala, on 29 December 1944.

<sup>343</sup> On the same day, councillor Mac J. Tyaliti, seconded by councillors Qamata, proposed that the Magistrate be given a new name ‘Zitulele’. The proposal was accepted and Qamata was asked to explain the meaning of the name, after which Mundell ‘suitably replied’.

<sup>344</sup> D.R.C. archives, Cape Town. ‘Prospectus – D.R.C. Native Secondary School’, dated 22 January 1945.

the Wesleyan church-led opposition to the D.R.C. opened, also in 1945, Askeaton Secondary School in Askeaton.<sup>345</sup> These moves further divided the people of Xhalanga between the supporters of the D.R.C. and the ‘opposition’ led by the Wesleyan ministers. One supporter of the D.R.C., Sebastian Kubukeli, who was, ironically, the secretary of the Askeaton Secondary School, assured Reverend Pretorius:

I can assure die Predikant (the priest) that Askeaton will hardly re-open in April ...I am over positive that there will be neither a teacher to re-open nor a child to attend. The men who are office bearers are the weakest human beings in the district; with very weak education, I guarantee my words.<sup>346</sup>

One of the key problems confronting the Askeaton Secondary School seems to have been limited financial resources. A 92 year-old informant (in 2000), Mrs Mandlangisa Mguli, who boasted, ‘I built that school’, confirmed that the school had problems in securing the funds needed to develop it and to pay teachers. She did, though, also remark on the question of the limited formal educational standards of the committee members.<sup>347</sup> By contrast, the D.R.C. had a lot of support from its own structures, had better resources and had the support of the Magistrate.<sup>348</sup>

There is general agreement among informants that it is at this point that some people suggested that Chief K.D. Matanzima should be approached for support. Evidence suggests that two ministers, Norris Jafta and Pamla were the leading champions of this idea. For example, in her recollections, Mandlangisa Mguli explained that one Wesleyan minister, Nyikinyibhoxo (Jafta), advised that the people of Xhalanga should seek help from ‘the Chief of abaThembu’, K.D. Matanzima. She went on: ‘There were even men from our side that went to Matanzima, my husband (Sampson), Mrwetyana, Thumana, Kakaza, Mvinjelwa, I can’t remember the others but there were seven men (*amadoda*

---

<sup>345</sup> D.R.C. archives, Cape Town. Letter from Pretorius to de C. Murray dated 24 January 1945.

<sup>346</sup> D.R.C. archives, Cape Town. Letter dated 12 January 1945. The other prominent people on the side of the D.R.C., who also served on the school committee were Arthur Tsengiwe (elder and headman); B. Tyamzashe (teacher), Reverend J. Mlonzi (Anglican priest) and E.B. Dube (D.R.C. evangelist). See letter from the committee to the chairman of the D.R.C. committee dated 4 February 1946.

<sup>347</sup> Interview, eMnxe, 9 January 2000.

<sup>348</sup> After the National Party came to power in 1948, the DRC played a more visible and supportive role in favour of the apartheid government’s policies in developing the Bantustans, not only in establishing schools, but also hospitals, such as those in Cala, Zithulele and Tafalofefe.

*asixhenxe*).<sup>349</sup> The priest, Nyikinyibhoxo, according to Mandlangisa, was part of the delegation and was to introduce the men to Matanzima.<sup>350</sup> Former headman of Emnxe, Kupe, corroborated Mandlangisa's claim that the suggestion came from Jafta. He also indicated that Jafta was a supporter of Matanzima.<sup>351</sup> Retired educationist Mkumatela, a friend of the Matanzima's, also recalled that Reverend Pamla, too, was active in the lobby.<sup>352</sup>

It has not been possible to establish when precisely the appeal to Matanzima was made. What is clear is that on 25th May 1946, Matanzima wrote a letter to Reverend Pretorius of the D.R.C., as a member of a Committee that was looking into the issue of the 'secondary school at Cala'.<sup>353</sup> In this letter, Matanzima proposed that the school be an interdenominational government school, rather than be controlled by "any church". He argued that the hostels for students would be established and run by churches. The model Matanzima had in mind, as he himself wrote in the letter, was Fort Hare University. By arguing in favour of a government school, Matanzima was aware that the D.R.C. would not be in a position to use its financial muscle to dominate other churches in their bid to control the school. When Matanzima decided to choose in September 1946 'not to discuss the matter (of the school) any longer', the two schools went their separate ways.<sup>354</sup> The Department of Public Education later recognised both schools in 1947, which meant that the Department would pay the salaries of some of the teachers. Competition between the two schools continued unabated. The main focus after 1947 was developing the schools in terms of attracting students, producing good results and, above all, putting up new buildings. The latter required financial resources, an Achilles heel of the supporters of the Askeaton Secondary School.

---

<sup>349</sup> Interview, eMnxe, 9 January 2000.

<sup>350</sup> Knowing that the people of Xhalanga did not accept chiefs, Mandlangisa claimed Jafta warned and trained his delegation to salute Matanzima: "Ah! Daliwonga!"

<sup>351</sup> Interview, eMnxe, 1 April 2000.

<sup>352</sup> See also letter from Pretorius to Matanzima dated 21 August 1946 in which Pretorius refers to the active role of Reverends Pamla and Jafta in the debate.

<sup>353</sup> D.R.C. archives, Cape Town.

<sup>354</sup> D.R.C. archives, Cape Town. Letter dated 7 September 1946 from Matanzima to Pretorius.

Matanzima played a pivotal role in organising funds that would ensure that they put up with the D.R.C. challenge. Not only did Matanzima use his influence, he also taxed his own “subjects” in Qamata.<sup>355</sup> Tsengiwe, a retired educationist, remembered a fundraising concert “where Matanzima came with money from Qamata. He boasted and promised the people of Xhalanga that he would build more schools for them”.<sup>356</sup> Mkumatela, the other retired educationist, was emphatic: “The truth is that school was set up by Matanzima. ... The joke is that Matanzima Secondary School was not built by Cala people but by Matanzima and Western Thembuland. Matanzima came with a big group. They put money in big dishes and they came on horseback”.<sup>357</sup> Whilst not denying the financial contribution made by the people of Qamata/Cofimvaba, Mandlangisa was quick to point out that the people of Xhalanga also made a contribution. According to her, “Gecelo’s people made a good contribution ... despite the fact that he (Gecelo) was a red person (*iqaba*)”.<sup>358</sup> When the school was ultimately built between Emnxe and Cala Reserve locations, it was named ‘Matanzima Secondary School’.

It is not clear who suggested the name ‘Matanzima’ for the school. But it is worth noting that in the constitution of the proposed interdenominational secondary school, the proposed name was ‘Matanzima Interdenominational Secondary School’.<sup>359</sup> Naming the school after Matanzima, however, fitted his agenda of wanting to entrench himself in Xhalanga, and thus Emigrant Tembuland. While the role of Matanzima in building the school cannot be denied, this study contends that there was more to Matanzima’s involvement than just educational issues. At the heart of his involvement was his attempt to establish a foothold in Xhalanga as a step towards achieving his aim to be the Chief of

---

<sup>355</sup> The financial contribution by the residents of Qamata was recalled at a meeting at Qamata on 10 October 1999 attended by a delegation from the Eastern Cape legislature, led by Premier Stofile. This account was given in the context of a complaint around the change of the name of the school to being called Batandwa Nondo High School, without consulting the Matanzima family (audio tape of the meeting with the author, thanks to a Cala-based community radio, Vukani Community Radio). See also: Interview with headman Fani, Cala Reserve, 15 March 2000.

<sup>356</sup> Interview, Queenstown, 24 January 2001.

<sup>357</sup> Interview, Mbenge, 9 January 2000.

<sup>358</sup> Interview with Mandlangisa Mguli, eMnxe, 9 January 2000. On the contribution of the people of Mbenge, refer also to: Interview with headman Fani, Cala Reserve, 15 March 2000. It would be interesting to establish the precise methods used to raise money among the people of Mbenge. None of the interviewees claimed to know.

Emigrant Tembuland. Tsotsi (1989), a close friend of Matanzima until the early 1950s, has pointed out that it had always been Matanzima's ambition, from the 1930s, that he would be the Paramount Chief of Emigrant Tembuland.<sup>360</sup> Having already established himself in the St. Marks' district, he desperately needed some support from Xhalanga. Whether Matanzima instigated the debate around the secondary school or not, is not clear. What seems clear, though, is that he exploited the debate to entrench himself in Xhalanga as the Paramount Chief of Emigrant Tembuland. This aim is evident in the above-mentioned letter to Pretorius, in which Matanzima already gave his designation as 'Chief of the Emigrant Tembus'. Furthermore, the inscription on the foundation stone of the Matanzima Secondary School indicates that the stone was laid by the: 'Par amount Chief of Emigrant Tembuland'. This was despite the fact that Matanzima was in the 1940s legally not the Paramount Chief of Emigrant Tembuland, but the Chief of amaHala<sup>361</sup>. In the battle for control of Emigrant Tembuland between Paramount Chief Dalindyabo Sabata and Matanzima in the 1950s, Matanzima used his involvement in Xhalanga in the 1940s as evidence that the people of Xhalanga recognised him as their Chief.

Headman Fani may be expressing the view of some people in Xhalanga that it was only too fair for Matanzima to assume that he was the Chief of Xhalanga, given that the people of Xhalanga appealed to him for assistance "(wayeyokuphuthunywa ngabantu baseCala azokusinceda)". Fani claimed that among the foremost people who sought the assistance of Matanzima were 'wise people' such as Henry Nkunkuma, Gecelo, and Qamata (District Councillor).<sup>362</sup> According to him, Henry Nkunkuma was close to Matanzima.<sup>363</sup> It is worth noting, though, that Qamata was at the time also a member of the school committee of the D.R.C. School.

---

<sup>359</sup> The same constitution conferred the title 'Chief' on Gecelo, when it proposed that he and Matanzima be members of the proposed School Board.

<sup>360</sup> Interview with W.M. Tsotsi, Durban, 9 February 2000.

<sup>361</sup> Umtata archives, 66/27, Bantu Authorities. Letter dated 19 March 1957, from Chief Magistrate to the Secretary for Native Affairs.

<sup>362</sup> It needs mentioning that in the early 1950s, Qamata was a member of the school committee of the D.R.C. School. This would not be surprising, given Qamata's record of vacillation – see Tabata (1950:96).

<sup>363</sup> Interview, Cala Reserve, 15 March 2000.

The role of Qamata in the social and political life of Xhalanga is particularly interesting. He seemed to have had a chequered political career. He was the longest serving member of the Xhalanga District Council, although these spells were interrupted when he was convicted on a criminal offence involving liquor.<sup>364</sup> At the same time, he was involved in a number of other activities. Qamata was expelled from the Transkei Voters' Association, together with Jeremiah Moshesh, C.K.Sakwe, Saul Mabude, G. Dana, Thomas Poswayo and Theo Ntintili. The resolution to expel them was taken in a meeting of the Transkei Organised Bodies (TOB) and the Transkei Voters' Association, held on 6 March 1948. They were expelled for seeking election to the Native Representative Council (N.R.C.), and were accused of 'flout(ing) the decision of every meeting held in the Transkei on the boycott question' (Tabata 1950: 96). This is not surprising as the TOB at the time was firmly entrenched in the non-collaboration principle of the Non European Unity Movement.<sup>365</sup>

At any rate, whatever support Matanzima had in Xhalanga in this period should be viewed with caution. Firstly, we have seen above how divided the people of Xhalanga were on the issue of Matanzima's involvement in the school debate. Secondly, the link between the appeal to and recognition of Matanzima as the Chief of Xhalanga have merely been asserted, but not argued for. While it may be true that some people could be supportive of chieftaincy, equally true is that others were either not supportive or simply indifferent. Informants such as educationist Tsengiwe, for example, asserted that there were 'stronger forces against Matanzima'.<sup>366</sup> Old man Mlotha was insistent that the majority of 'school people' were not in favour of chiefs. According to him, 'it was mainly amaXhosa (red people) who supported chiefs and Matanzima'. School people, according to him, preferred headmen: 'Headmen were elected by the people. They were middlemen between the people and the Magistrate. They were elected and could be removed. Chiefs are hereditary. A chief is born. It is of royal blood (*ngumntu wegazi*). There were no chiefs in Cala (Xhalanga)'.<sup>367</sup> Former headman Kupe took exactly the

---

<sup>364</sup> Xhalanga District Record.

<sup>365</sup> There is further information about the Non European Unity Movement in Chapter 7 below.

<sup>366</sup> Interview, Queenstown, 24 January 2001.

<sup>367</sup> Interview in Cala, 5 January 2000.

same position, adding: “AmaMfengu al so knew that there were no titles in an area under a chief”.<sup>368</sup>

In sum, there was no direct link between appealing to Matanzima for support in the educational debate involving the D.R.C. and other churches, on the one hand, and recognising chieftainship in Xhalanga, including the chieftainship of Matanzima in the area, on the other hand. There may be all sorts of reasons why some people in Xhalanga welcomed Matanzima’s involvement in the educational debate in Xhalanga. In the first instance, unlike Gecelo and Stokwe, Matanzima was a well-educated Chief, having completed a BA degree at Fort Hare and done articles of clerkship in his bid to become a lawyer. In fact, at the height of the debate, around 1946, Matanzima was an articulated clerk in Umtata. It is as an articulated clerk that he wrote the letter to Pretorius referred to above. It is also possible that some people supported Matanzima because he was regarded in some circles as an African Nationalist. In this period, the government had marginalised Matanzima, as he was not even a headman. Tsotsi has claimed that K.D. Matanzima supported and made contributions to the AAC, although he never, due his beliefs in chieftainship, became a member. We have seen in a previous chapter that the AAC regarded chieftainship as outmoded and inconsistent with democracy. Tsotsi contended though that Matanzima “was seen as a progressive chief”.<sup>369</sup> But, this study argues, it would be rash to conclude that the people who supported Matanzima in Xhalanga around the school debates and struggles were also supportive of chieftainship.

## **Conclusion**

After a difficult birth in 1925, it did not take long for the District Council in Xhalanga to be discredited in the eyes of even those who would have supported it. The introduction of the Betterment and Rehabilitation Schemes and ‘stabilisation’, on the one hand, and the supportive role played by the District Council, were central to discrediting the Council. The Betterment (1939) and Rehabilitation (1945) Schemes, with their provisions for the control and culling of stock were severe and affected a wide range of

---

<sup>368</sup> Interview, eMnxé, 1 April 2000.

rural people, including landholders and stockowners. It has been pointed out that there were landless rural inhabitants who were stockowners. Thus, mobilisation against these measures had the potential of drawing support from a large number of rural inhabitants. The shift to 'stabilisation', which relaxed the stock control and culling measures, meant that stockowners who were landless would not be easily mobilised. Stabilisation focused more on soil erosion measures and land demarcation, something that directly affected landholders. As the chapter points out, it is not surprising that landholders played a leading role in the struggles against the conservation measures and the District Council.

It has also been demonstrated that the nature of the opposition was becoming much more confrontational than earlier forms of opposition, which were essentially based on peaceful pleadings in the form of deputations and pleadings. As has been shown, meetings that were organised by the Magistrate were disrupted and threats of assault were made, sometimes leading to the unceremonious closure of these meetings. We have seen that Emnxe was emerging as the leading area of resistance. The chapter has shown that leading activists in Xhalanga such as Abel Ntwana were former migrant workers and were members of political organisations. However, there does not appear to have been any direct links between the Xhalanga resistance to the conservation measures and similar struggles in the rest of the country; in particular, the activities in which Tabata was centrally involved in the Transkei.

Unlike the opposition to the District Council in the period up to the 1920s, it has not been possible to establish what, in positive terms, the opponents of the conservation measures actually wanted. The earlier opposition specifically rejected the District Council precisely because it did not accommodate their aspirations of acquiring land and political rights similar to their white counterparts. Their example with respect to land was the Embokotwa title. They were, in short, in favour of citizenship rights in an integrated, rather than segregated society. By contrast, the anti-conservation lobby tended to be reactive, and it was not clear what their positive alternatives were, other than opposition to the government policies and to have more secure tenure rights. This silence could be the

---

<sup>369</sup> Durban, 9 February 2000.



result of the demise of the Cape liberal project and its dubious promise of incorporating 'civilised natives' into the colonial edifice.

On the question of chieftainship in Xhalanga, I have argued that on the whole the two dethroned chiefs, Gecelo and Stokwe, remained marginal in the social and political life of Xhalanga. Gecelo maintained a level of influence amongst his people largely as a result of the fact that the people of Mbenge were both his subjects and tenants. They resided on the Mbenge farm that the Tembuland Commission granted to Gecelo in 1883. This made it difficult for the subjects/tenants to challenge Gecelo, on fear of eviction. The state found itself in a similar position of not knowing how to control Gecelo. Given the state's need to control the Gecelo's people, Mbenge was declared a location. This made it difficult for the state to dissociate the ownership of land from the headmanship. Consequently, Gecelo became both landowner and headman. However, unlike other headmen, he was not nominated by his subjects. The argument of the Chief Magistrate was that Gecelo was a landlord. These conditions, it has been argued, made Gecelo powerful. But there is no evidence that he was popular and respected. The chieftainship of Stokwe, on the other hand, suffered a severe blow after the death of Stokwe in the Gun War. Although his widow was also granted a farm, the bulk of her followers settled in a nearby location, Askeaton. They were thus not as vulnerable as Gecelo's followers. The greatest challenge for chieftainship in Xhalanga came for the 'schoolpeople', and in particular, the chiefless amaMfengu. If they recognised chieftainship this was only insofar as chiefs had jurisdiction over their farms.

An interesting development that has been highlighted in this chapter, especially as it would impact on future developments in Xhalanga, was the emergence of Chief K.D. Matanzima in debates in Xhalanga in the mid-1940s. Matanzima became involved in the struggle for control of secondary education in Xhalanga between a faction led by the D.R.C. and another led by the Wesleyan church. Matanzima threw his lot in with the Wesleyan church. This study has argued that Matanzima's interests in the Xhalanga debates went far beyond educational matters. It has been contended that at the heart of his intervention was his longstanding ambition to be the Paramount Chief of Emigrant

Tembuland. To lay claim to this title, he needed to demonstrate that he had a chiefly foothold in Xhalanga, one of the two districts comprising Emigrant Thembuland at the time. He thus used his involvement in the school debate as proof that the people of Xhalanga regarded him as their Chief. I have, however, challenged the notion that Matanzima was popular in Xhalanga. I have argued, firstly, that some, and not all, Xhalanga residents appealed to Matanzima for assistance, and secondly, that there is no evidence to show that those who appealed to him necessarily did so in recognition of his chieftainship in Xhalanga. But there is little doubt of Matanzima's ambitious intentions of being Paramount Chief of Emigrant Thembuland. The introduction of the *Bantu Authorities Act* in 1951 gave Matanzima a golden opportunity to further his interests. This issue is taken up in the following chapters.

## CHAPTER 6

### Tribal Authorities and the revival of chieftainship in Xhalanga

#### Introduction

The *Bantu Authorities Act* of 1951 introduced Tribal Authorities as a form of local government in the rural areas of the former Bantustans, and gave chiefs and headmen uncontested powers to execute government policies. This *Act*, then, dealt a terrible blow to the struggle against the conservation measures, and opened up another opportunity for Chief K.D. Matanzima to further entrench himself in the Xhalanga district.<sup>370</sup> Furthermore, Matanzima also used the *Act* to revive the chieftainships of Gecelo and Stokwe in the district. His grand plan was to divide the district of Xhalanga into two sections, with each section falling under one of the two Chiefs. However, the introduction of Tribal Authorities in the Xhalanga district intensified the militant resistance displayed against the District Council from the 1940s. Meetings that were organised by the government officials, including the Chief Magistrate were often disrupted. At the heart of the resistance in Xhalanga were two related issues: opposition to the conservation measures and the imposition of chiefs in the district. In dealing with this resistance, the government employed various methods, the main weapons used in the period up to 1960 being arrests and deportation.

In this Chapter I will investigate the processes leading to the establishment of Tribal Authorities and the re-imposition of chieftainship in Xhalanga in the period between 1956 and 1960. Given the critical role that Matanzima played in the above processes, the chapter will deal with his rise to power, particularly how he won the struggle against Paramount Chief Sabata for control of Emigrant Thembuland.<sup>371</sup> Throughout, the chapter will focus on the response of the rural people of Xhalanga to this new government measure, on the one hand, and how, in turn, the state dealt with the resistance.

---

<sup>370</sup> For consistency, and to avoid confusion, the term “Tribal Authorities” will be used throughout. It refers to both Bantu and Community Authorities.

## **The establishment of Tribal Authorities in Xhalanga**

### *Context*

The establishment of Tribal Authorities should be seen against the background of the post-Second World War debate among the ruling classes about the role for reserves. This debate was sparked by the rise of manufacturing, with its demand for a stable, semi-skilled and skilled labour force. Hitherto, migrant labour was the dominant system. Posel has argued that capitalists “took strong exception to the migrant labour system, adjudged to be the root cause of the labour turnover and low productivity which beset the manufacturing sector” (Posel 1991:12). In response to this pressure, the Smuts government established the Fagan Commission in 1946. Its February 1948 report, published on the eve of the 1948 election, made proposals for the stabilisation of African labour in the towns which, as Davenport puts it, “meant encouraging workers to bring their families with them” (1987:344). As Hendricks pointed out, the United Party’s notion was that the migrant labour system would be systematically phased out in favour of a settled and stable African labour force in urban areas and an equally settled peasantry in the rural areas of the reserves (1990:125).

At more or less the same time as the Smut’s government released its report, the National Party released its own report too. The Sauer Report of the Nationalists reaffirmed the migrant labour system and categorically recommended that the reserves be consolidated, and a separate political system for Africans be established (Davenport 1987:357)<sup>372</sup>. It even went so far as to suggest the establishment of ethnic ‘national homes’ in the reserves (Evans 1997:251). The National Party adopted this report in 1948, just prior to the election. When the National Party came to power, the Sauer Report formed the basis of its apartheid policy. The *Bantu Authorities Act*, which established Tribal, Regional and Territorial Authorities, thus became a crucial piece of legislation in the establishment of a separate political system for Africans.

---

<sup>371</sup> Xhalanga was one of the districts comprising Emigrant Thembuland.

<sup>372</sup> See also Hindson 1987.

Whether the establishment of this separate political entity meant the scrapping of the migrant labour system or not, became part of the debate among National Party ideologues. In this regard, the Tomlinson Commission was set up in 1949.<sup>373</sup> Its mandate was to ‘conduct an exhaustive inquiry into and report on a comprehensive scheme for the rehabilitation of the Native areas with a view to developing within them a social structure in keeping with the culture of the Natives and based on effective socio-economic planning’. The Tomlinson Commission recommended, inter alia, drastic land tenure proposals in the rural areas of the former Bantustans that would establish a class of full-time African farmers, on an individual tenure basis and on land large enough, by the Commission’s standards, to make it possible for them to make a living. The rest of the Africans in these areas, the Tomlinson Commission recommended, would be effectively reduced to a fully-fledged proletariat that would make a living in mining and industry (Hendricks 1990:127).

These recommendations were incongruous with the Verwoerdian plan of grand apartheid that advocated separate development of ‘nations’ in South Africa. Tomlinson, the Commission head, was part of the administrative structures that were set up by the Smuts government. It is thus not surprising that his recommendations would echo the pre-1948 United Party’s notions of a settled peasantry (Hendricks 1990; Davenport 1987). Verwoerd, at the time Minister of Native Affairs, was determined to push ahead with his programme of ‘stabilisation’ (saving the soil) and ‘rehabilitation’. He was not particularly interested in establishing a stable peasantry in the reserves. Even before Tomlinson tabled his report late in 1954, Verwoerd had made a policy speech in the Senate announcing a new conservation policy called ‘Stabilisation, Reclamation and Rehabilitation’. In this speech, Verwoerd stuck to the Betterment and Rehabilitation Schemes’ principles of land allocation based on the principle of one-man-one-plot and equality of land size. The major difference was that his ‘stabilisation’ policy temporarily

---

<sup>373</sup> Evans has suggested that the Tomlinson Report was submitted late in 1954 “after five years of genuinely hard and impressive scholarly research”(1997:255). Hence the deduction that the Commission was set up in 1949.

dropped the controversial stock control and culling measures. This was in part a response to the rural resistance against the conservation measures, particularly culling.

The main concern of the National Party, as Hendricks pointed out, was re-tribalisation, rather than “creating a full-time farming class” (1990:128). Hendricks substantiates this by pointing to the fact that the idea of the economic farming unit (E.F.U.) was neglected, and the Transkei Planning Committee was disbanded in the 1950s. The rejection of the Tomlinson recommendations thus set the stage for the implementation of the 1951 *Bantu Authorities Act*, which was achieved with the publication of *Proclamation 180* of 1956. Traditional authorities and headmen were roped in as the extended arm of the apartheid government and were given greater administrative powers than during the segregation period. Their main function, as Evans put it, was “to contain and discipline the reserve army of African labour: those Africans prevented by law from departing to the urban areas, the ‘idle or disorderly’ evicted from the urban areas, and the ‘excess labour’ skimmed off the white farming areas” (1997:260)<sup>374</sup>. According to Hendricks, “the state’s policy was transformed from a stated commitment to ‘saving the soil’ to an attempt to reinvigorate tribalism in the reserves as a cooptive device bringing African chiefs and headmen into the local machinery of government” (1990:122).

How this piece of social engineering manifested itself in Xhalanga will be explored in this and subsequent chapters.

#### *Preliminary steps to set up Tribal Authorities in Xhalanga*

Tribal Authorities were set up in Xhalanga at a time when, as already stated, there was growing militant response to the conservation measures. Dropping the stock control measure in the stabilisation policy did not dampen the anger of the landholders. Various meetings were held at the local government level in Xhalanga in preparation for establishing Tribal Authorities in the area. For reasons that are not immediately evident,

---

<sup>374</sup> See also Hendricks (1990; 1989). To ensure that unemployed Africans were restricted to the reserves, the National Party adopted the Unemployment Labour Preference Policy (ULPP). This policy was meant

the Magistrate of Xhalanga, F.G. Evans, set the process rolling even before the publication of *Proclamation 180* in 1956. He called and chaired a special meeting involving headmen and councillors on 10 January 1956, at the Cala Magistrate's Office. The main issue on the agenda was "the formation and constitution of Tribal Authorities in this District". The Magistrate introduced the topic by asking his audience to "imagine that the Europeans were all of a sudden to be taken away". He then asked: "What would the Bantu do to administer their affairs?"<sup>375</sup> The Magistrate was clearly attempting to sell the ideology of the apartheid regime. Part of this ideology sought to stem the tide of African Nationalism that was sweeping across the continent and to break the numerical strength of Africans by reconstructing 'tribes' in South Africa, and presenting them as separate 'nations' that would each strive for 'self-determination' (Nixon 1958).

The immediate issue that the Magistrate wanted to raise was how the district would be divided. One suggestion was that the district be divided along "tribal" or "ethnic" lines.<sup>376</sup> Councillor Elijah Qamata objected to this division on the grounds that "the Bantu no longer wants to be so divided". His suggestion was that the district should be divided into four wards, as with the District Council. When this proposal was accepted, the Magistrate asked the headmen and councillors to call meetings in their areas so as to explain the divisions. At the same time, the Magistrate instructed that heads of the four Tribal Authorities be elected at these meetings. Another issue that came up at the meeting, although not on the agenda, was the relationship between Tribal Authorities and the Betterment Scheme. One of the participants, Skosana, brought up this issue by expressing concern that "Bantu Authorities were indirectly introducing Rehabilitation".<sup>377</sup> However, Magistrate Evans avoided a discussion of the issue by ruling that Skosana was out of order.

---

to serve both as a measure to curb African urbanisation and at the same time act as a social and political control over the youth problem (Posel 1991:131)

<sup>375</sup> Umtata Archives, file 16/1/2. Bantu/Tribal Authorities. Note that with the introduction of apartheid, the terminology changed from "Native" to "Bantu".

<sup>376</sup> It is not clear from the records whose suggestion this was, but this would have been in keeping with the apartheid thinking.

<sup>377</sup> Umtata Archives, file 16/1/2. Bantu/Tribal Authorities.

According to reports back, headmen and councillors encountered problems in marketing Tribal Authorities to rural residents. Three areas of concern were raised. Firstly, people wanted to know “what are we to elect if we are to govern ourselves”. Although in some areas people elected their heads, they were not clear about the precise purpose of the exercise and its implications. As one resident claimed, “the people were not clear on the point of the election”. According to another resident: “We are also in the same difficulty in Cala Reserve, but we decided to elect Gecelo. This Gecelo we have elected does not belong to our location. I want to know if we are right to elect him”.<sup>378</sup> The latter remarks introduce the issue of the representative nature of heads of the Tribal Authorities. Hitherto, a headman represented each location and was the link between rural people and the government, as represented by the Magistrate. Tribal Authorities, which grouped a number of locations, were an additional layer in the link with the government. This must have raised concerns in the minds of rural residents as to how a person residing in one of the locations would properly represent them in another location. In the particular case of Cala Reserve and Mbenge (Gecelo’s location and farm), the distance from one location to the other is about 10 kilometers.

The second concern revolved around fears that Tribal Authorities were a vehicle for the implementation of the Rehabilitation Scheme.<sup>379</sup> In response, the Magistrate informed the participants that Bantu Authorities were “not connected in any way with the Trust or stabilization”.<sup>380</sup> According to the Magistrate, the government was “very anxious to establish Bantu Authorities with a view to the people governing their own affairs”. In an apparent endeavour to ensure that the Magistrate would not in the future renege from his statement, Councillor Gush Peter thanked the Magistrate for assuring them that Tribal Authorities had nothing to do with rehabilitation and stabilisation.<sup>381</sup>

---

<sup>378</sup> Umtata Archives, file 66/27. Bantu Authorities. Letter dated 19 March 1957.

<sup>379</sup> It is precisely this fear that Skosana raised in the January meeting and was ruled out of order by the Magistrate.

<sup>380</sup> “Trust” referred the 1936 *Natives Trust Land Act*. In this particular sense it appears to be referring specifically to the Rehabilitation Scheme’s notion of resettlement or relocation.

<sup>381</sup> Umtata archives, file 66/27/1D. Bantu/Tribal Authorities. Minutes of meeting held on 8 February 1956.



Lodge (1983:263) has argued that ‘local government was reshaped in an authoritarian fashion under the (1951) Bantu Authorities Act’, in order to ‘enforce and supervise rehabilitation’ in the face of continued resistance to it’.<sup>382</sup> According to him, where the Betterment Scheme was, at its inception in 1939, meant to be a voluntary exercise, the *Bantu Authorities Act* of 1951 was imposed from above and no longer depended on popular sanction (1983:264). Lodge is correct in the sense that stabilisation did not require the precedent of previous proclamations. All the government needed to show was that the provisions of the *Proclamation* were explained to rural people. This made imposition from above much easier, as consultation was not required to implement the legislation. Rural residents had used the lack of consultation to prevent Rehabilitation from being implemented. This set the scene for the use of Tribal Authorities for control and policing purposes (Hendricks 1990; 1989).

The third concern of some people, presumably supporters of Paramount Chief Sabata, was why the Paramount Chief was not given the task of ‘handling the affairs to the chiefs’. This comment should be understood against the background of a simmering dispute between Paramount Chief Sabata Dalindyebo and Chief K.D. Matanzima over the Paramount Chieftainship of abaThembu. Supporters of Sabata argued that there was only one Paramount Chief of all abaThembu, including those in Emigrant Thembuland, to wit, Sabata Dalindyebo. Matanzima and his supporters, on the other hand, contended that Emigrant Thembuland was independent of Thembuland ‘proper’ (Tsotsi 1989:88). On this basis, they argued that Matanzima was the Paramount Chief of Emigrant Thembuland.

Ostensibly yielding to the call for Sabata’s involvement, the Magistrate arranged and chaired a meeting of Xhalanga headmen and councillors in Cala on 7 March 1956 to resolve the above deadlock. Paramount Chief Sabata Dalindyebo was invited. In reality, it appears, the Magistrate wanted to use Sabata in persuading the rural residents of Xhalanga to accept Tribal Authorities. Sabata came out in support of the establishment of Tribal Authorities in Xhalanga. This was not surprising given that, by this time, he

---

<sup>382</sup> Note that in the book, Lodge wrongly cites the year of the *Act* as 1953.

had already pledged his support for them. On the question of who should head Tribal Authorities, Sabata ruled that it should be the “senior headmen” in Xhalanga. This ruling not only defied the fundamental democratic principle of elected leadership, but also disregarded an earlier position that was taken at the January 1956 meeting. When the issue of whether chiefs and headmen were eligible as heads of Tribal Authorities was raised at this meeting, Elijah Qamata had explained that they at the “Bhunga” (General Council) opposed the government suggestion that chiefs and headmen should control Tribal Authorities. Qamata accused the government of introducing “the Jungle Law” in insisting on dividing “the Bantu according to their tribes, and class respectively”. In his words: “With the Europeans such a thing does not exist. We do not know the difference between different European tribes as they are all one white race.” Qamata’s statements show that despite segregation and apartheid, the people of Xhalanga were still longing for an integrated society”.<sup>383</sup>

When Sabata insisted on his position, participants insisted on the democratic right to elect their leaders, to which they were, by now, accustomed. Headman Manzana of Emnxe, for example, replied that those “elected were all liked by the people, why are they all being taken away?” One Ntamo expressed fears that given that the people of Manzimahle did not elect, they “will blame us” for allowing the headman in their area, Paul Tofile, to be made the head. His suggestion was that “the Chief (Sabata) should go out and preach to the people personally”. Despite these objections, Sabata declared:

Chairman, and the headmen, I understand that there is no harmony in this district. I do not want to say that we must not deplore (*sic*) our interests. There are people who are against I know, but for the time being I am directing you people as headmen to represent me in preaching the matter to your respective locations.<sup>384</sup>

The above clearly shows how wedded Sabata was to making the system of Tribal Authorities work. Not only that, Sabata also supported re-tribalisation in Xhalanga. He informed participants in the meeting that he would “come and nominate a chief for you

---

<sup>383</sup> Umtata Archives, file 66/27. Bantu Authorities. Letter dated 19 March 1957 from Chief Magistrate to Secretary for Native Affairs.

<sup>384</sup> Umtata Archives, file 66/27. Bantu Authorities. Letter dated 19 March 1957 from Chief Magistrate to Secretary for Native Affairs.

people in this district”. It was not clear who this chief was. At the meeting, Sabata confirmed the division of Xhalanga into four Community/Tribal Authorities.<sup>385</sup> This was the position regarding Tribal Authorities in Xhalanga until the publication of *Proclamation 180*.

### **Setting up the Xhalanga Tribal Authorities**

The publication of *Proclamation No 180* of 1956 in September 1956 meant that the Xhalanga district would repeat some of the processes it had undertaken from the beginning of 1956. Section 10, for example, required that heads of Tribal Authorities be elected. Repeating this process clearly caused a lot of confusion. It is interesting that the person behind this confusion, the Magistrate, observed that the “Natives” were “confused by the fact that they have had meetings in the past and made their choice and yet fresh meetings had to be held”.<sup>386</sup> However, while it may be the case that the repetition caused a great deal of confusion, especially amongst ordinary rural residents, it is argued that some influential people in Xhalanga were much clearer about their target: their rejection of Tribal Authorities. Soon after the Magistrate informed Xhalanga headmen and councillors on 7 September 1956,<sup>387</sup> the Magistrate reported that “great pressure (had) been brought to bear on (headmen) by other Natives whose identities are unknown to me”. At Emnxe: “the adult males ... we re unanimous that Bantu Authorities not be established and that the location does not form part of a community authority”.<sup>388</sup>

In Manzimahle, a meeting that was organised at headman Tofile’s residence “to help in explaining things (Tribal Authorities) to the people” was disrupted.<sup>389</sup> The leader of the anti-Tribal Authorities group, Sineke Edward Tyaliti, was one of the signatories to the

---

<sup>385</sup> Umtata archives, file 66/27/1D. At the suggestion of the Magistrate, Cala Reserve was added to kwaGcina “because most of the people in that location seem to be amaGcina”. The farmers of Xhalanga had argued that they wanted Authorities of their own. The Magistrate, who initially suggested one Authority, “OonoFama”, later recommended to the Chief Magistrate that farmers should be left out of the Tribal Authority system, a recommendation that was turned down.

<sup>386</sup> Umtata archives, file 66/27/1D. Letter to the Chief Magistrate, dated 1 October 1956.

<sup>387</sup> Umtata archives, file 66/27/1D.

<sup>388</sup> Umtata archives, file 66/27/1D. Letter from the Magistrate to the Chief Magistrate, dated 1 October 1956.

<sup>389</sup> CMT 3/1484. Affidavit by Robert Msengana (date not clear, but should be around September 1958).

pro-Sabata petition in April 1956. At his meeting, Tyaliti is alleged to have questioned the presence of Councillor Mrwetyana at the meeting, strongly arguing that councillors be expelled from the meeting. One of the participants, Silumko Ntamo, seconded Tyaliti, adding: “these councillors were the people responsible for bringing all manner of oppressions to the people ...all they wanted to bring and talk about was Rehabilitation”. Once again, it is evident from Ntamo that the association of Tribal Authorities with the Rehabilitation Scheme was at the heart of resistance to their establishment. Ntamo is supposed to have “stood up and said that at this meeting no books should be read, and that any person attempting to read a book or report of the Recess Committee should be assaulted”.<sup>390</sup> He then ordered the councillors to leave, threatening them with assault. The councillors then left and, as a result of “this agitation, the meeting broke up”.<sup>391</sup>

However, these protests, as elsewhere, did not stop the government from going ahead with its plans.<sup>392</sup> The urgency to set up Tribal Authorities was heightened by the fact that District Councils were to be terminated on 31 December 1957.<sup>393</sup> Obviously concerned about this date, the government accelerated the process towards the end of 1957. For example, Government Gazette number 1149, issued on 2 August 1957, established four Tribal Authorities in Xhalanga. The Tribal Authorities were made up of KwaGcina, emaQwathini, eHlathini and eQolombeni, with Gecelo, Stokwe, Msengana and Mvinjelwa as the respective heads (See Map 2).<sup>394</sup> The next step was the election of councillors, whose appointment involved the head of the Tribal Authority, Magistrate and, most critically, the general taxpayers.

---

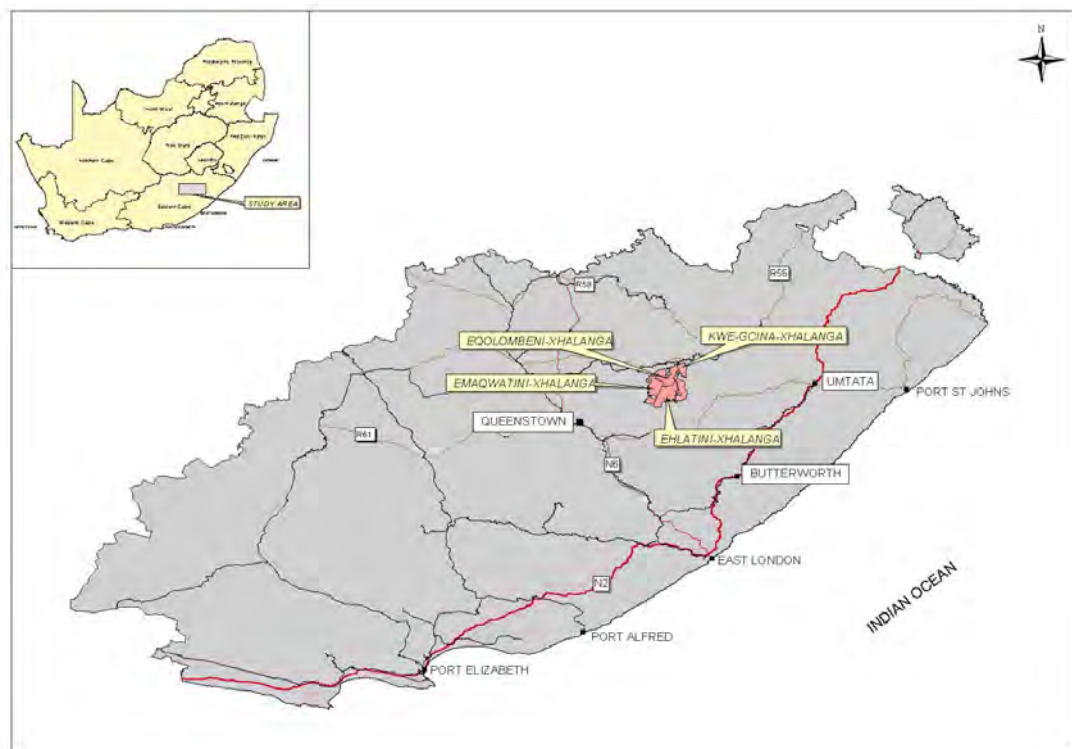
<sup>390</sup> This refers to the decision of the Recess Committee of the United Transkeian Territories General Council in Umtata accepting Bantu Authorities. See Chapter 3.

<sup>391</sup> CMT 3/1484. Affidavit (date not shown).

<sup>392</sup> For example, Sekhukhuneland, Pondoland and Tembuland (see Chapter 3).

<sup>393</sup> NTS, 9037, 269/362(3)A – 271/362.

**Figure 2: Map of the Xhalanga District showing the four Tribal Authorities**



Unlike eHlathini and eQolombeni, it would seem as if elections took place in KwaGcina and emaQwathini without major problems. Interestingly, these Tribal Authorities (KwaGcina and emaQwathini) happened to fall under the deposed chiefs. It will be seen, though, that as opposition to Tribal Authorities grew, especially in the early 1960s, some administrative areas in these Tribal Authorities were affected. On the other hand, it took a lot of effort and struggle for `elections' to be conducted in the Tribal Authorities of eHlathini and eQolombeni. The first meeting at eQolombeni was held on 27 August 1957. No elections took place at this meeting. According to the Cala Magistrate, the people asked for an extension of time “in order to consider the matter”. Abel Mavandla Ntwana was undoubtedly the leading figure in the struggle against Tribal Authorities in Xhalanga. It does seem as if he is the one who exerted pressure in order that the meeting be postponed. He protested that ordinary rural residents were forced to accept Tribal

<sup>394</sup> *Government Gazette* Number 676 of 8 May 1959 modified the kwaGcina Community Authority in the District of Xhalanga, to include “the Native-owned farm Mbenge”.

Authorities without any knowledge of them.<sup>395</sup> Indeed, Evans has stated: “The most frequently cited objection was that chiefs and headmen had accepted the new system without adequately consulting their people” (1997:271). In subsequent meetings, Ntwana challenged headman Mvinjelwa of Sifondile, who was also the head of eQolombeni Tribal Authority, when the latter pursued the issue of electing councillors. At one stage, Ntwana warned Mvinjelwa that he should “never care to come and hold a similar meeting in Emnxé Location where he, Ntwana, lives”.<sup>396</sup> According to Mvinjelwa, Ntwana “also had a lot to say and stated those in favour of this appointment are sellers out of their country”. He alleged that in one meeting, Ntwana threatened him with assault, at which stage he (Mvinjelwa) left the meeting “as I saw that I was going to be assaulted”.<sup>397</sup> Despite the resistance shown by Ntwana and his supporters, councillors were, in the final analysis elected.

It has not been possible to establish at which meeting the elections were held, or what process was followed. What seems clear is that opposition to Tribal Authorities was most pronounced at Emnxé, where Ntwana resided. It is also important to note, as the above affidavits show, the growing militancy on the part of those who resisted Tribal Authorities.

A more sustained and confrontational resistance took place at the eHlathini Tribal Authority. The first meeting at eHlathini was held on 29 August 1957, two days after the one at eQolombeni. Here, too, no elections were conducted. Unlike eQolombeni, where residents required more time, opponents of Tribal Authorities bluntly told the Magistrate that they “would not nominate”.<sup>398</sup> One Michael Nyovane, from Tsengiwe location, led the attack. As will be seen below, Nyovane became one of the leading figures in the struggle against Tribal Authorities in Xhalanga, especially in the years 1957 and 1958. Informants who knew him described him as short in stature and exceptionally brave (*uphuma silwe*). Others who had already established themselves as anti-Tribal

---

<sup>395</sup> CMT, 3/1484. Affidavit, William Namba.

<sup>396</sup> CMT, 3/1484. Affidavit, William Namba. Namba claimed that after the meeting where the election took place, Ntwana threatened him.

<sup>397</sup> CMT, 3/1484.

Authorities at eHlathini were Tyaliti and Ntamo. Nyovane was once again the chief spokesperson at another meeting held in November 1957 at Ndumdum Store, Upper Lufuta Location. He vehemently opposed the election of councillors on the grounds that “these councillors would bring them rehabilitation”.<sup>399</sup> According to Councillor Mrwetyana, Nyovane was “seconded by” Silumko Ntame and Sineke Tyaliti. Mrwetyana alleged that Nyovane accused him of being “paid by the Bunga to sell the people at cost price”.<sup>400</sup> No representatives were elected at this meeting, although headman Msengana claimed that “these two men (Nyovane and Ntamo)” intimidated people who wanted to “ask questions”.

Nyovane was not intimidated by the presence of the Chief Magistrate at a meeting at eHlathini on 13 November 1957. In typical fashion, Nyovane reiterated his earlier position that the residents “refused to elect”. In his affidavit, Mrwetyana stated that Nyovane told the Chief Magistrate “that the people will not vote and told the people to disperse”. According to Mrwetyana: “All the people got up leaving the Chief Magistrate”.<sup>401</sup> Over a year later, the Resident Magistrate confirmed this incident. In his recollection, the meeting “was characterised by the unruly and insulting behaviour of the people towards the Chief Magistrate and myself. Michael Nyovane, spokesman for the people, refused to give any reason for their refusal to elect at this meeting”. According to the Magistrate, “it was Michael Nyovane who was responsible for the people mounting their horses and riding away, when the Chief Magistrate was addressing them”.<sup>402</sup> Given this kind of resistance, the Chief Magistrate, it seems, solicited the assistance of Chief K.D. Matanzima.

It is important to note that Chief K.D. Matanzima was already involved in the debates around the establishment of Tribal Authorities in Xhalanga. He was never happy with the decision to set up four Tribal Authorities in Xhalanga. He preferred that two Tribal

---

<sup>398</sup> CMT, 3/1484.

<sup>399</sup> CMT, 3/1484. Affidavit (date not shown) by headman Robert Msengana. As already indicated, associating Tribal Authorities with the Rehabilitation Scheme was at the heart of resistance.

<sup>400</sup> CMT, 3/1484.

<sup>401</sup> CMT, 3/1484. Affidavit dated 8 September 1958.

<sup>402</sup> CMT, 3/1484. Letter to the Chief Magistrate, dated 6 October 1958.

Authorities be established in the district. In terms of his vision, the deposed chiefs Gecelo and Stokwe would head these Tribal Authorities. Former headman Mazibuko of Askeaton has stated that Matanzima worked hard in ensuring that Gecelo and Stokwe were installed as Chiefs. By creating two Tribal Authorities in Xhalanga under the two Chiefs, Matanzima wanted to ensure that no part of the district would be outside the control of chiefs.<sup>403</sup> As with Sabata, Matanzima was disregarding the decisions of the people of Xhalanga who rejected the division of the district along `tribal` or `ethnic` lines and preferred to retain the demarcation of the District Council. Matanzima had manipulated his supporters to reverse this decision. This was at a meeting of `headman and people` that was held on 28 June 1956. This meeting `unanimously decided that the district of Xhalanga be divided up into two instead of four Bantu Authorities, to be known as Kwa-Gcina and EmaQwthini respectively`.<sup>404</sup> The Magistrate is recorded as having supported this decision, thus demonstrating his bias in favour of Matanzima.

The Chief Magistrate, though, was suspicious of this decision. In his letter dated 19 March 1957 to the Secretary for Native Affairs, he remarked that it was to his `very great surprise` that the Magistrate intimated that those attending the meeting of 28 June 1956 had `unanimously decided to have two tribal authorities`. The Chief Magistrate could not understand why `the numerous Hala and Fingo in the district had agreed to be included in tribal authorities bearing the names of two clans whose discredited chiefs ... would presumably be the heads`. It turned out `that this decision was not taken at the quarterly meeting held by the Native Commissioner but at a meeting held immediately afterwards which he did not attend`. The Magistrate only received a report from Councillor Mrwetyana, without any clarity as to how representative the meeting was.<sup>405</sup> At a meeting held in Cala on 14 November 1956, it was decided that the original idea of having four authorities in Xhalanga should be followed. The meeting was between the Chief Magistrate and supporters of Sabata in Xhalanga, led by Councillor Qamata.<sup>406</sup> It is worth noting, though, that the Chief Magistrate's objection was on the process

---

<sup>403</sup> Interview with headman Fani, Cala Reserve, 15 March 2000; and former headman Mazibuko, 25 January 2001.

<sup>404</sup> Umtata archives, file 66/27/1D. Letter from the Magistrate to the Chief Magistrate, dated 30 June 1956.

<sup>405</sup> Umtata archives, file 66/27.



followed by Mrwetyana. In the letter to the Secretary, he pointed out ‘the arrangement seemed admirable and (he) was prepared to support it’.

The first recorded meeting that Matanzima addressed after the failed election at eHlathini, was on 7 December 1957.<sup>407</sup> At this meeting, Councillor Mrwetyana told Matanzima that the ‘people’ of Xhalanga had rejected Tribal Authorities. According to him, the ‘people were so disobedient, recalcitrant and rowdy that they did not wish to give the Chief Magistrate and Mr. Pierce a hearing’ claiming ‘(t)hey cannot ha ng themselves’ (quoted in Evans 1997:271).<sup>408</sup> In his notes on this meeting, the Magistrate alleged that Nyovane told Matanzima that he was one of those who opposed Bantu Authorities. According to the Magistrate, Nyovane continued:

These elections do not help us in anything. They have been coming here and we have told them the same thing. Now they have decided upon calling you (Chief Matanzima) to come to us. We are being put into a postion where we shall fight amongst each other. There was an occasion when we asked the present Magistrate if this is not stabilisation and he said ` Yes, it is`. We cannot destroy ourselves and our sons. We do not want the Bantu Authorities (emphasis in the original).<sup>409</sup>

This suggests that the Magistrate took the remarks seriously. In the same notes, he claimed: ‘I heard from the trader in the Manzimahle location some time later that Michael Nyovane and his group were, in fact, prepared to fight’. In the light of how previous meetings were conducted at eHlathini, I would not regard the remarks by the Magistrate as an exaggeration. The mood at eHlathini and eQolombeni was indeed militant.

It is not clear whether a meeting that Tsotsi referred to was the same as the one mentioned by the Magistrate above. In his manuscript, Tsotsi (1989:93) has stated that a meeting was held in Cala Reserve<sup>410</sup> and was attended by about fifteen men.<sup>411</sup>

---

<sup>406</sup> Umtata archives, file 66/27/1D.

<sup>407</sup> CMT, 3/1484. Notes by Native Commissioner on Michael Nyovane, 6 October 1958.

<sup>408</sup> Evans incorrectly referred to Mrwetyana as a Chief.

<sup>409</sup> CMT, 3/1484. Notes by Native Commissioner on Michael Nyovane, 6 October 1958.

<sup>410</sup> It needs to be pointed out that Cala Reserve fell under the amaGcina Tribal Authority. It is thus not clear why a meeting that was to discuss the affairs of eHlathini would be held in Cala Reserve.

According to Tsotsi, Matanzima told those attending the meeting that he was acting on the instructions of the Chief Magistrate to establish ‘what is happening here’. When Matanzima was told that there was popular opposition to Tribal Authorities, he was apparently angry and shouted:

There are many agitators who are going to come to you and say all sorts of things. There are agitators in the A.A.C. (All-African Convention) who are going to draw your attention to Cape Town (where the whites-only Parliament meets). There are those who are going to draw your attention to the A.N.C. (African National Congress) whose leaders are in the Drill-Hall (where the treason trial was being held at the time). ... Ask the Government for whatever concessions you would like to have made for you in a peaceful manner. ... Boycott is a method employed by agitators and it has never been successful.<sup>412</sup>

No elections were conducted at this meeting.

As with eQolombeni, elections were ultimately forced on the residents of eHlathini on 23 December 1957. There are contrasting views, though, about the election process. According to the headman of Tsengiwe, Msengana, Michael Nyovane challenged Matanzima’s right to come to Xhalanga, as he was not their chief. While acknowledging Matanzima’s role in the establishment of Matanzima Secondary School, Nyovane, according to Msengana, was quick to point out that he did not want chiefs, as they would introduce the rehabilitation measures that they did not want. Msengana implicated Silumko Ntamo who ‘stood next to him (Nyovane), shouting ‘We all say so’’. Msengana does not explain how the election process took place. All he stated was that ‘the meeting proved successful’.<sup>413</sup> Chief K.D. Matanzima’s version was that ‘acting on the specific instructions of the Chief Magistrate of the Transkeian Territories’ he held a

---

<sup>411</sup> Tsotsi (1989:93). He cites as his source minutes ‘which the meticulous Kaizer kept’. Kaizer refers to KD Matanzima. Tsotsi was also a lawyer who represented opponents of Tribal Authorities in Xhalanga, including, as will be seen below, Nyovane. It is thus possible that Tsotsi received some of his evidence from his clients.

<sup>412</sup> Given that Matanzima and Tsotsi were close friends until 1955, it is possible that Matanzima had him in mind when making reference to the A.A.C and to boycotts. Tsotsi was the president of the A.A.C at the time. The role of political organisations in the resistance to Tribal Authorities in Xhalanga will be explored more fully in the next chapter.

<sup>413</sup> CMT, 3/1484. Affidavit (date not shown).

meeting ‘of the male residents of the Ehlatini Authority Area for purposes of conducting the Community Authority Council elections’. According to Matanzima,

Nyovane, Edward Sineke Tyaliti, Silumko Ntamo ... and Mbope Mtshawule of Mtingwevu Location vehemently obstructed the proceedings of my meeting but because they realised that I was ready for any assault they did not go beyond persuading the men present to abstain from voting. The majority of the people refused to leave the meeting and proceeded with the elections. Nyovane actually incited his followers to assault one William Namba because of the support he gave to me.<sup>414</sup>

Tsotsi’s account suggests that the elections were manipulated. According to him, Matanzima read a letter from the Chief Bantu Commissioner in which the latter complained about the way he had been treated by the people of Xhalanga who refused to elect Tribal Authorities.<sup>415</sup> Tsotsi has written that speaker after speaker reaffirmed that the people were not prepared to co-operate with the government. Leading the attack, Nyovane told Matanzima to ‘go back to Cofimvaba and leave the people of Xhalanga in peace’. Despite opposition expressed by Xhalanga people, two people were nominated and elected by fifty hands (1989:93). A letter that was written on the same date, 23 December 1957, by the Xhalanga Residents Association (signed by Eleazor Masoka<sup>416</sup> ‘on behalf of the people’) to the Secretary of Bantu Affairs indicates how the voting process took place in this meeting. It is worth quoting from the letter at length:

(W)e beg with respect to inform you that the Chief Magistrate of the Transkeian Territories visited the Xalanga District to introduce the Bantu Authorities Act ... at the Plantation Ward. The Xalanga people told the Chief Magistrate that the Bantu Authorities Act was not acceptable to them as it was a measure ... calculated to diminish and/or deprive them of their rights. Subsequently Chief Kaizer Matanzima of Cofimvaba District visited the same ward and unsuccessfully persuaded the people to accept the Bantu Authorities Act ... This meeting took place on 23 December 1957. From Cofimvaba Chief K. Matanzima came with a large retinue, approximately between forty and fifty people. When it came to voting for or against Chief Matanzima’s proposal some of the people forming the retinue voted for this proposal, whereas they are not Xalanga people.

---

<sup>414</sup> CMT, 3/1484. Letter to the Native Commissioner dated 27 August 1958, re: RIOTOUS BEHAVIOUR: INSTALLATION OF CHIEFS IN XALANGA DISTRICT.

<sup>415</sup> This must have been in reference to the meeting of 13 November 1957 referred to above.

<sup>416</sup> Masoka was the representative from eMnxé who stated in 1925 that their location would not nominate candidates for the District Council.

The people appeal to you, Sir, to try and prevail over the Chief Matanzima to stop coming or calling at Cala (Xhalanga District). His visits are likely to cause friction and much unpleasantness.

The letter ended with these words: “We sincerely make this humble appeal Sir, with the hope that you will advise Chief Matanzima to respect the feelings of the people” (cited in Tsotsi 1989:94-95). As it turned out, these words of appeal fell on deaf ears.

Tsotsi’s complaint that Matanzima manipulated the election by bringing in supporters from Qamata is, it could be argued, corroborated by Matanzima’s own claim that Nyovane could not successfully disrupt the meeting because he “realized that I was ready for any assault”. One of Matanzima’s supporters, William Namba, not only confirmed that Matanzima had his supporters, but also indicated that they “were prepared to fight.”<sup>417</sup> It will be shown below that Matanzima always brought his own supporters whenever he went to Xhalanga. While it might be argued that as a chief, Matanzima needed to be escorted by his supporters and councillors, the contention here is that he brought his own supporters to Xhalanga for protection. He knew that the majority of the residents of Xhalanga did not like him, especially after he sided with the apartheid regime by supporting Tribal Authorities.

The ‘election’ of representatives thus paved the way for the establishment of the Xhalanga District Authority on 22 March 1958. Headman Robert Msengana of Tsengiwe became the head of the district authority.<sup>418</sup> However, it is worth emphasising that Tribal Authorities were imposed in Xhalanga. Having imposed Tribal Authorities in Xhalanga, Matanzima’s next task was to impose chieftainship in the district.

### **Re-tribalisation in Xhalanga**

It has been argued that re-tribalisation was at the heart of the apartheid strategy of controlling Africans. In this strategy, Matanzima was, as we have seen above in the

---

<sup>417</sup> CMT, 3/1484. Affidavit dated 6 September 1958.

<sup>418</sup> With the appointment of Jamangile Stokwe as a sub-Chief in August 1958, Stokwe became head of the District Authority.

establishment of Tribal Authorities in Xhalanga, destined to play a principal role. This section will consider the rise of Matanzima, and, in particular, how he won his struggle against Sabata for control of Emigrant Thembuland. This will be followed by a discussion of the re-imposition of chieftainship in Xhalanga.

*Paramount Chief Sabata and Chief K.D. Matanzima: the battle for control of Xhalanga*

The involvement of Sabata and Matanzima in Xhalanga brought into the open the simmering dispute between them over who had control over Emigrant Thembuland.<sup>419</sup> The bone of contention was whether the Paramount Chief of abaThembu had jurisdiction over Emigrant Thembuland or not. This was not the first time this issue came up. As early as 1870, the Cape colonial government made it clear that it recognised two separate regions that comprised Thembuland, Thembuland proper (Engcobo, Mqanduli and Umtata) and Emigrant Thembuland (Southeyville/St Marks and Xhalanga). This initially emerged in a cautious but firm reply dated 7 March 1870 from the colonial secretary to the government agent, Warner, following a boundary dispute between Gecelo and Ngangelizwe, the Paramount Chief of Thembuland:

I have submitted to His Excellency the High Commissioner your letter of the 11<sup>th</sup> ultimo requesting as to the line of policy which should be observed in respect of the Emigrant Tambookies located in the Transkei Territory, particularly in relation to the attempted authority over them of which there are indications on the part of the Chief Ngangelizwe. His Excellency requests me to inform you, that there can be no objection to your continuing to exercise a wholesome influence and a control over the people in question by all legitimate means, so far as they themselves are prepared to submit to your so doing. As regards Gangelizwe, that Chief must be well aware that the Government does not recognise the slightest right on his part to exercise authority over Emigrant Tambookies, but while you are authorised to guard against any admission of such pretensions, I am instructed to impress upon you that every care should be taken to avoid in this matter seeking out for causes of offence.<sup>420</sup>

---

<sup>419</sup> There was, at more or less the same time as Xhalanga, a similar dispute involving Matanzima, on the one hand, and Sabata and headman Damane in the St. Marks district, on the other hand (see Tsotsi 1989:77-90).

<sup>420</sup> NTS, 9037, 269/362(3)A – 271/362.

Factions of abaThembu contested the colonial position as outlined above. They argued that the Paramount Chief had jurisdiction over the whole of Thembuland, including Emigrant Thembuland (Tsotsi 1989).

Matanzima and his supporters in Xhalanga correctly saw Sabata's involvement in Xhalanga as threatening the realisation of Matanzima's long cherished dream of becoming Paramount Chief of Emigrant Thembuland. Their response was to send a deputation that presented the Chief Magistrate with a caustic and *ad hominem* memorandum.<sup>421</sup> The memorandum alleged "Qamata caused a lot of trouble" by claiming that the elections for the heads of Tribal/Community Authorities in Xhalanga were "null and void because they were not conducted by Chief Sabata". The memorandum accused Sabata of having "decided to veto the elections ...and to elect his own people". The signatories to the memorandum contended that Sabata was "not our chief", alleging that he was "confusing" people and did "not seem to know what he is doing". They wrongly claimed that while Sabata was urging the people of Xhalanga to accept Tribal Authorities, he himself had "not yet given his express acceptance of the Bantu Authorities Act". Finally, Sabata was accused of not having "the dignity that is expected of the chief", and that he went about "with people who are non -descript".

The deputation did not hide that they "recognise(d) Chief Matanzima as our Chief". Two members of the deputation, S.S. Mrwetyana and Thumana, were longstanding supporters of Matanzima and were part of the delegation that went to Qamata to elicit the support of Matanzima in the struggle for the Secondary School in the 1940s. In staking their claim to be representative of the people of Xhalanga, the memorandum, which was undated and not signed, referred to its bearers as: "We, the members of a Deputation elected by a well attended meeting of the People of Xhalanga". In terms of the memorandum, Matanzima was "a direct contrast of Sabata", adding: "He is dignified, does not drink, the most highly educated chief in the Transkei, has a great personality", and concluding: "He is

---

<sup>421</sup> Umtata archives, file 66/27/1D. "Notes on meeting held in the Chief Magistrate's office in Umtata on 22 March 1956". Members of the deputation included former Councillor H. Nkunkuma, headman R. Msengana, Councillor Gush Peter, R. Mtseke (Ntseke), M. Nkunkuma, headman E. Mfobo, Councillor E. Mbanga and Mvambo.

well advised about the Bantu Authorities Act". The authors appealed to the Chief Magistrate "to recommend to the Department to instruct our Chief Matanzima to come to Cala and lead us in the formation of the Tribal and Community Authorities".

The memorandum of the deputation was glaringly biased and contained such inaccuracies that the Chief Magistrate felt compelled to intervene. He put the record straight and informed the deputation that Paramount Chief Sabata actually supported Tribal Authorities and "had held meetings explaining the subject". Further, the Chief Magistrate informed the deputation that Chief Matanzima was not the Paramount Chief of EmigrantThembuland, but that his appointment was "as chief of the Hala clan in the St Mark's district". Additionally, the Chief Magistrate revealed that Chief Matanzima was fined by the government for persisting in using the title Paramount Chief of Emigrant Thembuland despite repeated warnings. At the same time, the Chief Magistrate assured the deputation that he would "stop" Sabata "from causing trouble". According to the Chief Magistrate, Sabata had "no right to do the things he did in Xhalanga". It was not clear precisely what the Chief Magistrate was referring to by this. However, in his correspondence with the Secretary of Native Affairs, he absolved Sabata from blame, but incorrectly stated: "Paramount Chief Sabata had not been to Xhalanga district and had in no way interfered in Xhalanga Bantu Authority matters".<sup>422</sup> We have seen above that Paramount Chief Sabata did visit Xhalanga, but at the invitation of the Magistrate.

Paramount Chief Sabata, though, had his supporters in Xhalanga. In their letter to the Chief Magistrate, they declared:

We as Tembus have been taught and trained to be loyal to our Paramount Chief, chiefs and headmen under him, because he was created and born not made, to lead and supervise us all.<sup>423</sup>

While the letter is silent on who taught them to be loyal, it is possible to conclude that ex-councillor Qamata had some influence on the supporters of Sabata in Xhalanga. In his varied and dubious political roles, Qamata was, in the 1950s, associated with the Umtata

---

<sup>422</sup> Umtata archives, file 66/27. Letter dated 19 March 1957.

supporters of Sabata, some of whom were banished in the late 1950s. In fact, Qamata was later part of an official delegation of abaThembu that saw the Secretary of Native Affairs on 18 November 1957, concerning their dissatisfaction with the manner in which Bantu Authorities were set up in Thembuland.<sup>424</sup>

By June 1956, the Chief Magistrate was beginning to show his bias in favour of Matanzima. In a letter dated 19 June 1956, he assured Matanzima:

In view of the reconciliation between you and Chief Sabata which was discussed at the time of the Bunga, he (the Secretary for Bantu Affairs) will not take any disciplinary action against you for persisting in calling yourself Chief of the Emigrant Tembus and for failing to attend the Paramount Chief's tribal Court when summoned to do so (quoted in Tsotsi 1989:88).

However, in the course of 1957 the Chief Magistrate became open in his hostility towards Sabata and began to embrace Matanzima. We have seen above that the Chief Magistrate even invited Matanzima to intervene in Xhalanga. The Chief Magistrate's open hostility towards Sabata followed the 24 August 1957 meeting of "all the headmen and people of Umtata District" that was held at the Great Place of Sabata at Bumbana, to discuss the "lack of uniformity in the administration of the Proclamation on the Bantu Authorities".<sup>425</sup> Participants at the meeting contested the uneven powers the Paramount Chiefs of Phondoland and Thembuland had:

Our Paramount Chief is placed in a position of a man who owns sheep, but told not to go to the sheep kraal because he is great and meanwhile the sheep are kraaled with the jackal. In this way he is divorced from his people and we are perfectly convinced that this whole scheme is aimed at killing our chieftainship because our head had been removed from us. By the introduction of the Bantu Authorities we thought that we were going to manage our own affairs with the Paramount Chief as our leader and head.<sup>426</sup>

---

<sup>423</sup> Umtata archives, file 66/27/1D, letter to the Chief Magistrate dated 5 April 1956.

<sup>424</sup> NTS, 9037, 269/362(3)A – 271/362. Letter from the Secretary of Native Affairs to the Chief Magistrate of Umtata, dated 21 November 1957. See also Mbeki (1984:62).

<sup>425</sup> NTS, 9037, 269/362(3)A – 271/362.

<sup>426</sup> NTS, 9037, 269/362(3)A – 271/362.



Another meeting, involving a delegation of abaThembu and various government officials, was subsequently held on 12 September 1957 at the Office of the Supervisory Officer of the Transkeian Bantu Authorities in Umtata. The meeting was to deal “with the appointment of members of Bantu Authorities” in Thembuland.<sup>427</sup> The secretary of Paramount Chief Sabata, Jackson Nkosiyanana, explained that they did not nominate members of Tribal Authorities because “Chiefs elsewhere elect Councillors but in Umtata District the Paramount Chief does not do so”.<sup>428</sup> The Supervisory Officer of Transkeian Bantu Authorities, E. Pearce tried to explain that the situation in Phondoland was an extension of “the old Council system”, which “was their traditional method in Phondoland but not in Thembuland”. When the meeting ended in a deadlock, a memorandum from the Great Place in Bumbana to the Secretary of Native Affairs, Mr C.B. Young, was drafted on the following day, 13 September. The memorandum summarised the position of abaThembu as outlined above.

After this memorandum, the Chief Magistrate embarked on a character assassination of Sabata. It must be said that Sabata was vulnerable to this kind of attack, in particular, if one compared him with Matanzima. It has been stated above that the Xhalanga supporters of Matanzima accused Sabata of not having “the dignity that is expected of the chief”, and of going about “with people who are non -descript”. The Chief Magistrate picked up this theme:

On the contrary, Mr Pearce and I have done everything in our power to uphold the prestige and authority of a drunken, dissolute, irresponsible young Paramount Chief, particularly against ... Chief Matanzima, an intelligent, well -educated ambitious chief who is doing much for his people.<sup>429</sup>

In another communication, the Chief Magistrate reported on Sabata:

He is unmarried, and spends a great deal of time with a Coloured concubine in Umtata who is alleged to supply him with liquor ... I have found him reasonable and intelligent but very young and irresponsible and mostly concerned with

---

<sup>427</sup> All references to this meeting are drawn from NTS, 9037, 269/362(3)A – 271/362.

<sup>428</sup> Nkosiyanana was clearly referring to the situation in Phondoland.

<sup>429</sup> NTS, 9037, 269/362(3)A – 271/362. Letter from the Chief Magistrate to the Secretary for Native Affairs, dated 15 November 1957.

amusing himself and leaving all serious business to his secretary. The latter plays him like a harp for his own ends.<sup>430</sup>

The Chief Magistrate was of the opinion that Jackson Nkosiyané, the Secretary of the Paramount Chief, had an undue influence on Sabata: “The Paramount Chief is quite irresponsible and filled with his own sense of importance. He will not make use of the hereditary tribal advisors but relies on Nkosiyané and a few dissolute sycophants who frequent his Great Place”.<sup>431</sup>

Sabata’s ambiguous stand regarding Tribal Authorities also put him in a vulnerable position, especially in relation to his supporters in Xhalanga. The Chief Magistrate and the Xhalanga Magistrate had brought him to Xhalanga to resolve the deadlock around the resistance against Tribal Authorities. Sabata clearly failed to achieve this goal, and thus dug his own grave as far as the support of the Xhalanga people was concerned. That he did not succeed in his bid is demonstrated in the following remarks of the Chief Magistrate:

The difficult negotiations in regard to Cala (Xhalanga) district have been reported to you in full detail and you approved of all action taken by me. At the meetings I held in Cala the Paramount Chief was present at my invitation. On the last occasion I left him with the meeting and asked him to settle the matter. On my return he stated “*ndoyisiwe*” – it has beaten me – so I proceeded to settle the matter to the expressed satisfaction of those present.<sup>432</sup>

Apart from demonising Sabata, the state embarked on two further attempts to marginalise him. Firstly, following the September 1957 memorandum, there was an orchestrated drive to identify ‘agitators’ who were alleged to have led the campaign against Bantu Authorities. This was clearly an attempt to isolate Sabata from his supporters. It was thus not surprising that this witch-hunt culminated in the deportation on 30 May 1958 of the leading members of the anti-Bantu Authorities campaign in Thembuland: Jackson

---

<sup>430</sup> NTS, 9037,269/362(3)A – 271/362. Letter from the Chief Magistrate to the Secretary for Native Affairs, dated 12 December 1957.

<sup>431</sup> NTS, 9037,269/362(3)A – 271/362. Letter from the Chief Magistrate to the Secretary for Native Affairs, dated 12 December 1957. Some people in Xhalanga have confirmed these perceptions and allegations about Paramount Chief Sabata. In addition, they felt that Sabata could not have matched the educated Matanzima.

<sup>432</sup> NTS, 9037, 269/362(3)A – 271/362. Letter to the Secretary of Native Affairs, dated 15 November 1957.

Nkosiyane, Secretary to the Paramount Chief, Bangilizwe Joyi, Twalimfene Joyi and McGregor Mgolombane.<sup>433</sup>

At more or less the same time, a one-man commission, led by the Under Secretary for Native Affairs, C.B. Young, was set up early in 1958. The Young Commission was supposed to conduct an inquiry on the tensions in Thembuland. Supporters of Sabata submitted another memorandum setting out their position regarding Bantu Authorities in Thembuland. According to Tsotsi, who was a lawyer representing abaThembu, Mr. Young did everything in his power to muzzle the authors of the memorandum (1989:59). On 11 June 1958, Young held a large meeting of abaThembus in Umtata where he reported the results of the enquiry. Firstly, he announced the deportation of the leaders of abaThembu named above. Secondly, he informed the gathering that Matanzima had been appointed Chief over the whole of the St. Marks and Xhalanga districts. This was clearly a major blow for Sabata and a victory for Matanzima. The latter, together with his brother, George, had submitted their own memorandum, dated 27 December 1957, in which they cited the letter dated 7 March 1870 to the government agent regarding the colonial division of Thembuland.<sup>434</sup> To add insult to injury, Sabata installed Matanzima by placing the traditional robe of office around Matanzima's shoulders.<sup>435</sup>

In the end, Sabata's strategy of opposing the apartheid policy of Tribal Authorities by operating within that very system boomeranged. He was merely part of the system, although he demonstrated some ambiguity in the whole drama that was unfolding around him. This seems to confirm Govan Mbeki's (1996) doubts in the ANC debate about the viability of operating within the system. By contrast, when Matanzima accepted Tribal Authorities, he never wavered, becoming a loyal and reliable servant of the apartheid regime. As will be seen, Matanzima showed determination, decisiveness and indeed,

---

<sup>433</sup> The deportation orders were lifted on 25 November 1963. NTS, 9037,269/362(3)A – 271/362.

<sup>434</sup> NTS, 9037, 269/362(3)A – 271/362.

<sup>435</sup> Tsotsi has remarked: 'How dearly he would have loved to place the noose of a hangman's rope round his long neck instead! He knew very well that this was wishful thinking; the stark reality was that he was actually assisting in the diminution of his own powers and there was nothing he could do about it' (1989:97). Tsotsi appears to be sympathetic with Sabata's position in suggesting that there was nothing Sabata could do. However, following Mbeki (1996), if he was a 'people's Chief', Sabata would have refused, following the lesser Chief Luthuli, to support Tribal Authorities.

ruthlessness in his collaboration with the government in the implementation of Tribal Authorities.

*The re-imposition of chieftainship in Xhalanga*

Attempts to revive chieftainship in Xhalanga should be read in view of the argument here that this institution, even before the colonialists abolished it in the early 1880s, never really established a foothold. The central argument of this case study is that chieftainship in Xhalanga was not only threatened externally by the colonialists through their Magistrates, but was also undermined internally by the ‘school people’ and ‘progressive peasants’. In the period up to the 1950s, chiefs in Xhalanga were, with the exception of Chief K.D. Matanzima’s involvement in the establishment of Matanzima Secondary School, in the words of one informant, “there in name”.<sup>436</sup> With the advent of Tribal Authorities, whose legitimacy, according to the apartheid ideology, derived from African ‘tradition’, Matanzima, in particular, saw an opportunity to prop up chieftainship. Given his longstanding ambition, going back to the 1940s, to control Xhalanga, Matanzima set out to re-impose chieftainship in Xhalanga after a period of over 70 years. We have seen that Sabata, too, was keen to re-impose chieftainship in Xhalanga.

The influence of Sabata and Matanzima in the re-establishment of chieftainship in the district was demonstrated by a resolution adopted by the Xhalanga District Council. The resolution was taken that “Jamangile Stokwe and Headman Gecelo” be promoted and recognised as sub-chiefs, “in the interests and desires of both the followers of Paramount Chief Sabata Dalindyebo and Chief Matanzima”.<sup>437</sup> There is no evidence, though, that the people of Xhalanga were ever consulted. On the contrary, evidence strongly suggests that Matanzima was the chief architect of this plan. For example, former headman Mazibuko, who was also head of the amaQwathi Tribal Authority in the 1980s,

---

<sup>436</sup> Interview with H.M. Tsengiwe, Queenstown, 24 January 2001.

<sup>437</sup> Umtata archives, file 66/27/1D. Extract from the District Council meeting minutes, meeting held on 25.7.1956. It is worth noting that the majority of the councillors were either supporters of Matanzima or Sabata – see signatories of the pro-Sabata and Matanzima petitions of 1956 above. However, by the end of 1957, Sabata had for all intents and purposes lost the battle for control of Xhalanga to Matanzima.

repeatedly stated in his interview that Matanzima rescued chieftainship in Xhalanga, in particular the chieftainship of amaQwati. According to him:

I can say it that I don't think that without K.D. (Matanzima) the chieftainship here at amaQwathini would have been revived (*ukuba ubukhosi ngebade bema*). Matanzima fought hard for its revival, let us be open about it. AmaQwati were weak, and the educated people were no longer in favour of chieftainship (*Amakhumsha akuthi akasayamkeli lonto yobukhosi*).<sup>438</sup>

The above quotation appears to confirm one of the central arguments of this case study that chieftainship in Xhalanga was undermined internally by the 'school people'. Mazibuko also disclosed that there was even an attempt to deny Stokwe the position of the head of the Tribal Authority of amaQwati: "When books came back, we noticed that the head of our Tribal Authority was Vumazonke ... We did not accept this and we kept on going to K.D., as an educated chief for advice. K.D. rejected this (the appointment of Vumazonke)".<sup>439</sup>

The recommendations of the District Council, including moves by Sabata and Matanzima to re-impose chiefs, a preferred policy of the central state, created tensions at the district and territorial government levels. There appears to have been a gulf between the thinking of the central state, on the one hand, and the Magistrate and Chief Magistrate about the role of traditional authorities in the new apartheid system. For the central state, traditional authorities were an integral part of Tribal Authorities. The Xhalanga Magistrate and Chief Magistrate, on the other hand, appeared to be guided by their own experiences of the dethroned Xhalanga chiefs. Evans had serious reservations about the abilities of Gecelo and Stokwe. Of the two chiefs, he thought, for reasons not stated, that Stokwe was "far superior to Gecelo". Of the latter, Evans wrote: "Were it not for the desire of the people to have Gecelo I would not recommend him at all. I doubt whether he has ever been at my office since I have been here, at any rate I have never seen him

---

<sup>438</sup> Interview, Askeaton, 25 January 2001.

<sup>439</sup> Interview, Askeaton, 25 January 2001. Vumazonke was headman of Askeaton at the time, and had won the headman position ahead of Stokwe (see previous chapter).

and he is said to be sickly and a drunkard”.<sup>440</sup> The Chief Magistrate was equally disparaging of the Xhalanga deposed chiefs, and indeed, the relevance of chieftainship in Xhalanga. In the letter dated 19 March 1957 to the Secretary for Native Affairs, the Chief Magistrate was forthright:

Gecelo and Stokwe ...lost their chieftainships on account of participating in the 1880 Tembu Rebellion. Stokwe is today a commoner and Gecelo is, strangely enough, a Government paid headman of, not a location, but his own privately owned farm.<sup>441</sup> He has several criminal convictions and Stokwe is a person of little character. Both are unsuitable for heads of authorities.

Despite the fact that by March 1957, the Chief Magistrate had shown his preference for Matanzima over Sabata, he “doubted” the “popularity of Chief Kayser Matanzima in Xhalanga and also ...the support that would be accorded to Stokwe and Gecelo if they were appointed chiefs or heads of authorities”. He based his doubts on the results of a confidential survey that he “asked the Native Commissioner to obtain” on “each headman (Gecelo and Stokwe) on the respective allegiances of his location”.<sup>442</sup> The findings of the survey were that Gecelo and Stokwe received acknowledgement “as Sole Chief” from one location.

Matanzima’s wrote a letter, dated 27 December 1957, in response to the Chief Magistrate’s delay in endorsing the District Council recommendation to recognise Gecelo and Stokwe. In this letter he stated, inter alia, that the people of Xhalanga “detested the idea of being subjected to commoners”, recommending that Gecelo and Stokwe be accorded official recognition failing which “the people of Cala will never work together with those in official positions” (Tsotsi 1989:95). No evidence was brought forward to show support for the principle of chieftainship by the people of Xhalanga.

---

<sup>440</sup> Umtata archives, file 66/27/1D. Letter dated 1 October 1956. It is not clear, though, whom Evans referred to as “the people”. He might have been referring to the councillors who took the resolution in the District Council.

<sup>441</sup> This farm, as with others granted by the 1883 Tembuland Commission, was held under quitrent title issued under Schedule A of the 1911 *Proclamation*.

<sup>442</sup> He did not, in the letter, indicate how the Magistrate undertook the research.

The question that might arise is why the Chief Magistrate, who was so critical of the popularity of traditional authorities in Xhalanga, did not question Matanzima's claim. Part of the answer is that when the Chief Magistrate and the Magistrate of Xhalanga expressed their reservations about the popularity of Matanzima and the two dethroned Xhalanga chiefs, they were still guided by the 'consultation clause' of the Betterment Scheme. This clause required of Magistrates to hold consultative meetings with rural residents (married men) and ascertain their views and get their support for government conservation measures. We have seen that consultation meetings in Xhalanga had been volatile, and the Chief Magistrate and Magistrate might have feared a repetition of this. However, by the late 1950s, it was becoming clear that the apartheid regime would not be bound by the consultation clause. Indeed, the consultation clause was eventually removed in the late 1950s (Westaway 1997:22). From there onwards, repression was to be the political strategy until the late 1980s in the case of the Transkei.

It is worth remembering that at the time Matanzima wrote the letter in December 1957, the apartheid officials, including the Chief Magistrate, had already identified Matanzima as a possible collaborator. It is on the same day that Matanzima and his brother, George, signed a "Joint Memorandum" to the Young Commission. Matanzima's intervention on behalf of Gecelo and Stokwe was thus well timed. Thus it was that in March 1958, Gecelo and Stokwe were legally recognised as sub-chiefs.<sup>443</sup> Three months thereafter, on 11 June 1958, Matanzima was made Paramount Chief of Emigrant Thembuland.

One of Matanzima's first moves as Paramount Chief was to revert to his earlier position that Xhalanga should be divided into two Tribal Authorities, amaGcina and amaQwati. In his words: 'I have today consulted the two chiefs (Gecelo and Stokwe) on this matter and they both accept my recommendations as correct. I recommend therefore that the above areas (the locations of Xhalanga) be allocated to the jurisdictions of the two sub-chiefs'.<sup>444</sup> Matanzima ignored the fact that the people of Xhalanga had already rejected

---

<sup>443</sup> Umtata archives, file 3/27/3/20, Headman: Mbenge Farm. Letter to Cala Magistrate, dated 12 March 1957.

<sup>444</sup> Umtata archives, file 3/27/3/20, Headman: Mbenge Farm. Letter to the Chief Magistrate, dated 11 July 1958.

his proposal. Surprisingly, the Magistrate agreed with Matanzima. However, the Chief Magistrate rejected Matanzima's reasoning. He seemed to have been worried that amaMfengu would reject this arrangement. According to the Chief Magistrate: "N(ative) C(ommissioner) (has) gone quite wrong. Gcina and Qwati chiefs cannot be placed over Fingos and Hala and must be confined to their tribal authorities. If the other tribal/community authorities wish to come under them, they must pass resolutions accordingly".<sup>445</sup>

It is important to note that the two heads of the eHlathini and eQolombeni Tribal Authorities were also against the division of Xhalanga into two. According to headman Fani of Cala Reserve, they did not want to be under the authority of the two Chiefs, given that the latter were not formally educated.<sup>446</sup> One of these heads was Msengana. His position against chiefly leadership confirms that those like him, who supported Matanzima, seemed to have been more interested in the benefits derived from such support, rather than supportive of chieftainship. Msengana, was once taken to task by the Chief Magistrate for insisting that the people of Xhalanga wanted to elect their own members. The Chief Magistrate had retorted: "You have become used to the Council system of election. That is a Western system. We go back to the Native customary methods".<sup>447</sup> The above quotation clearly shows how quickly the Chief Magistrate had been converted to the apartheid ideology. Only about a year before, the Chief Magistrate was scathing of traditional authorities. Yet, he was now urging 'the Natives' to go back to customary methods.

In the final analysis, Matanzima settled for a compromise. According to Mazibuko, Matanzima did not want to lose the support of loyalists such as headman Msengana. His

---

<sup>445</sup> Umtata archives, file 3/27/3/20, Headman: Mbenge Farm. Handwritten notes on the letter from the Magistrate, dated 5 July 1958.

<sup>446</sup> Interview with headman Fani, Cala Reserve, 15 March 2000.

<sup>447</sup> Umtata archives, file 66/27/1D. It is interesting to note that traditional authorities (Paramount Chiefs, Chiefs and headmen) in post-1994 South Africa use precisely the same argument in their bid to preserve the privileges they enjoyed under apartheid.



‘strategy was the chiefs should compromise and accept the division into four Tribal Authorities and fight for more from a position of power (*sebesemagunyeni*)’.<sup>448</sup>

However, the consolidation of chiefly power was still not to be smoothly accomplished. An event that was meant to be the culmination of the attempt to revive chieftainship in Xhalanga turned out to be a major demonstration against chieftainship. This event was the introduction of K.D. Matanzima as the Paramount Chief of Emigrant Thembuland, and the installation of Ngonyama Gecelo and Jamangile Stokwe as sub-chiefs of Xhalanga. This occasion was held on 12 August 1958 at Matanzima Secondary School, and was attended by a number of prominent people, including the Chief Magistrate and Magistrates of Xhalanga and St. Marks.<sup>449</sup> Paramount Chief Sabata was again compromised and humiliated by being asked and agreeing to conduct the installation. Although various accounts of what precisely took place at the meeting have been given, there is a common thread that seems to run through them; namely that of opposition to chieftainship by at least some of the attendants. According to the Chief Magistrate, for example, things went out of control when Paramount Chief Sabata told the meeting he was bringing ‘Chief Matanzima to you’. There was ‘an uproar from about 200 of the crowd of approximately 1500’ and ‘expressions such as ‘We don’t want him. Take him away. We don’t want you either. Go home. We want no chiefs. We want to be under the White man’’.<sup>450</sup> The Chief Magistrate created the impression that a minority was responsible for disrupting the meeting. This statement, though, should be taken against the background of claims by interviewees that, as always, Matanzima was accompanied by a large group of horse riding supporters from Cofimvaba.

In his affidavit, headman Msengana stated that Paramount Chief Sabata ‘mentioned that the Government had seen it fit to appoint Chief Matanzima as Chief of Emigrant Thembuland and he added that he also agreed with this as these immigrant Tembu’s had always wanted him as their Chief’, at which point ‘there were shouts from a portion of

---

<sup>448</sup> Interview with former headman Mazibuko, Askeaton, 25 January 2001.

<sup>449</sup> Interview with Joe Majija, Umtata, 16 March 2001. According to Ntwana, there were choirs to entertain the crowd and women were busy cooking (Interview, Mochudi, Botswana, 24 March 2000).

the Crowd that they did not want him as their Chief, nor did they want any Chief”.<sup>451</sup> Although this account supports the contention that there was at least a group that was anti-chiefs, it contrasts with that of Chief Stokwe who has suggested that Sabata connived with those who disrupted the meeting. According to Stokwe, Sabata “went towards the trouble makers. ... I clearly heard him speaking the following words to these people: ‘ There you are. I told you Tembus you must come to me and you said you want Matanzima. There is nothing that is going to happen – carry on.’”<sup>452</sup> A former clerk of nearby Arthur Tsengiwe Training School has given a rather different version. According to him Sabata, who “looked unhappy” and “delayed rising”, said: “Daliwonga,<sup>453</sup> these ‘ boers’ say I must install you as Paramount Chief of Emigrant Thembuland. I am not aware that there is Emigrant Thembuland”.<sup>454</sup>

Matanzima’s account created the impression that those who disrupted the meeting wanted to humiliate Paramount Chief Sabata.<sup>455</sup> He alleged that he saw Tyaliti and Nyovane “shouting and swearing as Chief Sabata spoke. They were among the men who were obstructing Chief Sabata and the proceedings of the installation ceremony. It was obvious that their shouting was directed against Chief Sabata”.<sup>456</sup> This account contrasts with that of Chief Stokwe. According to Stokwe: “I felt that these words referred to some previous instructions which must have originated from Chief Sabata, and I accordingly reported what I had heard to Chief Kayser Matanzima”. Although the Magistrate of Cala later dismissed Stokwe’s affidavit as not containing “any positive information”,<sup>457</sup> Ntwana pointed out in an interview that Sabata was aware of the planned disruption. Ntwana, though, did not indicate that Sabata spoke with any of the “trouble makers”.

---

<sup>450</sup> CMT, 3/1484. Letter to the Secretary for Native Affairs, dated 14 August 1958 (only two days after the event).

<sup>451</sup> CMT, 3/1484, affidavit of 3 September 1958.

<sup>452</sup> CMT, 3/1484. The Xhosa words are recorded as follows: “Nako ke ba Tembu into endandi nixelela yona nati nifuna u Matanzima qubani ningoyiki akukonto izakwenzeka”.

<sup>453</sup> K.D. Matanzima’s name.

<sup>454</sup> Interview with Joe Majija, Umtata, 16 March 2001.

<sup>455</sup> Attempts to interview Matanzima have not been successful. His relatives say he is senile.

<sup>456</sup> CMT, 3/1484. Letter to The Native Commissioner in Cala, dated 27 August 1958,.

<sup>457</sup> CMT, 3/1484. Letter to the Chief Magistrate, dated 8 September 1958.

Regardless of the details of who was responsible, that the meeting was disrupted is beyond dispute. Ntwana and Mlotha stated that the disruption was well planned by their anti-Bantu Authorities group. Ntwana explained: ‘When we heard that Sabata was to install Matanzima, we agreed that we should disrupt the meeting (*Masiyibhoxe yonke lento, siyichithe tu*)’.<sup>458</sup> Interviews<sup>459</sup> and Msengana’s affidavit<sup>460</sup> suggest that there were threats in the form of stone gathering, breaking of the branches of trees and wielding of sticks, although no physical confrontation took place.<sup>461</sup> Finally, the meeting was adjourned until that afternoon, after police reinforcements were arranged to ensure that the afternoon meeting wouldn’t be disrupted. The introduction and installation thus took place in the afternoon under heavy police guard. The Chief Magistrate was later to report to the Secretary for Native Affairs that ‘the installation ceremony proceeded cordially without any further hitch and before a crowd which had not apparently diminished appreciably’.<sup>462</sup> Tsotsi’s account, on the other hand, was that ‘only a few of the tribesmen ...attended the afternoon meeting’ (Tsotsi 1989:98).

In sum, the revival of chieftainship in Xhalanga met with similar resistance to that expressed against the institution of Tribal Authorities. The ‘school people’ and landholders, in particular, consistently rejected rule under chiefs. These landholders inherited land that was originally granted following the recommendations of the 1883 Thembuland Commission. They held this land under the quitrent system, although, as we saw, they wanted title comparable to their white counterparts. The former clerk of the Arthur Tsengiwe Training School, Majija, stated that what struck him when he arrived in Xhalanga in 1958 was that people in the district did not care for chieftainship (*ubukhosi babungahoywanga*). Majija was born in the rural areas of Engcobo, an area, in his words, ‘where chieftainship was prominent’. According to him:

---

<sup>458</sup> Interview, Mochudi, Botswana, 24 March 2000.

<sup>459</sup> H.M. Tsengiwe (Queenstown), Mlotha (Cala) and Mrs Mfenyana (Cape Town).

<sup>460</sup> CMT, 3/1484.

<sup>461</sup> In his interview, Tsengiwe, who was a teacher at Matanzima Secondary School at the time, has stated that there was general talk that an attempt to shoot Matanzima was thwarted by a revolver that did not release.

<sup>462</sup> CMT 3/1484.

I discovered that Cala people were agriculturalists. They were influenced by the Boers because of their proximity to white farms. There was a breed of inhabitants who were well schooled e.g. Msengana's and Mkumatela's. Chieftainship was looked down upon. ... Chiefs did not stand a chance under such circumstances. ...K.D. (Matanzima) was aware of this problem.<sup>463</sup>

A local constable, Barnabas Samuel Buhle Mdoana, also captured the intense rejection of chieftainship in the area. In his affidavit, dated 30 September 1958, he wrote about the events of 12 August 1958 as follows:

I saw Abel Ntwana and Mabanga Mboyiya among the people who were making a noise. ... We police who were on duty then moved towards the people who had started the shouting, and Michael Nyovane actually said to me 'This nonsense about Chiefs will not happen in this District as long as we are alive'. I asked him what he was talking about and he answered: 'I am talking about this rubbish that you have come for here. You won't arrest me'.<sup>464</sup>

Ntwana's position appears to suggest a certain ambiguity especially given that he was one of those in Xhalanga who supported Paramount Chief Sabata. According to him, they 'worked closely with the Umtata supporters of Sabata'. Ntwana was referring to the pro-Sabata group involving Nkosiyanane that opposed the introduction of Bantu Authorities in Umtata. He even gave evidence in support of the Umtata group in the Young Commission. But Ntwana has claimed that their group in Xhalanga was against chieftainship for the simple reason that it would introduce tribalism. He explained that their support for Sabata was strategic and tactical: 'We agreed here in Cala that we should support Sabata. We didn't support him because we wanted chieftainship. We supported him because we did not want Matanzima. Our argument was that if Cala has to be under a chief, it must be Sabata'.<sup>465</sup> Another informant, H.M. Tsengiwe confirmed that Sabata was not accepted as a chief in Xhalanga. The crowd at Matanzima Secondary School on 12 August 1958 told Sabata: 'We want you, but stay at your Great Place. (*Siyakufuna, kodwa hlala eBhotwe*)'.<sup>466</sup> In other words, chieftainship was accepted in

---

<sup>463</sup> Interview in Umtata, 16 March 2001.

<sup>464</sup> CMT, 3/1484.

<sup>465</sup> Interview, Mochudi, 24 March 2000.

<sup>466</sup> Interview, Queenstown, 24 January 2001.

Xhalanga for as long as it was far and not interfering with the day-to-day life of the people. As for Matanzima, Tsengiwe stated: ‘Matanzima, in particular, was hated’.

Lastly, we have seen that even the most loyal supporters of Matanzima such as headman Msengana refused to be under the control of chiefs when Matanzima tried to divide the Xhalanga district into two Tribal Authorities. What was not clear, though, was whether Msengana rejected the authority of the Xhalanga re-imposed chiefs for elitist reasons, given that they were uneducated, or whether he rejected chieftainship as such.

### *The government on the offensive: arrests and deportations*

Having failed to convince the people of Xhalanga of the virtues of Tribal Authorities and chieftainship, the government increasingly resorted to more coercive methods of imposing these structures and institutions. In this regard, K.D. Matanzima, working closely with the security police and the magistrates, became the centre of local control. The disruption of the meeting at Matanzima Secondary School on 12 August 1958 gave the government legal grounds on which to prosecute the opponents of Tribal Authorities and chieftainship. A few days after the meeting, the Chief Magistrate wrote to the security police ‘working in Xhalanga’ urging them to secure convictions in terms of Section 2(9) of the *Native Administration Act*.<sup>467</sup>

This moment seems to have provided the Chief Magistrate opportunity for revenge. He had no doubt that those responsible were ‘the same who, when I met them at Ehlathini some months ago to endeavour to overcome their objections to Bantu Authorities, shouted, when I attempted to speak, ‘We don’t want it’ and then mounted their horses and rode away, leaving the Magistrate and myself sitting there alone’. According to the Chief Magistrate: ‘They are believed to be instigated by the All African Convention whose procedure seems to be, from two or three of my personal experiences, to oppose everything done by the Government and to break up meetings by shouting and

---

<sup>467</sup> It was pointed out in Chapter 2 that Tsotsi (1989) argued that this section, which empowered chiefs, amongst others, was used quite frequently during the apartheid era.

howling”.<sup>468</sup> In the end, ten men from Xhalanga were subsequently charged with contravening section 2(9) read with Section 32 (2) *Act 38 of 1927* as amended by *Act 21 of 1943*.<sup>469</sup> According to Section 2 (9) of the *Native Administration Act*:

Any person obstructing any officer, chief or headman in this section mentioned, in the lawful execution of his duties or disobeying any lawful order of or willfully insulting such officer, chief or headman while acting in the course of his duty or wilfully obstructing the proceedings of any meeting lawfully convened by such officer, chief or headman in connection with his duty shall be guilty of an offence; and, in addition, any person who wilfully insults any such officer, chief or headman while presiding over a meeting convened by him in connection with his duty or wilfully obstructs the proceedings of such meeting may be removed therefrom and, if necessary, detained in custody by order of such officer, chief or headman until the conclusion of such meeting.

The charge sheet, which also gave the state’s version of what happened at the meeting, read:

(T)hat upon or about the 12<sup>th</sup> day of August 1958 and at or near Emnxo location in the district of Xhalanga, the accused did each and all or one or more of them wrongfully, unlawfully and wilfully obstruct the proceedings of a meeting lawfully convened by chief Matanzima, a chief duly appointed in terms of section 2 (7) of Act 38 of 1927, in connection with his duty by shouting in the Xhosa language *‘asifuni nkosi apha voortsek mnka naye, ukunya kwenkosi, umnqundu wenkosi.*<sup>470</sup> *Tina bantu baseCala sakumbulala lo Kaizer Matanzima apha e Cala.*’ meaning in the English language: ‘we do not want a chief here, voortsek, take him away, the shit of a chief, the anus of a chief; we Xhalanga people will kill this Kaizer Matanzima here at Cala’, adopting threatening attitudes as a result of which conduct the said Kaizer Matanzima was obliged to abandon the said meeting (Tsotsi 1989:98-9).

When the accused were given an opportunity to tell their story in court, they did not mince their words about their role in what happened. Their testimony clearly demonstrated their rejection of chiefs. According to their legal representative, Tsotsi, the first accused, Pangalele Noyakaza from Upper Ndwana, declared: ‘I never saw any chief since I was born. What sort of creature is he? I was annoyed when it was announced that Matanzima was my chief because I don’t want him’. Nyovane, according to Tsotsi,

---

<sup>468</sup> CMT, 3/1484. Letter to the Secretary of Native Affairs, dated 14 August 1958.

<sup>469</sup> They included, from what I could find from the archives, Pangalele Noyakaza, Michael Nyovane, Edward Tyaliti, Willie Manzana, Jonas Ntungwa, Swelindawo Vena and Alex Tikana.

<sup>470</sup> Mlota confirmed this insult, attributing it to Manzana, who was one of the accused.

‘yelled angrily at the prosecutor ...’ I am against chieftainship. Yes I said I did not want a chief, I did not whisper; I shouted”. Both accused came from locations that were outside those of Gecelo and Stokwe. Nyovane’s “forthrightness”, according to Tsotsi, “earned him the applause of the crowded courtroom as well as a conviction by the Magistrate” (1989:101). The accuseds were, ultimately, found guilty in December 1958.

The most popular method, however, that the government used to deal with its opponents in the rural areas of the Bantustans during the apartheid period was to deport them to remote places.<sup>471</sup> We have noted above that this method was used in Thembuland against Nkosiyanane and others. At the same time as prosecutions were prepared against those who disrupted the 12 August 1958 meeting, there were moves on the part of the government to identify ‘agitators’ for possible deportation. This was not the first time, though, that this move was contemplated in Xhalanga. At the height of the opposition to the election of representatives of Community Authorities in eQolombeni and eHlathini, the Chief Magistrate addressed headmen and some Xhalanga people attending a quarterly meeting held at Cala on this matter. On 3 October 1957, he told the meeting that “if they (opponents of Tribal Authorities) persisted in their uncooperative attitude toward the administration, and maintained the bad spirit which had developed in this District, stronger measures, such as deportations, might have to be considered”. Action would be taken, “not against the ignorant and bewildered persons who were being misled, but against those people who rejected the Government and preached that the Government was no good”.<sup>472</sup> The Chief Magistrate again led the new initiative to deport agitators arising out of the disruption of the installation meeting of 12 August 1958.

Most interestingly, the Chief Magistrate cited Paramount Chief Sabata as one of the people who agitated for the deportations. According to the Chief Magistrate, Paramount Chief Sabata, Chief Matanzima and the Xhalanga District Authority “urgently asked me to

---

<sup>471</sup> Opponents of government policies were often referred to in government circles as ‘agitators’.

<sup>472</sup> Abel Ntwana subsequently reported these threats in the *New Age*, a newspaper of the ANC, on 14 November 1957. He cited the Chief Magistrate as having “told the people that he had a big stick ready for those who resisted the Government laws”. The Chief Magistrate, according to Ntwana alleged “that agitators were misleading the people and he was going to deport them to Northern Transvaal” (CMT 3/1484).

have these men, whose names they gave me, deported”.<sup>473</sup> The role of Sabata is again of interest. Despite the fact that Matanzima had, by this time, outmanoeuvred him in the struggle for control of Emigrant Thembuland, Sabata seems to have been incapable of avoiding being used in the whole scheme of imposing Tribal Authorities in Thembuland, including Xhalanga.

Although the Chief Magistrate was in favour of deportation, he wanted, it appears, to give some semblance of justice in the sense that evidence be adduced against the candidates for deportation. He demanded “very explicit evidence against” those to be deported. Chief K.D. Matanzima immediately took up the challenge. As with the Chief Magistrate, he targeted the people who gave him problems when he ‘assisted’ in setting up Tribal Authorities in eHlathini and eQolombeni, and at the installation meeting. According to Matanzima, “the presence of four men in that (Xhalanga) District is detrimental to the administration and development in that area. Their presence there is of no public interest and a danger as they are against the Chiefs, the Government, and are anti-White”.<sup>474</sup> The four men were: Abel Ntwana, Edward Sineke Tyaliti, Tyutyu Michael Nyovane and Silumko Ntame. Matanzima claimed that he was “informed very reliably” that these men “held night meetings at Ma nzimahle and Emnxe Locations”.<sup>475</sup> He further stated that he “was reliably informed that the lives of the two Chiefs and the Chairman of the District Authority Cala were in danger as reliable information has leaked out that a plan was arranged to assassinate these leading personalities in our administration on the Mau Mau lines”.<sup>476</sup> Matanzima appealed:

If we, as Chiefs, are to carry on such measures as soil reclamation and social services, in the interests of good administration amongst our people, our considered recommendations should receive the support of the Government otherwise our lives are at stake. Personally I have not got much to fear because I have a complete control of the situation in the District of St. Marks and if these four men ...are removed from Cala to a place outside the Transkei I shall be able to handle the remainder of their followers.

---

<sup>473</sup> CMT, 3/1484. Letter to the Secretary of Native Affairs, dated 14 August 1958.

<sup>474</sup> CMT, 3/1484. Letter to “The Native Commissioner” in Cala, dated 27 August 1958.

<sup>475</sup> Matanzima mentions his informants in the letter.

<sup>476</sup> By Mau Mau, Matanzima is presumably referring to the Kenyan Liberation Movement that was led by Jomo Kenyatta in the 1950s.



Matanzima tactfully concluded: ‘Hoping that my recommendations will receive your support and that of the Chief Magistrate particularly because Ntwana, Nyovane and Tyaliti broke up his meeting at Ehlathini and at Cala Reserve’.<sup>477</sup>

The response of the Magistrate of Cala to Matanzima’s recommendation once again illustrated the alliance involving Matanzima, the Magistrate and the security police as a form of local control. The Magistrate indicated that he was ‘as strongly in favour of a few deportations from this District’. His sentiments were based on ‘discussions’ with members of the Security Branch and, as with Matanzima and the Chief Magistrate, and on his ‘own experiences and observations since coming to Xalanga District’. According to the Magistrate, ‘unless the trouble -makers can now be shown that strong action is to be taken against their leaders, no satisfactory progress will be made in Xalanga District generally’. He implied that the deportations would have a deterrent effect: ‘Already there is an indication that at least one influential man, H.H.K. Msengana, who has hitherto been strongly against Stabilisation, may have changed his attitude following the four deportations from Umtata’.<sup>478</sup> The Magistrate noted, though, that Msengana was not ‘a real agitator’, that ‘the real agitators’<sup>479</sup> in this District are still carrying on with their activities unchecked, and their efforts seem to be effectively blocking almost all forms of progress’. He wrote, mimicking Matanzima’s style of inciting the Chief Magistrate: ‘Those four men whose removal is now sought, and who are the leading agitators in this District, have not heeded the Chief Magistrate’s warning’.<sup>480</sup>

More evidence to support the case for deportation was accumulated by means of affidavits. Ntwana was by far the main target. For example, one Matsiliza, the ‘Native Agricultural Officer’ strongly recommended that Abel Ntwana, Ben Tyeku and Edward Fokwana be removed. ‘If I had the power of removal myself, I would remove all three of

---

<sup>477</sup> CMT 3/1484.

<sup>478</sup> Letter from the Magistrate, Cala to the Chief Magistrate, dated 8 September 1958.

<sup>479</sup> The ‘real agitators’, also known as the ‘Big Four’, were Abel Ntwana, Sineke Tyaliti, Michael Nyovane and Silumko Ntame, the same names that were listed by Chief K.D. Matanzima.

<sup>480</sup> CMT, 3/1484.

these men I have mentioned”.<sup>481</sup> The constable Barnabas Buhle Mmodana made a similar recommendation regarding Ntwana: ‘I say without fear of contradiction that the chief source of this opposition and agitation lies in Emnxe Location No. 11 in Xalanga District. I also say that the Chief man responsible for this trouble is ABEL NTWANA. His other name is MAVANDLA’ (emphasis in original). A herbalist, David Abraham Wassen Zulu, stated in his affidavit dated 3 September 1958:

This man Abel Ntwana from information I gather from residents of Mnxe Location as well as from other areas too, has considerable influence in his district and this influence is of an evil and retrogressive nature. He is greatly feared by the residents of Mnxe Location most of whom dare not oppose him for fear of reprisals. I have also heard from my sources that he holds secret meetings at night in Mnxe Location and other locations in the district where he organises the people against all proposed Government Schemes for the progress and benefit of the native inhabitants of this district, and creates hostility amongst the natives against the Government.<sup>482</sup>

Still willing to pursue the justice route, the Chief Magistrate appealed to the security police to lay charges against the ‘big four’ for disrupting the meeting at Matanzima School. However this strategy did not work as only Michael Nyovane was, in the final instance, charged. There were only suspicions against the others that would not stand the legal, court process with its demand for proof beyond a reasonable doubt. The suspicions against them, though, are evident in the suggestion by the ‘Office of the Security Branch’ in Umtata that ‘it is evident ...t he other three exerted authority over the rowdy group’. The Office claims further: ‘It has also been learned from usually reliable sources that these four actually organised this disturbance with the object of breaking up the meeting

---

<sup>481</sup> CMT, 3/1484. Affidavit dated 30 September 1958.

<sup>482</sup> CMT, 3/1484. The following also made affidavits implicating the ‘big four’ in differing degrees: Arthur Mvinjelwa (headman of Sifonondile Location and head of Eqolombeni Community Authority), 2 affidavits from Robert Msengana (head of the Xalanga District Authority), Solomon Mrwetyana (Acting headman of Emnxe Location and former Bunga Councillor and head of the old District Council) and Paul Tofile (headman of Manzimahle Location for the past 26 years – an old man but one of the best headmen in the District). The other affidavits were from David A.W. Zulu (herbalist at Cala), Manana Steven Mbali (‘native male of Manzimahle Location’), George Gerald Msengana (principal of the Emnxe School), and William Namba (‘native male residing in Sifonondile’).

and thus frustrating the object thereof, which was only averted by your decision to postpone the proceedings”.<sup>483</sup>

When the Acting Secretary for Native Affairs was drawn into this discussion, he advocated what he called ‘local remedies’. These remedies were: court action under section 2(9) of the *Native Administration Act, 1927*; action by chiefs who had by then all been granted criminal jurisdiction, and thus had sufficient power to deal with recalcitrant rural people; and possible action by Paramount Chief Sabata.<sup>484</sup> The Acting Secretary enquired whether the Chief Magistrate would consider calling ‘these men’ to the office of the Magistrate, Cala to meet with him in the presence of Sabata and Matanzima. Sabata would once again be given the unpopular task of controlling his supporters in Xhalanga with the warning of possible removal. The Chief Magistrate had reservations about the suggested ‘local remedies’, citing four reasons. As his first reason, he indicated that the police could not obtain evidence against the ‘four agitators in question who organise and then lie low’. Secondly, he argued that even if convictions were secured, their activities would not be curtailed. The Chief Magistrate did not elaborate on the latter. Thirdly, he doubted the possibility of an effective charge in Native Law if the ‘agitators’ were brought before the Court of Matanzima. As his last argument against the remedies, the Chief Magistrate reminded the Secretary for Native Affairs that ‘Chief Sabata’ had ‘no right of interference within the area of Chief Matanzima’. He argued that given that ‘these four agitators’ were ‘against any form of chieftainship and their section hooted Chief Sabata at the Cala installation’, he doubted if any ‘good purpose would be served by the proposed interview’.<sup>485</sup> The reservations expressed by the Chief Magistrate did not mean that he was against the deportation as he concluded: ‘The removal of the four men is strongly recommended’. By December 1958, the Secretary for Bantu Administration and Development<sup>486</sup> had come to accept that ‘sufficient

---

<sup>483</sup> CMT, 3/1484. Post-script of letter from the Magistrate, Cala to the Chief Magistrate, Umtata, dated 15 September 1958.

<sup>484</sup> Note, again, how Sabata was implicated in these machinations.

<sup>485</sup> In a way, the Chief Magistrate saved Sabata from being further embarrassed.

<sup>486</sup> Note that by December 1958, the former Department of Native Affairs had changed its name to the Department of Bantu Administration and Development.

evidence is available to make a recommendation to the Governor-General for the removal of the persons concerned”.

Following the notion of justice earlier pursued by the Chief Magistrate, the Secretary recommended that an inquiry be conducted to accord “those threatened with removal ... an opportunity of defending themselves”. The Chief Magistrate had based his argument on the principles of natural justice and fairness that include the requirement that a public body or functionary should ‘hear the other side’ before taking a decision that is prejudicial to the person against whom its decision would be taken. Apart from invoking the principle of natural justice, the Secretary also argued that the inquiry “could have the further advantages of putting the agitators on the defensive, of bringing trouble upon them and of lending publicity to the affair, especially if it is followed by subsequent removal”. In other words, a public inquiry, according to the Secretary, would be a deterrent.

Although the Chief Magistrate conceded to the proposal, he was clearly not comfortable with the inquiry, especially as it would involve lawyers:

At an inquiry would an advocate or attorney be allowed to represent the ‘accused’ or would it be considered an administrative matter from which such persons are debarred? If the former, it is inevitable that Mr. Sachs and/or Attorney Tsotsi will appear and endeavour to shake the testimony of the witnesses. It would, of course, be fatal if, after an inquiry, the Natives were not deported. ... A possible disadvantage of an inquiry might be that it would create an impression that the fulminations of Mr. Stanford, M.P., Attorney Canca and others against the deportations from Umtata without inquiry have had an effect on the Government.<sup>487</sup>

It is interesting that it is the same Chief Magistrate who initially wanted “very explicit evidence against” those who were recommended for deportation who was now implicitly advocating an inquiry that would exclude lawyers. This casts doubts about what he meant by “very explicit evidence”. Excluding lawyers from an inquiry is clearly inconsistent with the principles of justice and a severe violation of citizenship rights.

---

<sup>487</sup> CMT, 3/1484. Letter dated 9 December 1958.

The question of excluding lawyers from representing rural residents who were opposed to Bantu Authorities had also arisen earlier when the people from Cala Reserve wanted the lawyers S. Kahn & Co. from Cape Town to represent them in their struggle against “the institution of chieftainship” that they did “not approve”.<sup>488</sup> The Magistrate informed the lawyers that “my Department does not admit the right of legal practitioners to intervene in administrative matters. If your clients desire to make representations regarding Bantu Authorities, they may do so through this office, or to the Chief Magistrate of the Transkeian Territories, Umtata, direct”.<sup>489</sup>

The possibility of an inquiry regarding the deportations was dealt a severe blow by intervention of the Office of the Security Branch. The Officer in Charge told the Chief Magistrate that deponents such as Arthur Mvinjelwa, Robert Msengana, herbalist A.W. Zulu and Solomon Mrwetyana were “not agreeable to giving evidence at an open enquiry into the activities of Abel Ntwana and his associates”, such action would endanger their lives and property.<sup>490</sup> He stated that the three deponents could only give evidence in camera, “in the presence only of Abel Ntwana and his associates, but not in the presence of their legal adviser or the public generally”. He added that it was “unlikely” that members of the Security Branch would give evidence “at such an inquiry as such a step would obviously be detrimental to the smooth functioning of their duties”. This move by the police effectively ruled out the possibility of an enquiry.

At this stage, the Secretary was still prepared to give the apartheid system the face of justice. He dismissed the intervention of the security police on the grounds that “it is rather the duty of the presiding officer at the inquiry than that of the Police to hear and ascertain the wishes of persons who have been notified to give information”. According to him: “This course of action will, apart from any other advantages to the administration, prevent the Minister being accused of refusing to observe the rule of law or of withholding elementary justice from Natives”. Processes were set in place for the

---

<sup>488</sup> CMT, 3/1484. Letter from Kahn to the Native Commissioner, Cala, dated 8 September 1958.

<sup>489</sup> Letter dated 15 September 1958.

inquiry to take place. Mr. W.J.M. Norton, Magistrate of Willovale was suggested as chairman of the inquiry and the Chief Magistrate was given the power to appoint “any legally qualified junior officer” to lead the evidence.<sup>491</sup> Magistrate Zietsman of Butterworth was subsequently appointed to lead the evidence.<sup>492</sup>

Despite the above arrangements, the inquiry did not take place. On 11 February 1959, the Chief Magistrate reported to the Secretary for Bantu Administration and Development that “none of the Natives who furnished confidential affidavits (except Chief Matanzima) is prepared to give evidence at an inquiry for fear of reprisals”. The Chief Magistrate cited instances where headmen had been shot at and battered to death, “for supporting Government policy”. In a postscript, the Chief Magistrate indicated that he had been in touch with Chief K.D. Matanzima “who considers there would be reprisals on informants if they gave evidence. He is most anxious that their names be not divulged. The informants who are headmen are well known to me and can be depended on as reliable”. To create a state of panic, headman Robert Msengana submitted a statement to the Magistrate in which he alleged that Richard Nobongoza gave him three names of “people in Cape Town who are in league with the agitators here”, and “organise the collection of money to assist people here who get into trouble for anti-government activities”.<sup>493</sup> The self-same Msengana gave the Magistrate in Cala his translation of an anonymous letter purportedly coming from Cape Town, accusing Msengana of “selling the country” and threatening to “visit” him. The letter went on to warn Msengana: “All the people who accept rehabilitation are going to die in this way.<sup>494</sup> ... Men who were before you are no more alive, but are dead”.<sup>495</sup>

By April 1959, the Chief Magistrate was showing signs of urgency and impatience. Apart from the above, he drew the attention of the Secretary to an earlier set of minutes stating that the Cala Magistrate, the Police, Chief Matanzima and the Chief Magistrate,

---

<sup>490</sup> CMT, 3/1484. Letter dated 19 December 1958.

<sup>491</sup> CMT, 3/1484. Letter dated 28 January 1959 to the Chief Magistrate.

<sup>492</sup> CMT, 3/1484. Letter from the Chief Magistrate, dated 4 February 1959.

<sup>493</sup> CMT, 3/1484.

<sup>494</sup> This presumably referred to the death of headman Manzana of eMnxe, who suddenly died on the night of 30 June 1958. A widely held view was that he was poisoned for being a government supporter.

‘all ` men on the spot’ recommend strongly against an inquiry’. According to him, ‘the delay in taking action is giving the agitators the idea that they can do anything with impunity and is discouraging the upholders of law and order’.<sup>496</sup>

The response of the Under-Secretary for the Department of Bantu Administration and Development clearly showed that the apartheid regime in the late 1950s was still hesitant and reluctant to use arbitrary force. Apparently still reluctant to proceed without an inquiry, the Under-Secretary decided to pay a visit to the Transkei in April 1959. Clearly wanting to avoid tainting the name of the government for deporting people without an inquiry, the Chief Magistrate recommended that Chief Matanzima be given powers to deal with ` agitators’. According to the Chief Magistrate: ‘Chief Matanzima should have the power to eject the agitators on the spot and without delay’. This visit led to an agreement with the Chief Magistrate that ‘the possibility of dealing with these people (agitators) in traditional manner’ be investigated. The Secretary for Bantu Administration and Development later wrote to the Chief Magistrate requiring ‘detailed proposals as to what the traditional action will amount to and also the suggested procedure to be followed’. To their dismay, the Chief Magistrate found that there was no legal basis to empower chiefs with deportation powers. In the event, he reverted to his initial position that ‘the four agitators be deported by the Supreme Chief without an open inquiry’.<sup>497</sup>

In the meantime, the state’s focus had shifted from Nyovane, Ntwana and Ntamo to Tyaliti at Manzimahle. According to the Chief Magistrate: ‘Three of the men (Ntwana, Nyovane and Ntamo) have been quiescent for some time, but E.S. Tyaliti is still active. ... I am loathe to press for the deportation of the other three men so long after the incidents which actuated my original request for their deportation, but I still urge the deportation of Tyaliti’.<sup>498</sup> The latter was accused of attempting to use a herbalist to poison headman Zwelinzima (Paul Tofile) of Manzimahle. He was also accused of

---

<sup>495</sup> CMT, 3/1484.

<sup>496</sup> CMT, 3/1484. Letter dated 16 April 1959.

<sup>497</sup> CMT, 3/1484. Letter dated 22 June 1959.

<sup>498</sup> CMT, 3/1484. Letter to the Secretary for Bantu Administration and Development, dated 1 August 1959.

killing six of ‘that person’s (Zwelinzima’s) cattle and now wanted to kill that person as well’.<sup>499</sup> Although the police claimed they were ‘not optimistic’ that they would obtain ‘corroborative evidence to sustain a conviction’, Tyaliti was charged with poisoning Tofile’s cattle, but the trial could not proceed as the main witness disappeared.<sup>500</sup> Despite this, the Chief Magistrate recommended that Tyaliti be deported.<sup>501</sup>

On 12 October 1959, the Governor-General signed a deportation order removing Edward Sineke Tyaliti to a farm at Sibasa in the then-Transvaal, now Northern Province. He left Xhalanga on 28 October 1959, leaving his family behind ‘to look after his kraal and stock’. The Magistrate in Cala was instructed to advise Chief Matanzima of the removal; a move which was indicative of the collaborative role that Chief K.D. Matanzima was already playing at this stage.<sup>502</sup>

The deportation of Tyaliti without any inquiry marked an important shift in terms of strategy on the part of the apartheid regime. Hitherto there had been attempts by the Chief Magistrate, and later the Secretary for Native Affairs, to create a semblance of justice. The first such effort could be seen in the insistence that explicit evidence be brought to bear before any deportation could be considered and, the second, in the attempt to conduct an inquiry in order to test whatever evidence was provided. Much ‘evidence’ in the form of affidavits, anonymous letters, and other such material, was collected to show the need to deport the four men already mentioned. This kind of evidence, I would argue, is inadequate for purposes of establishing a fair and just basis for deporting people. The fact that affidavits are duly sworn testimonies is immaterial. What is stated in an affidavit needs to be tested by investigative methods, such as cross-examination, to prove its reliability. With regard to anonymous letters, their status, too, becomes questionable unless corroborated by more reliable evidence. In the case of Xhalanga this vital process was undermined.

---

<sup>499</sup> CMT, 3/1484. Affidavit by Kaliti Ntulweni, a herbalist, dated 11 April 1959.

<sup>500</sup> CMT, 3/1484. Letter from the Chief Magistrate to the Secretary for Bantu Administration and Development, dated 1 August 1959.

<sup>501</sup> CMT, 3/1484. Letter dated 22 June 1959.



The next target in Xhalanga was none other than Abel Ntwana. Only in August 1959 the Chief Magistrate had described him as “quiescent”. Yet, by March 1960, the regime was baying for his blood. Ntwana had applied for a ‘Hawkers Licence to sell soft goods and medicine throughout the Transkei’.<sup>503</sup> Although cleared by the Station Commander, Cala,<sup>504</sup> the Magistrate of Cala, Mr. Marsberg, did not recommend the application to the Chief Magistrate, on the grounds that Ntwana would use “the trade of a hawker throughout the Transkei”, as “a blind to enable him to spread subversive propaganda in other Districts”.<sup>505</sup> The decision of the Magistrate was clearly influenced by a letter from the Office of the Security Branch in Umtata that reported on the political activities of Ntwana between October and December 1959.<sup>506</sup> According to the Magistrate, Ntwana addressed secret meetings at the kraal of the deported Sineke Tyaliti in Manzimahle and at Lower Lufuta and Mtingwevu Locations.<sup>507</sup> Not only did the Magistrate use the above as grounds to refuse Ntwana the Hawkers’ License, he appealed to the Chief Magistrate to consider deporting Ntwana.

The Chief Magistrate showed himself to be inconsistent in his assessment of what counted as sufficient evidence to justify a deportation. Although he turned down the application for the Hawkers’ Licence, the Chief Magistrate regarded the evidence as “too indefinite to warrant its being placed before the Governor-General for his consideration”.<sup>508</sup> In the attempt to uncover more decisive evidence, the Security Branch conducted a search on 2 May 1960 at the kraal and trading station of Ntwana. This exercise did not produce any worthwhile evidence.<sup>509</sup> Fearing arrest, Ntwana, together with another resident of Emnxé, Ben Tyeku, skipped to former Basutoland, now

---

<sup>502</sup> CMT, 3/1484. Letter dated 4 November 1959 from Cala Magistrate to the Chief Magistrate.

<sup>503</sup> CMT, 3/1484. Application to the Bantu Affairs Commissioner, Xhalanga, dated 18 January 1960.

<sup>504</sup> CMT, 3/1484. Letter to the Receiver of Revenue, Cala, dated 15 February 1960.

<sup>505</sup> CMT, 3/1484. Letter dated 2 March 1960. Three days after this letter, the Chief Magistrate turned down the application.

<sup>506</sup> See below under “The role of political organisations in the Xhalanga unrests”.

<sup>507</sup> CMT, 3/1484. Letter to the Chief Magistrate, dated 1 April 1960. Headman Robert Msengana was cited at the informant.

<sup>508</sup> CMT, 3/1484. Letter to the Magistrate, Cala, dated 8 April 1960.

<sup>509</sup> CMT, 3/1484. Letter from the Cala Magistrate to the Chief Magistrate, dated 27 July 1960. The police found various documents including *The New Age*, a Pamphlet entitled *No participation in celebrations of 50 Years of Oppression*, issued by the ANC (Cape) dated January 1960, and a booklet entitled *What has*

Lesotho.<sup>510</sup> The Magistrate of Cala confirmed to the Chief Magistrate that Ntwana fled to former Basotoland, ‘in the belief that the Emergency Regulations would be applied to Xalanga District’ and thus with the intent of escaping ‘detention under these regulations’.<sup>511</sup>

The above events should be viewed against the backdrop of a militant political mood that gathered momentum in the country as a whole, especially from the late 1950s. An important development in this regard was the formation of the Pan Africanist Congress (PAC) in 1959. Hardly a year after its formation, on 21 March 1960, the PAC embarked on a pass campaign that ended in the Sharpeville massacre.. Following these and other events, the apartheid regime declared a State of Emergency and banned political organisations such as the PAC, ANC and SACP. Some rural areas became part of this wider political resistance. It is in this period, as the next chapter will show more clearly, that Ntwana established some political links with individuals and political organisations such as the ANC.

## **Conclusion**

The vision of grand apartheid meant that the main recommendations of the Tomlinson Commission on land tenure, steeped as they were in the United Party political discourse, were not acceptable to the apartheid regime. The proponents of apartheid were interested in re-tribalisation, where traditional authorities and headmen would play a pivotal role in policing Africans in the rural areas of the Bantustans. The implementation of the conservation measures, and developing the reserves, were secondary considerations. Given the link between Tribal Authorities and the implementation of the conservation measures, there was general resistance against Tribal Authorities. In Xhalanga, it was particularly the relatively small but powerful landholders, descendants of the beneficiaries of the 1883 Thembuland Commission recommendations, who were

---

*happened to the non-european Unity Movement.* Interestingly, they did not regard these as sufficient evidence.

<sup>510</sup> Ntwana confirmed in the interview that he left in June 1960.

<sup>511</sup> CMT, 3/1484. Letter dated 27 July 1960.

vehemently opposed to Tribal Authorities. They were the ones who would be directly affected by the Rehabilitation measures, particularly that of relocation.

Tribal Authorities were further discredited in Xhalanga because chiefs and headmen were central to their implementation. Xhalanga had a long history of rejection of chieftainship, especially by the landholders and 'school people'. The association of chiefs with Tribal Authorities made it even harder for chiefs to be accepted in Xhalanga. Thus, for example, while it could be argued that chief K.D. Matanzima had some support in Xhalanga, as a result of his role in the establishment of the Matanzima Secondary School in the 1940s, he immediately lost whatever popularity he might have enjoyed when he stepped in to promote Tribal Authorities in Xhalanga.

Although this chapter has shown that there appeared to have been support for chiefs, especially Paramount Chief Sabata and Chief Matanzima, my argument is that this support was not necessarily based on an acceptance of chieftainship in Xhalanga. For example, while people such as headmen Msengana and Mvinjelwa and acting headman Mrwetyana were supportive of Tribal Authorities and Matanzima, they were opposed to Matanzima's insistence that Xhalanga should be divided into two Tribal Authorities, each falling under the two chiefs, Gecelo and Stokwe. They clearly had other material interests in supporting Tribal Authorities. With regard to Sabata, informants such as Ntwana have suggested that they supported Sabata because they saw him as a better alternative to Matanzima. How tenuous this support was, was demonstrated by the fact that Sabata could not even convince his followers that they should accept Tribal Authorities.

The establishment of Tribal Authorities in Xhalanga also became a terrain for the battle for control of Emigrant Thembuland between Sabata and Matanzima. Both were committed to the establishment of Tribal Authorities and chieftainship. This chapter has shown how for various reasons, Sabata lost the struggle. Matanzima's consistency and reliability as a collaborator clearly made him a favourite in the eyes of the government officials, particularly of the Magistrate and Chief Magistrate.

The response of the government to the opposition shown by the people of Xhalanga to the establishment of Tribal Authorities and chieftainship was, initially, an attempt to promote the idea of Tribal Authorities as the rational choice. When this failed, more coercive methods were used. It is at this point that the Chief Magistrate and Magistrate identified Matanzima as a more reliable and decisive collaborator compared with Sabata. Together with the security police, Matanzima and the Magistrates formed a formidable alliance at the district level. The favoured method was deportation. Even as this method was suggested, there seems to have been an attempt to create a semblance of justice on the part of various government officials that deportation should be preceded by an inquiry. The dominant thinking was that deportation would serve as a deterrent, and an inquiry would lend legal weight to this effort to intimidate the opponents of Tribal Authorities. This thinking seems to have changed towards the end of 1959. There was no inquiry held for Tyaliti, the first person to be deported in Xhalanga. By this time, the political mood in the country had become rapidly and increasingly militant, culminating in the Sharpeville massacre of 21 March 1960, and the subsequent banning of political organisations and the declaration of a State of Emergency. The next chapter will focus on developments in Xhalanga in the politically stormy period of the early 1960s.

## CHAPTER 7

### **'Tshisa, tshisa' (burn, burn) and the role of political organisations in Xhalanga**

#### **Introduction**

Until the late 1950s, political organisations were not prominent in the long history of rural resistance in Xhalanga. The documentation and interviews upon which this study is based show no evidence of mobilisation by political organisations in the district. Different individuals and personalities came to the fore at various moments of the resistance, but no single leader emerged for any length of time, and nor was there any indication that these individuals were working for political organisations. Quite clearly, resistance in Xhalanga up to the late 1950s was an almost spontaneous response to local issues that were affecting landholders in particular. However, between the late 1950s and early 1960s, organisations such as the AAC and ANC were becoming involved in the district. Resistance in Xhalanga had, by the late 1950s, become more organised and militant. This was despite court actions and deportations. The second half of 1960, in particular, has left an indelible mark in the memories of many people who were in Xhalanga at the time. This period could truly be regarded as the climax of resistance in the area that went back to the late nineteenth century. The people of Xhalanga refer to this period as *'tshisa, tshisa'* ('burn, burn') to capture both the form of resistance and the response of the state and its supporters; the phrase indicates the burning of huts of both pro- and anti-government figures in the district.<sup>512</sup> State reaction was brutal. In many ways, the growing militancy of the area's inhabitants, and the violence of the state's actions, reflected a similar mood in the rest of the country. The Sharpeville and Langa shootings in March 1960 and their aftermath made the mood in the early 1960s in South Africa even more electric.

---

<sup>512</sup> The burning of huts was apparently a popular method of resistance against Tribal Authorities in many rural areas in the former Bantustans (Mbeki 1984). This method was also used in Tsolo against stock thieves (Peires 1999:10).

This chapter traces the process of resistance against Tribal Authorities, specifically by political organisations, and how the state crushed it. Matanzima's role in the state's response to opposition will be highlighted. The chapter focuses, in some detail, on the policies of the AAC and ANC on rural areas in the reserves, and in particular, how they conceived of the land question and the nature of rural society, and how this translated into practice.<sup>513</sup>

### **ANC and AAC policies and practice in the countryside**

Until the mid-1930s, the ANC was the main African political organisation. By the 1930s, the organisation was almost moribund. According to Walshe, it 'had lost its pre-eminence in African politics' and could not, for example, provide 'the organisation and leadership to co-ordinate opposition' to the 1935 Native 'Hertzog Bills' (Walshe 1987:119; see also Tabata 1950). The organisation was particularly weak in the Cape in the 1930s and early 1940s. Bundy (1992:8) has noted that in welcoming a visit by ANC President, Xuma to Port Elizabeth, a correspondent warned: 'The AN Congress is almost dead here'. With regard to the Transkei, Govan Mbeki had written to Xuma in May 1941: 'The Transkei is, to be frank, politically in mid-night slumber' (quoted in Bundy 1992:9).

In response to this lack of leadership and organisation, especially in the light of the 'Hertzog Bills', the All-African Convention (AAC) was formed in 1935. Roux described the formation of the AAC in these terms: 'There was a remarkable degree of unanimity. Organisations which had previously opposed each other now agreed to work together' (1964:288). The ANC was one of the founding organisations (Walshe 1987:119). However, despite his positive remarks, Roux had grave doubts about the possible effectiveness of the AAC in opposing the Bills. Referring to the delegates, he remarked:

The 400 delegates represented very little but themselves. Most communists and other radicals pleaded for militant action, for strikes, for passive resistance. They were cold-shouldered into silence. The 'big guns' of the Convention were all for negotiation and moderation. ... Try as they might, they could not rouse the

---

<sup>513</sup> These two organisations are the ones that are mentioned in documents and interviews.

masses even to effective demonstrations, let alone to strikes and passive resistance. An Afrikaner paper proclaimed in newspaper placards: “*Naturelle bly stil*” (Natives remain quiet). It was only too true; the masses did not act (Roux 1964:289; also quoted in Drew 2000:201).

By the late 1930s, the remarkable unity described by Roux had collapsed, with the ANC having reservations about the AAC, and choosing to re-establish itself “as the central body for the co-ordination of African opinion” (Walshe 124).<sup>514</sup> According to Drew, these tensions had other consequences - they “catalysed a generational shift in black politics that would have ramifications for both the AAC and the ANC” (2000:213). Drew, here, was referring to the radicalisation of politics in the 1940s.

The establishment of the ANC Youth League in 1943 transformed the ANC from the moribund organisation of the 1930s to a militant movement. The Youth League was established by disgruntled young intellectuals in the ANC. According to Simons and Simons, the Youth League called for non-collaboration, boycotts and a programme of action, “and related its demand for equality and freedom to a vision based on traditional African values adjusted to the conditions of an industrial society” (1983:546). Anton Muziwakhe Lembede, the first elected president of the Youth League and, until his death in 1947, its’ key spokesperson, spelt out the tenets of the Africanist identity. He described “the fundamental structure of Bantu society” as “soci alistic”, in which “land belonged to the whole tribe”. Further, he argued that the society was democratic:

(A)ny man could rise to any position ...by virtue of the qualities of courage and ability which were possessed by such a man. In our Councils of Khotlas any citizen could take part in discussions, and if a case was being tried, anyone could ask questions and cross-examine the accused (Quoted in Karis and Carter 1979:315).

The Youth League’s appeal to African nationalism should be seen, as Nash has noted (1998:10), against the backdrop of intensified segregation following the promulgation of the ‘Hertzog’ Bills, which excluded even the educated Africans from a common South

---

<sup>514</sup> For a detailed account of the tensions between the ANC and AAC in the late 1930s, see Drew (2000:204-213).

African citizenship, promised by the assimilationist vision. However, African nationalism, despite its appeal to the pre-colonial past, was not seen as a return to tribalism. According to Lembede: "Only a few dwarfish, stunted and antiquated individuals still cling tenaciously to tribalism" (quoted in Nash 1998:10). When the ANC Youth League adopted its "basic policy" in 1948, it declared tribalism to be "the mortal foe of African Nationalism", and called for a "relentless war" on it (Karis and Carter 1979:330)<sup>515</sup>.

Lembede introduced a motion in an ANC meeting in 1946, urging Africans to struggle for full citizen rights, and to boycott elections to the Natives Representative Council and parliament (Simons and Simons 1983:579). This motion showed the commitment of the Youth League to radical politics. The militancy of the Youth League culminated in the adoption of a "programme of action" in July 1949. The programme, inter alia, rejected "segregation, apartheid, trusteeship and white leadership" (Simons and Simons 1983:602). It is worth noting, though, that the programme did not specify the Youth League's policy on the rural areas of the reserves.

Unlike the ANC, the AAC developed a clearer policy on the reserves. When it was established in 1935, the AAC focused on the franchise. Things changed when radicals in the Workers' Party took over the AAC in 1943.<sup>516</sup> The Workers' Party was critical of the AAC policy, in particular, its silence on the land question. For them the land question was the heart of South Africa's social struggle. One of its leading figures, Tabata, argued that the reserve policy was premised on the restriction of land to ensure a cheap workforce. Land hunger, then, was for him and the Workers' Party the root of the problem in the reserves (Drew 1991:463). Tabata and the Workers' Party argued that Africans were predominantly a landless peasantry which could be mobilised for social revolution on the issue of land hunger (Drew 1991:464). In the same year, the Non-European Unity Movement (NEUM) was formed as a united front of 'nonwhite' organisations. The NEUM based its unity on a principled acceptance of non-

---

<sup>515</sup> See also Nash (1999:10).

<sup>516</sup> The Workers' Party was a union of Trotskyists in Cape Town and Johannesburg (Drew 2000:145).



collaboration and its Ten Point Programme. This programme linked the land question with South Africa's other socio-economic and political problems (Drew 1991:464).

The Transkei African Voters' Association's (TAVA) adopted a resolution at its annual meeting in December 1942 in favour of a direct vote based on individual franchise. This was one of the early signs of the radicalisation of politics in the Transkei. However, the main development appears to have been the establishment of the Transkei Organised Bodies (TOB) in 1943.<sup>517</sup> This body sought to link local groupings and disparate interests into a single, co-ordinated pressure group. Govan Mbeki, one of the leaders of the Youth League, was elected as its first General Secretary (Bundy 1992:25). In the second year of its establishment, the TOB was caught up in a national campaign against the pass laws. The TOB was undoubtedly an important instrument for political mobilisation in the Transkei. The activities of the TOB laid a foundation for the resistance to the Betterment and Rehabilitation Schemes in the Transkei from the late 1940s.

The radicalisation of politics in the Transkei led to a fierce competition for political influence between the AAC and ANC. We have seen that both Mbeki (ANC) and Tabata (AAC) were active participants in the resistance against the Rehabilitation Scheme towards the end of the 1940s. Thus, Simons and Simons' allegations against Tabata that he, together with Kies and Gool 'dissipated their energies on denunciations of militants outside their ranks and turned 'noncollaboration' into a synonym for inactivity' (1983:546), seem to be unfounded polemics. However, it is in the struggle for control of the TOB that this competition appeared to have manifested itself. After leading the organisation from its inception, Mbeki had, by 1948, lost the battle for control of the TOB.

One reason for this may have been the manner in which the ANC reacted to two critical events in the 1940s. First, as noted, TAVA had adopted a radical resolution in favour of a direct franchise in 1942. A challenge presented itself in June 1947, when a by-election,

---

<sup>517</sup> Note that this was the same year that the ANC Youth League and the NEUM were formed.

following the death of a sitting Member of Parliament, was held in the Transkei. In keeping with the 1942 resolution, the executive committee of TAVA advocated a boycott of the election. Govan Mbeki played a leading role in this call for a boycott (Bundy 1992:33-35). However, it turned out at the 1947 ANC Conference that its president, Xuma, and “a coalition of Old Guard and communist members” never endorsed the pro-boycott position of TAVA. Consequently, as Bundy had noted, they “overrode the objections of Youth Leaguers and held that boycott was a two stage venture: NRC (Native Representative Council) candidates should be elected on a pro-boycott ticket, and at some later date they would help mobilize a total boycott” (1992:35). Earlier on, the ANC had let the TOB down in a campaign against the pass laws. Mbeki noted sadly: “The national Executive of the ANC called off the campaign through the Guardian (newspaper). It had not informed us at the lower levels. It makes a statement in the Guardian that the campaign has been called off. In the meanwhile, we are still continuing and telling the people there is this campaign” (quoted in Bundy 1992:33).

The above episodes reveal serious tensions between the ANC and its Youth League, and were quite embarrassing to Mbeki. His pro-boycott position sat well with the militant attitude of the Youth League. It will be recalled that Lembede had, in 1946, introduced a motion in favour of a boycott of the elections of the NRC. The ANC position in 1947, however, clearly showed that the organisation was not ready for proposals as radical as boycotts.

The ambivalence of the ANC played into the hands of the AAC. The establishment of the left-wing Non-European Unity Movement in 1943, and its decision to affiliate to the AAC, had transformed the AAC into a radical organisation. The organisation’s orientation towards politics was summed up by its leader, I.B. Tabata, in his letter to Nelson Mandela, dated 16 June 1948: “ It is not what the members say or think about an organisation that matters. It is not even a question of the good *intentions* of the leaders. What is of paramount importance is the programme and principles of the organisation” (quoted in Karis and Carter 1979:362, original emphasis). The programme of the NEUM was based on the principle of non-collaboration with the government and its institutions

(Tabata 1950). The inconsistent position of the ANC towards institutions such as the Native Representative Council, Advisory Boards and iBhunga, made it a soft target of the Non-European Unity Movement dominated AAC. Tabata's hard-hitting words to Mandela attest to this:

It is possible that you are not aware of your contradictory position or if you are aware of it you excuse yourselves by such argument that you want to keep the people together, that you want unity and are opposed to splitting tactics. But this kind of argument is the essence of opportunism. Any attempt at unity without a *principled basis (programme)* can lead to confusion of any movement. To put it another way, any organisation which is not founded on the solid rock of principles is a prey of every wind that blows (quoted in Karis and Carter 1979:368, original emphasis).

Tabata's letter to Mandela was written in the same year that the TOB changed its alliance from the ANC to the AAC. By this time, it appears, the AAC was the dominant political organisation in the countryside of the Transkei. Bundy has cited a number of reasons that the ANC weakened in the Transkei, including the "ANC executive's loss of enthusiasm for the anti-pass campaign and its vacillations over the boycott" of the election, as well as Tabata's arrest in 1948 in the Transkei while campaigning against the Betterment Scheme (1992:37). It is thus not surprising that when reference was made to political organisations in Xhalanga in the late 1950s, the name of the AAC received more attention than that of the ANC.

### **Xhalanga in the late 1950s and the role of political organisations**

Government officials and supporters attributed the disturbances at Matanzima Secondary School on 12 August 1958 directly to the AAC. The Chief Magistrate, who attended the meeting, adamantly declared: "The people who tried to break up the meeting are ... believed to be instigated by the All African Convention whose procedure seems to be, from two or three of my personal experiences, to oppose everything done by the Government and to break up meetings by shouting and howling".<sup>518</sup> Chief K.D. Matanzima, too, associated the disturbances with the AAC:

---

<sup>518</sup> CMT, 3/1484. Letter to the Secretary for Native Affairs, Pretoria.

I was informed that the men ... are the members of a movement or organisation known as the Parent Association which is affiliated to the All African Convention whose President is Attorney Tsotsi. At the meetings of this Association the Government is attacked together with all those who support the Government. Although this body may be registered as a welfare organisation I strongly recommend, Sir, that its meetings in Cala be prohibited. That the District of Cala (*sic*) be declared closed to the people of the Ciskei".<sup>519</sup>

Matanzima's recommendation was clearly an attempt to ban Tsotsi and his articulated clerks, R.S. Canca and Digby Koyana. The office of Tsotsi was in Lady Frere, which at the time was part of the Ciskei. Tsotsi was the president of the AAC in the 1950s, while his articulated clerks were members of the organisation. According to Tsotsi, his initial contact with Xhalanga dated back to the mid-1950s, when resistance against the Rehabilitation Scheme and against Matanzima began. He argued that in so far as there was an active political organisation in Xhalanga in the mid- to late 1950s, it was the AAC. He claimed that some of the key activists, including Ntwana, were members of the AAC. But Tsotsi was quick to point out that it was "the peasants" who "were the driving force".<sup>520</sup> Tsengiwe also confirmed Tsotsi's active involvement in Xhalanga. According to him, Tsotsi held his meetings at Emnxe: "I know that Tsotsi was very active (in Xhalanga). I was a member of the AAC. I was a member of SOYA."<sup>521</sup> The AAC issued a pamphlet on revolt at Mnxe".<sup>522</sup>

Matanzima had every reason to be hostile towards Tsotsi. The two studied together at the University of Fort Hare. Both came from the Transkei and referred to each other as *mkhaya* (home boy). They were close friends. Tsotsi used to stop at Matanzima's place on his way from court cases in the vicinity of Cofimvaba. Although Matanzima never joined the All African Convention, Tsotsi contends that Matanzima was, especially in the 1940s and early 1950s sympathetic to the AAC.<sup>523</sup> The friendship between them was, according to Tsotsi, "abruptly broken and replaced by a mutual distrust" when

---

<sup>519</sup> CMT, 3/1484. Letter addressed to the Native Commissioner, Cala, dated 27 August 1958. The Ciskei was one of the former Bantustans in the Eastern Cape.

<sup>520</sup> Interview, Durban, 9 February 2000.

<sup>521</sup> Society of Young Africans, established by I.B. Tabata, as the youth wing of the AAC. Interview with Sobantu Mlonzi, Cala, 8 January 1999.

<sup>522</sup> Interview, Queenstown, 24 January 2001.

Matanzima accepted Tribal Authorities in the mid-1950s. In his letter to Matanzima, dated 13 January 1955, Tsotsi formally terminated the friendship in these terms: ‘But the political differences between us have become too great to be overlooked, and I owe it to our personal friendship in the past to indicate my change of attitude to you, personally, before I am called upon to attack you publicly’ (1989:85-6). Tsotsi’s letter never received a reply.

The association of Abel Ntwana with the activities of the AAC provided further evidence of the influence of the AAC in Xhalanga. Ntwana, it seems, was active in the Xhalanga African Parents Association. According to headman Mvinjelwa, it was ‘a well known fact that’ Ntwana ‘is a member of the All African Convention. The Xhalanga African Parents Association is affiliated to the All African Convention and is used by the latter organisation to propagate the policy of the latter. Abel Ntwana is the person who fulfils this role at meetings of the Xhalanga African Parents Association and he also goes about the locations spreading the propaganda of the All African Convention, as well as at meetings held in connection with the administration of Native Affairs’.<sup>524</sup> In his affidavit, dated 3 September 1958, the herbalist, David Abraham Wassen Zulu, also declared that Ntwana was ‘a strong supporter of the All African Convention organisation and I have also heard from reliable sources that he used to belong to the Communist Party whilst it was still in existence and that he had joined the Communist Party some years ago whilst he was still working in Johannesburg’.<sup>525</sup>

Yet despite these descriptions of him, Ntwana denied that he was a member of the AAC. According to him, while he was a migrant worker his political home was the Communist Party of South Africa. As will be seen below, Ntwana disputed the notion that there were any active political organisations in Xhalanga in the period before he fled in mid-1960. This included the ANC. According to him, there were ‘no political organisations behind the resistance of ordinary people, except individuals like myself. ... There was no

---

<sup>523</sup> Interview with W. Tsotsi, Durban, February 2000.

<sup>524</sup> CMT, 3/1484. Affidavit dated 8 September 1958.

<sup>525</sup> CMT, 3/1484.

Congress there. It was individuals, Makhiwane and myself”.<sup>526</sup> Although not certain about the year, Tsengiwe thought that Ntwana “could have been ANC”.<sup>527</sup> But Tsotsi was very clear that Ntwana was a member of the AAC. If it is true that Ntwana participated in the activities of the AAC affiliated Parents Association in Xhalanga, then Tsotsi’s view would be understandable. Unfortunately, I could not confirm with Ntwana whether he was a member of the Parents Association or not. Ezra Sigwela, a stalwart of the ANC in Xhalanga and currently an ANC Member of Parliament, has suggested that Tsotsi used his position as a lawyer to recruit opponents of government policies in Xhalanga, including Ntwana, to the AAC.<sup>528</sup>

Archival records show a definite shift in Xhalanga from political support for the AAC towards the ANC from the late 1950s. Ntwana personifies this shift. Having been associated with the A.A.C. in 1958, in the records from the end of 1959 Ntwana re-emerged as an activist of the ANC. According to the police, on 10 October 1959, Ntwana attended an executive meeting of the African National Congress held at New Brighton, Port Elizabeth. Delegates from Queenstown and the Transkei also attended. The meeting, it seems, discussed an A.N.C Conference that was to be held in the Transkei at Engcobo on 21-23 October 1959. The police further reported that on 22 October 1959, Ntwana “and three other natives ... held discussions in private”, after which they left “by bus on 23 October 1959”. It was reported that they met Ambrose Mzimkulu Makiwane “who is also an active member of the African National Congress”. Ntwana also attended the annual African National Congress Conference held at Durban on 12-13 December 1959, although he “did not take part in the discussions at this conference”.<sup>529</sup>

The question here, is how does one account for the demise of the influence of the AAC, however limited, and the emergence of the ANC. A widely held perception was that the

---

<sup>526</sup> Interview, Mochudi, Botswana, 25 March 2000.

<sup>527</sup> Interview, Queenstown, 24 January 2001.

<sup>528</sup> Interview in Cala, 10 January 2000. See also Loyiso Dingiswayo’s unpublished paper, “The *Tshisa Tshisa*”, at the CALUSA library in Cala. Dingiswayo’s paper takes the form of unstructured notes and reflections, and does not contain any references.

AAC was essentially an organisation of intellectuals whose primary focus was political analysis, which was often polemical, and without any serious attempt to establish a mass base (see Simons and Simons 1983:546). Some scholars did not regard the AAC as an activist organisation, especially outside the Transkei. Lodge alleges that the activities of the AAC took the form of pamphleteering, holding public meetings and offering legal aid for those who ended up in court (Lodge 1983:87). According to Bundy, “the most important component within” the AAC was the Cape African Teachers Association (CATA). From 1943 to 1948, teachers who were members of the NEUM waged a “bitter and ultimately successful struggle” for control of CATA (Bundy 1992:36).<sup>530</sup> This suggests that the AAC, aside from the support of teachers, did not have a mass base. Joe Majija, the clerk at nearby Arthur Tsengiwe Training School in 1958, observed that the “political mood in Cala in 1958” did not show any “visible strains of revolution”. He pointed out that “teachers<sup>531</sup> were aware of politics” and were “influenced by Wycliffe Tsotsi and CATA”. In his estimation, “they were a cartel, their politics was professional, not mass based”.<sup>532</sup> According to Sigwela, the AAC failed to win mass support largely because they used “high floating English language” and were “polemical”.<sup>533</sup>

Recently, a former member of SOYA, Sobantu Mlonzi, made the following critical observations about the AAC/Unity Movement:

There was this thing about the Unity Movement and the peasants. I’m not sure how far they organised themselves. I was involved with Mzimkhulu (Mbulawa) and Sisa (Mvambo) here in Cala. We would come here and Mr Ntwana was aware we were progressive, articulate and we were not members of the ANC, but we were sympathetic to peasant organisation around Cala ... This was between 1957 and 1959 ... I don’t know what the peasant movement was trying to achieve.<sup>534</sup> We would be called to these meetings to address them, and then we would leave and they would continue with their business ... It wasn’t kind of organisationally, it was just that when we were progressives, and we were in Cala,

---

<sup>529</sup> CMT. 3/1484. Letter from the Office of the Security Branch to the Magistrate, Cala, dated 16 February 1960.

<sup>530</sup> Some of these figures were W.M. Tsotsi, A.C. Jordan, N.N. Honono, L.L. Sihlali, R.S. Canca, C.M. Cobus, Mda Mda, V. Hermanus and A.K. Mazwai.

<sup>531</sup> He mentioned V.Nonkonyana, Majija (now a Reverend) and H.M. Tsengiwe.

<sup>532</sup> Interview with Majija, Umtata, 16 March 2001.

<sup>533</sup> Interview in Cala, 10 January 2000.

<sup>534</sup> Mlonzi was referring to the resistance of the Xhalanga landholders against the conservation measures.

there was something that was happening, we wanted to get involved. I was getting conscious that the Unity Movement was not at grass root level, excluding what they did in Phondoland, of which I do not know, but otherwise, it was a paper organisation. If the Unity Movement had been consistent, it should have been part of the earth moving, epoch events, such as 1952, Freedom Charter, Sharpeville and Langa.<sup>535</sup>

While the above criticisms of the AAC are substantially valid, it is important that the activist role that leaders such as Tabata and Tsotsi played in the struggles against the Betterment Scheme should not be forgotten.

The decline of the AAC/Unity Movement in Xhalanga could also be linked to a split within the organisation 1958 especially as it seems to have occurred around the same time. This split happened largely on racial grounds, between the so-called 'Coloureds', following Kies and Jaffe, and 'Africans', following Tabata.<sup>536</sup> It also was, in some way, linked to the broader issue of the political organisation and mobilisation of rural society. The nature of the rural population in South Africa has eluded both scholars and activists. Scholars such as Chaskalson (1987), drawing on accounts of rural resistance against Betterment, have argued that rural residents, including migrant workers, identified more with the land and the countryside than with the city (see Drew 1991:460). Beinart and Bundy (1987) on the other hand, argue that migrant workers in the 1940s were neither completely proletarianised nor peasants. Hendricks (1990) has characterised rural residents as a "displaced proletariat" given that the apartheid regime gave up, in the 1950s, the project of developing the reserves (by then called Bantustans). Even South African early communists in the International Social League had grappled with the nature of migrant labour. Early communists were intrigued by migrant workers as the latter did not seem to fit the communists' understanding of a classical proletariat, devoid of any control of the means of production (Ntsebeza 1987; Grossman 1985).

The AAC's activities in the Transkei in the 1940s and 1950s were informed by its reserve policy adopted when the Workers' Party gained control of the organisation in the early

---

<sup>535</sup> Interview, Cala, 8 January 1999. A number of former and current members of the Unity Movement expressed similar sentiments in interviews and conversations with me. They include M.Mbulawa, M.P. Giyose, Don Kali and Justice Poswa.



1940s.<sup>537</sup> We have seen that according to this policy, the land question was the heart of South Africa's social struggle and that land hunger was the root of the problem in the reserves. Flowing from this analysis, the majority in the AAC, and Tabata in particular, had concluded that Africans were predominantly a landless peasantry which could be mobilised for social revolution on the issue of land hunger (Drew 1991:464). As Drew has observed, the ANC and CPSA's Govan Mbeki had also concluded that rural residents were peasants (Drew 1991:466).

That the African population in the 1930s and 1940s was overwhelmingly rural (Drew 2000:146) might have influenced both Tabata and Mbeki to draw their conclusion. However, Drew has criticised Tabata (and by implication Mbeki) on the grounds that the class-consciousness of reserve-dwellers and migrant labourers was far from uniform. According to her, some protested against unemployment, while others fought to retain their meagre holdings of land and cattle, while a thin stratum continued to accumulate larger holdings (1991:461-2). More fundamentally, Drew has argued that the rural population at the time 'was in a state of flux because of the migrant labour system'. According to her, the AAC thesis 'suffered from an overly quantitative analysis, over-emphasizing the agrarian struggle because the black population was still predominantly rural, and over-emphasizing the role of white labour because of its quantitatively greater role in urban industry. It assumed that political consciousness and aspirations flowed directly from material conditions' (2000:146).

The turning point, leading to the split in the AAC appears to have been sparked by left-wing critics within the AAC who insisted that the anti-Rehabilitation protests were anti-proletarianisation and hence appealed to the potentially conservative aspiring peasantry (Drew 1991:469). According to Drew, Tabata dismissed the critics, arguing for the need to mobilise people on the basis of their immediate needs and demands, rather than abstract goals. These needs and demands revolved around the right to buy and sell land, one of the demands of the NEUM's Ten Point Programme. Tabata was in favour of this

---

<sup>536</sup> See Drew (1991) on this 'split'.

land demand, while Kies argued against it. At the same time, pressure for more militant assistance against Rehabilitation and Bantu Authorities was building up in the reserves. The response of some members of the Workers' Party and NEUM was for continued propaganda and education rather than agitation and mobilisation (Drew 1991:474).

Drew has suggested that there was more to the conflict than just a theoretical disagreement. According to her, a number of individuals within the NEUM began pushing for a more moderate political approach. Apartheid laws such as *the Suppression of Communism Act*, the *Criminal Laws Amendments and Public Safety Acts* and *the Bantu Authorities Act* made propaganda, agitation and organising more and more risky (Drew 1991:476). In Tabata's view, according to Drew, the conflict inside the group was between theoreticians who were not involved in organisation and those engaged in practical grass-roots activity (1991:478). In the final analysis, the Workers' Party sidetracked the demand for arms, leading to a split in 1958 at the December Conference (Drew 1991:480). The impact of the AAC in the rural areas of the former Bantustans suffered another blow when leaders such as Tabata and Tsotsi were forced to flee the country in the early 1960s.

The ANC, by contrast, developed from a weak organisation in the 1930s to a mass based organisation in the late 1950s and early 1960s. An important turning point was the establishment of the ANC Youth League in the early 1940s and its adoption of a programme of action in 1949. This programme was essentially a strategy document rather than setting out social goals (Lodge 1983:69). The 1950s saw the ANC embarking on a number of activities, including the Defiance Campaign of 1952 and other protests. It is also in the 1950s that the Freedom Charter was adopted. Although, as Lodge notes, in the 1950s the ANC was "not a revolutionary organisation" and "did not have a carefully worked out long-term strategy", its greatest strength, compared to the AAC was that it did not avoid "mass action" (1983:77). For this reason, it was possible for ordinary people to relate to it.

---

<sup>537</sup> The Workers' Party was divided on this issue and the policy referred to here is the majority position (see Drew 2000:145).

Most of the mass based activities of the ANC in the 1950s were in urban areas. However, as protests against Tribal Authorities in the rural areas accelerated, the ANC could no longer ignore these areas. In the case of Xhalanga, according to Sigwela, Mzimkhulu Makiwane was deployed from the University of Fort Hare to play a leadership role and serve as a link between the ANC executive and the struggles of ordinary people.<sup>538</sup> Makhiwane left for exile when, according to Sigwela and Dingiswayo, Matanzima summoned him to Qamata. Although Tsotsi was dismissive of the role of Makhiwane, claiming that Makhiwane's sister, Thandiwe, "was arguably more active", Mlonzi and Mbulawa credited him for being an ANC activist in the area. Mlonzi thought that Makhiwane was somehow involved in the 1946 Mineworkers strike. Mlonzi and Mbulawa had high regard for the role Ntwana played at Emnxe. Mlonzi saw Ntwana as "broadminded" in the sense that he used to invite them "to some places in Nyalasa and Lufutha" to provide political education to "the peasants".<sup>539</sup> According to Mlonzi, "the ANC was strong at least in the Cala area, because Ntwana was ANC".<sup>540</sup>

Despite the role the AAC and ANC played in Xhalanga as described above, there was general agreement among interviewees, including Tsotsi, that the "peasants"<sup>541</sup> were the driving force behind the resistance in Xhalanga. Again, the resistance of the late 1950s appeared to have been driven by local interests. Ntwana repeatedly told me in interviews and conversations over three days, that it was the ordinary, landholding, stock-owning people of Xhalanga who were behind the resistance. According to him, it was only in the late 1950s or early in 1960, after Ntwana had "led a delegation to a conference that was held in Durban" and "before I left for Lesotho" that they "told the people about the ANC".<sup>542</sup> For his part, Mbulawa averred: "The struggle was sustainable because of the people and what they were struggling for, rather than driven from outside by political

---

<sup>538</sup> Interview, 10 January 2000.

<sup>539</sup> Mbulawa and Ntwana confirmed this in my interviews with them in Botswana.

<sup>540</sup> Although not certain, Mlonzi thought this would be around 1959.

<sup>541</sup> Tsotsi, Mlonzi and Ntwana used the term 'peasants' to describe those to whom I refer as 'landholders' in this study.

<sup>542</sup> This was presumably the conference the police referred to above.

organisations. That is why the struggle continued even when Ntwana and others had left”.<sup>543</sup>

One of the reasons why there seems to have been a gap between political organisations in Xhalanga, and ordinary rural residents, was the low level of political engagement. This was despite the fact that the AAC prided itself on taking up the peasant and land struggles. While this might have been the case in other parts of the Transkei, it doesn't appear as if this was the case in Xhalanga. Apart from Tsengiwe, most interviewees in Xhalanga remember Tsotsi more as a human rights lawyer than an activist. The pre-occupation of the members of SOYA was largely intellectual and seemed to lack an understanding of the bread and butter issues rural residents were grappling with. The intellectuals were seen as aloof. According to Ntwana, the “peasants” were highly suspicious of educated people, especially professionals who were earning a salary. These professionals did not openly align themselves with the land struggles of the rural areas. Ntwana remembered that when he proposed that their group should invite political activists to provide them with political education and explain what was happening, politically, in South Africa, “the uneducated refused to accept them”. Ntwana further explained: “The peasants were very careful. They believed in me. I was the only educated person who was among them”.<sup>544</sup> When Ntwana succeeded in persuading rural residents to invite intellectuals, the level at which political education was pitched did not address the immediate concerns of rural inhabitants. This gap is evident in Mlonzi's interview:

Ntwana was broadminded and would call Mzimkhulu (Mbulawa) and myself at night to some places in Nyalasa and Lufutha, from one spot to another spot, because the peasants were secretive. I remember we went into some kind of an underground cave and peasants were there sitting and we started addressing them. We addressed them about the struggle in a generalised fashion and from an educated person's perspective. They were watching and listening. We spoke in English and I am not sure whether we were making an impression or not, given that we were young. At one stage, when I was introduced as the son of Reverend

---

<sup>543</sup> Interview, Pitsane, 25 March 2000.

<sup>544</sup> Interview, Mochudi, Botswana, 24 March 2000.

Mlonzi, one person shouted: *Umfundisi uMlonzi akangongcothoza?* (Is Reverend Mlonzi not a spy?). It was romantic.<sup>545</sup>

The use of English suggests that SOYA members were an elite, and remote from their audience.<sup>546</sup> Mlonzi explained that after giving their input, they would leave the 'peasants' to discuss their matters. It would appear from Ntwana's testimony that discussions were dominated by the need to raise funds to hire lawyers in the event that some of them may be arrested or deported.

The above accounts of Ntwana, Mlonzi and Mbulawa relate mainly to the period before 1960. As already indicated, it is in this year that a number of events took place, both nationally and locally. Events that had a national significance included the Sharpeville and Langa massacres in March 1960, the subsequent banning of the ANC and PAC, and the declaration of a state of emergency. In Xhalanga, the main event was *tshisa, tshisa*.

### **Tshisa, tshisa: the climax of resistance in Xhalanga**

This section provides a detailed description of events leading to, and the actual incident of, the burning of huts in the second half of 1960s in Xhalanga. These events took place at Emnxe, an area that had a long history of resistance to government policies dating back to the introduction of the District Council in Xhalanga in the late nineteenth century. An analysis of the significance of these developments in the history of resistance and repression in South Africa will be provided in subsequent sections.

#### *The build-up to the burning of huts in the second half of 1960*

The landholders of Emnxe, in particular, continued to resist the interference of Matanzima, after the eQolombeni Tribal Authority was imposed on them towards the end of 1957. The Tribal Authority had, 'in consultation with Chief K.D. Matanzima' and without any "direct consultation between the Community Authority and the residents",

---

<sup>545</sup> Interview, Cala, 8 January 1999.

<sup>546</sup> According to Mlonzi, English was the language used in their SOYA study groups.

appointed former councillor, Solomon Mrwetyana as the acting headman of Emnxe.<sup>547</sup> Headmen continued to play a role in the Tribal Authority system as heads of Administrative Areas. However, under the *Bantu Authorities Act*, they were accountable to the Tribal Authority rather than the Magistrate. Prior to the appointment of Mrwetyana, the Emnxe residents had elected one Jonas Ntungwa as a replacement for the deceased Manzana.<sup>548</sup> They had followed the now familiar colonial procedure which, for the most part, they had come to accept. Although the Magistrate made the final appointment, this system allowed adult male rural residents to elect their headman. In almost all cases in Xhalanga, the Magistrate merely endorsed the popular decision.<sup>549</sup> The Xhalanga system differed from areas such as Phondoland, where headmen were appointed from amongst the relatives of chiefs.<sup>550</sup> To the extent that headmen in areas such as Xhalanga were effectively elected until retirement, without periodic elections and a system of recall, this kind of representative democracy was, indeed, limited.

Matanzima and the Magistrate were not happy with the election of Ntungwa, preferring a compliant headman, Mrwetyana, instead. By 1958, Mrwetyana had already shown himself to be a loyal supporter of the government and Matanzima. Not only did the Magistrate confirm this appointment, he indicated that Matanzima would conduct the acting headman's installation.<sup>551</sup> Clearly, the Emnxe residents expected to be consulted in the appointment. The expectation that they should be consulted should be understood against the background that consultation was a requirement during the colonial period. Matanzima, though, was clearly not committed to this kind of democracy, limited as it was, but preferred appointing headmen without consultation.

---

<sup>547</sup> Umtata archives, file 3/27/3/11, headman: Mnxé, part II. Letter from the Magistrate to the Chief Magistrate, dated 8 September 1958. This appointment followed the passing away of headman Manzana on 30 June 1958.

<sup>548</sup> Ntungwa was one of the accused in the case arising out of the disruption of the Chiefs' installation meeting of the 12 August 1958, discussed in the previous chapter.

<sup>549</sup> The only exception, as earlier noted, was at Mbenge farm/location, with its peculiar circumstances as discussed in the previous two chapters.

<sup>550</sup> Kepe's current work in Phondoland (2001; 2000; 1997) reveals that headmen and sub-headmen in Phondoland continue to be chosen from the relatives of chiefs. They are also referred to as 'chiefs'.

<sup>551</sup> Umtata archives, file 3/27/3/11, headman: Mnxé, part II. Letter from the Magistrate to the Chief Magistrate, dated 8 September 1958.

Not surprisingly, the move to appoint Mrwetyana as acting headman drew an angry response from the people of Emnxe. They organised a meeting with the Magistrate. At the meeting, held in the Magistrate's Office, Cala, one Ben Tyeku, spokesperson of an Emnxe delegation, informed the Magistrate that the people of Emnxe wanted the Magistrate 'to come out and appoint a headmen'.<sup>552</sup> Tyeku was referring to the system of appointing headmen that they knew, where residents chose their headman. When the Magistrate wanted to know whether the delegation did 'not accept the fact that, according to law, the Community Authority must appoint a headman', Tyeku's response was that the 'location as a whole is against the Community Authority'. The delegation made it clear that they would not accept a headman who 'is a supporter of Government measures like stabilisation'.<sup>553</sup>

The Magistrate's decision not to accede to the demands of the delegation did not make things easy for Mrwetyana at Emnxe. Mrwetyana reported to the Magistrate that 'many of the Emnxe people' would not co-operate with him 'at all'. It seems, according to the Magistrate, that the mood at Emnxe was militant:

I have discussed the headmanship of Emnxe Location with Arthur Mvinjelwa, Head of the Eqolombeni Community Authority, recently, but when I first mentioned the matter to him some months ago, I could see that he did not relish the task of holding a meeting in that area. Mvinjelwa is one of the best headmen in this District, but he has already been threatened with assault and forced to leave a meeting in which the Emnxe people have been part.<sup>554</sup>

An informant had recalled that there was widespread rumour at Emnxe that, fearing attack, Mrwetyana slept with a revolver under his pillow.<sup>555</sup>

Determined to pursue its policies, the government refused to concede to the wishes of the residents of Emnxe. Instead, the Magistrate recommended that 'certain agitators from

---

<sup>552</sup> Ben Tyeku, as seen in the previous chapter, fled Emnxe for Basutoland with Abel Ntwana. It has not been possible to establish how the delegation was constituted in interviews and archives.

<sup>553</sup> Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Minutes of a meeting held on 27 February 1959.

<sup>554</sup> Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter to the Chief Magistrate, dated 29 February 1959.

<sup>555</sup> Interview with H.M. Tsengiwe, Queenstown, 24 January 2001.

this District” should be deported. He was responding to the 1956 incident at Emnxe, when the Magistrate at the time was threatened with stoning. The Magistrate argued: ‘if (the Emnxe people) were prepared to go to such lengths with the Native Commissioner ... they will probably go further when the person concerned is one of their own race”. This ‘person concerned” was undoubtedly Mrwetyana. The Magistrate made strong suggestions that most of the men, including Jonas Ntungwa, Swelindawo Vena, Mabanga Mboyiya and Ben Tyeku, who were part of the delegation to his office be considered for deportation.<sup>556</sup>

The call by the Magistrate for deportation came at more or less the same time that efforts were made to deport the so-called big four: Ntwana, Nyovane, Tyaliti and Ntamo. What is interesting, though, is the omission of Ntwana from the above list of ‘agitators’, as he also came from Emnxe. It does seem as though Ntwana was, at least up to October 1959, either not active, out of Emnxe, or simply keeping a low profile. This probably explains why the Magistrate was later to point out in the 1 August 1959 letter referred to earlier that Ntwana, Nyovane and Ntamo were ‘quiescent”. Available police reports are also silent about Ntwana’s activities in most of 1959. According to police records, Ntwana became involved in ANC politics from October 1959.<sup>557</sup>

When the Chief Magistrate proposed that Emnxe be ‘left without a headman at all”, Matanzima objected on the grounds that the people of Emnxe wanted ‘a puppet of a political movement to be Headman”.<sup>558</sup> Matanzima’s suggestion was that Mrwetyana be the acting headman until the Eqolombeni Community Authority appointed a permanent headman as soon as ‘political agitation in that location has subsided”. According to him,

---

<sup>556</sup> Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter dated 29 February 1959. As noted, Ntungwa was one of the accused in the case arising out of the disruption of the 12 August 1958 meeting, as was Vena.

<sup>557</sup> Having not read the archival material at the time I interviewed Ntwana, I did not enquire from him where he was up to October 1959.

<sup>558</sup> Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter to Chief K.D. Matanzima dated 9 March 1959. The political movement Matanzima was referring to would most probably be the AAC. This will be discussed see later in the chapter.



a number of people ‘are pleased in having Mrwetyana ... because of his moderate and progressive ideas’.<sup>559</sup>

It is not clear what Matanzima’s grounds were for his assertion that Mrwetyana enjoyed some support. On the contrary, the fact that Matanzima opted for the principle of appointing headmen, without testing the will of the rural people, suggests that in the case of Mnxe, he had a strong sense that Mrwetyana was not popular. Matanzima’s assertion in early 1959 hints that he doubted Mrwetyana’s popular support. In this assertion, Mrwetyana’s support seems to derive from his power over resources, rather his popularity: ‘Those people who do not want (Mrwetyana) as their headman are not forced to interview him. They must adopt other means, if any, in seeing to their social needs’.<sup>560</sup> Tribal Authorities and their incumbents were not only instruments of direct repression, but also providers of essential services and social needs such as land, water and old age pensions. No other institutions provided these services. In this regard, Tribal Authorities became an inescapable fact of rural life, and even its ardent opponents could not bypass this system. It is this phenomenon of the concentration of power in one authority that Mamdani (1996) metaphorically refers to as a ‘clenched fist’, leading to a ‘decentralized despotism’.

The initial repressive response of the government to resistance in Xhhalanga, in the form of the deportation of Tyaliti from Manzimahle in August 1959, and police harassment which led Ntwana and Tyeku to take flight, was no deterrent. Instead, the forces of resistance adopted new methods of struggle. For example, meetings became secret and were held at night.<sup>561</sup>

---

<sup>559</sup> Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter to the Chief Magistrate dated 16 March 1959.

<sup>560</sup> Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter to the Chief Magistrate, dated 16 March 1959.

*'Tshisa, tshisa' (burn, burn)*

The setting alight of huts in the second half of 1960 was arguably the climax in the long struggle in Xhalanga. A few months before the first huts were burnt, there were rumours that Alex Tikana, one of the accused in the 1958 court case, and his group were 'busy preparing young men to take petrol to set the huts and kraals alight of all those people who want chiefs and who are with the Government and Bantu Authorities'.<sup>562</sup> Interviewees who knew him described Tikana as bold, confrontational and militant, and did not rule out that Tikana might have made the threats.

The burning of huts in Xhalanga took place in July and August 1960. The first incident occurred on 16 July 1960, when a store and hut were partially set alight.<sup>563</sup> The store and hut belonged to a supporter of government policies. This suggests that it was those who resisted government's policies who waged the first attack. The victim, George Kolaniso, stated in his affidavit that the Magistrate and acting headman Mrwetyana had earlier organised meetings that 'became disorderly and nearly ended in a fight'.<sup>564</sup> It would appear that Kolanisi is the same person that Mrs Ntwana referred to as Magqeshekati. According to her, the first huts were burnt 'in the Mission Area. Red people (*amaqaba*) lived in that area. We heard that the house of Magqeshekati was set on fire. He was a red person, from eMnxé, and belonging to the side of K.D. (Matanzima), abaThembu'.<sup>565</sup> Other incidents of burning the huts of government supporters took place from 14 to 16 August 1960.<sup>566</sup>

---

<sup>561</sup> Interviews from Mlotha, Ntwana, Mlonzi and Mbulawa.

<sup>562</sup> CMT, 3/1484. Affidavit by Johnson Ngqayana of Manzimahle, dated 20 May 1960. Ngqayana stated that he received the information from Tikana.

<sup>563</sup> CMT, 3/1484. Letter from the Cala Magistrate to the Chief Magistrate, dated 19 August 1960.

<sup>564</sup> CMT, 3/1484. Affidavit by George Kolanisi, dated 29/8/60 at 1.30 pm. Mrs. Ntwana has described the mood before the burning of huts as 'very tense'.

<sup>565</sup> Interview, Emnxé, 1 April 2000.

<sup>566</sup> CMT, 3/1484. Letter from the Magistrate to the Chief Magistrate, dated 19 August 1960. The huts belonged to Wilson Mbuqe, Douglas Maneli and George Kolanisi, all of Emnxé location. In his affidavit, Douglas Maneli stated that he was 'greatly hated in the location because of my refusal to pay money towards the funds of the "Congress" (see later). Wilson Mbuqe's hut was burnt for apparently having talked about the people of Emnxé in Matanzima's court at Qamata.

The response to the burning of huts of supporters of the government showed that the state would turn a blind eye, perhaps even implicitly support 'retaliatory measures', rather than ensure that no one would be allowed to take the law into their hands. According to Mrs. Ntwana, each time the huts of "abaThembu" were set alight, the latter would march to town 'as a big group'. According to her: "No one knew what they went to town for". It appears, though, that these men went to the police to report. For example, on 18 August 1960, the Cala police organised night patrols at Emnxe. Later events, however, suggest that the so-called 'night patrols' were a ploy on the part of the state to protect and help supporters of Tribal Authorities when attacking their opponents.

There is strong evidence to suggest that the Magistrate was actively involved in this alliance. Initially reporting that no incidents were reported on the night of the 18<sup>th</sup> August, later, in the same letter, he condoned the attacks on the grounds that "the law-abiding element was preparing to retaliate".<sup>567</sup> In the same letter, he reported three incidents. These incidents were, first, an attempt to set fire to Wilson Mbuqe's remaining hut; secondly, the murder of Willie Vintwembi Manzana and third, the burning of two huts belonging to Kleintjie Ngamlana. Mbuqe was a supporter of government policies while Manzana and Ngamlana were part of the opposition. The fact that the main victims were opponents of government policies may explain why the Magistrate seemed casual about murder. In fact, he seemed to justify the murder of Manzana as "an act of retaliation for the hut burnings". Seemingly trying to discredit or agitate against Manzana, the Magistrate announced: "I am informed that he was one of the chief agitators and a 'Congress' man in the location. He was also one of a group of men who was convicted here in December 1958, for the part he played in a serious disturbance which broke out at the installation ceremony of Chief Matanzima, at the Matanzima Secondary School in this District. He was strongly opposed to Chief Matanzima and the Bantu Authorities".<sup>568</sup> Of Ngamlana, the Magistrate reported: "Kleintjie Ngamlana is stated to be one of the Congress men, and a reference to him will be found in the second

---

<sup>567</sup> CMT. 3/1484. Letter from the Cala Magistrate to the Chief Magistrate, dated 19 August 1960.

<sup>568</sup> CMT. 3/1484. Letter from the Cala Magistrate to the Chief Magistrate, dated 19 August 1960.

last paragraph of page 2 of Wilson Mbuqe's statement. This burning would therefore also appear to be an act of retaliation".<sup>569</sup>

No arrests were made for the murder of Manzana. Interviewees claimed that very little, if any, attempt was made to conduct an investigation. Informants were adamant that Manzana's neighbours, assisted by Matanzi ma's supporters from Tsengiwe, were behind the murder. According to informants, two families of abaThembu, emaKhondweni and emaNuneni, flanked Manzana. The attack was apparently launched from the emaKhondweni house. According to Mrs. Ntwana, one of the sons of Manzana "saw the people who were to kill his father. He was a friend of the boys of the neighbour. He saw the spears and assegais that were used, lined along the wall".<sup>570</sup> She also stated that a young couple from emaKhondweni left that night for white farms (*emabhulwini*) and never returned. Her view was that they were scared. Mrs Ntwana also claimed that "the killers left behind a shoe". Rather than protect the victims, informants claimed that the police watched as abaThembu vowed that Manzana would not be buried. This threat should not be given its literal meaning. It must be seen against the background that large crowds of people attend African funerals to show their last respect to the deceased. The enemies of Manzana probably wanted only his family to bury him in order to show that he was not popular. However, funeral arrangements were made, amidst a heavy police presence on the day of the funeral. Although there were no incidents at the funeral, most people did not even wait to eat after returning from the graveside, as they feared attack.<sup>571</sup>

Ntwana mentioned in his interview that soon after the murder of Manzana, appeals were made to him that he should return. He explained:

When Manzana was killed, people wanted me to come back. I once came back and held a meeting in Cala at night. I was nearly arrested. I was from Lesotho,

---

<sup>569</sup> CMT, 3/1484. Letter dated 19 August 1960. As indicated, I will deal with the role of political organisations in Xhalanga later in this chapter.

<sup>570</sup> Attempts to trace this son were not successful, as they no longer stay in Xhalanga.

<sup>571</sup> Interview with Mrs. Ntwana, 1 April 2000. There was apparently, on the same day, an unveiling of the tombstone (*izila*) of one of Matanzima's supporters, Henry Nkunkuma at nearby Tsengiwe. Apparently unaware that there was an unveiling of the tombstone, those attending the Manzana funeral feared that "abaThembu" would attack them.

and I went to give commands as to what people should do.<sup>572</sup> After the meeting, Jongizizwe Dyantyi organised a taxi owned by Willie Rooi. Rooi informed the police. I saw the police as I was approaching the car and ran away with Dyantyi.<sup>573</sup>

This interview seems to corroborate the view that Ntwana was seen in Xhalanga after they fled.

Although no further incidents of setting huts on fire took place after the night of 18 August 1960, people at Emnxe lived in a state of fear. One of the events that left an indelible mark in the minds of both young and old living in Emnxe at the time was the abandoning of houses at night especially after the murder. Mrs. Ntwana's interview somberly captures the spirit of the time: "People would leave their homes at night and stay in the mountains, and come back during the day to prepare food. It was during the night that these house were burnt ...It was really bad, my child. We did not sleep while in the mountains. We slept during the day, or else at Reverend Ngewu's Mission and the church hall. At least they respected the church".

The tide, it seems, had turned in favour of the supporters of Tribal Authorities, who, of course, enjoyed the support of the state. This was certainly the view of informants, both supporters and opponents of Tribal Authorities. According to Mrs Ntwana, the supporters of Tribal Authorities at Emnxe were reinforced by "Amaqaba from Tsengiwe". One Mandlangisa, whose husband was associated with the supporters of the government, gave accommodation to those government supporters whose huts were burnt.<sup>574</sup> But her grandchildren remembered that they, too, slept in the mountains.<sup>575</sup>

Although by the end of 1960 there was sufficient calm to allow people to go back to their homes, there were sporadic incidents in which threats to set huts alight were made, and pamphlets were distributed. These incidents were not restricted to Emnxe. For example,

---

<sup>572</sup> Note the use of giving "commands", as opposed to democratic discussions and consultation.

<sup>573</sup> Interview, Mochudi, Botswana, 24 March 2000.

<sup>574</sup> Mandlangisa explained that her house was regarded as safe, as there was a belief that she had a revolver.

<sup>575</sup> Conversation with Zoleka Ntsebeza, who was 5 years old in 1960.

a ‘bundle’ of pamphlets, *Izwi Lomzi*, dated December 1960, posted from Port Elizabeth to headman Tofile of Manzimahle, denounced chiefs who were collaborators and made a call to ‘the people’ to stand ‘hand in hand’ and fight ‘Bantu Authorities’. It demanded ‘unmixed FREEDOM’.<sup>576</sup> Once again, headman Msengana was singled out, and as before, he held Ntwana liable. On 10 May 1961, a pamphlet purporting to come from ‘Associations or Organisations of Africa’ was sent to one Sampson Mguli. It accused Mguli of being a ‘murderer of the whole nation’. It went on: ‘You profess to lead the people in Church affairs yet you betray your own people and your children. ... If these organisations or Associations knew the denomination to which you belong, they would write to such denominations and order you to be excommunicated or expelled because you are a murderer.’<sup>577</sup> Although some people regarded Mguli as a government supporter, Mlotha defended him, claiming that although ‘Mguli was among the school people who were in favour of Matanzima, we knew that he was on our side. He would attend meetings and report to us’.<sup>578</sup>

But these incidents were few, and far between, and did not capture the attention of ordinary rural residents. The ‘retaliatory measures’ of the state and its supporters, especially the murder of Manzana, seems to have fragmented resistance in Xhalanga. As Mlotha reflected: ‘It was all well, until that murder. We did not expect that’. If the murder of Manzana broke the back of resistance, deportation delivered the final blow.

### *Deportation*

Mbeki (1984) has sketched how deportations were, by 1960, widely used against the opponents of the government in many parts of the former Bantustans. In the words of one informant, Sobantu Mlonzi: ‘That was a punishment those days’.<sup>579</sup> As at July 1960, only Tyaliti had been deported in Xhalanga, although, as we have seen, Matanzima and

---

<sup>576</sup> CMT, 3/1484. Attached to a letter from the Magistrate to the Chief Bantu Affairs Commissioner, dated 22 December 1960. See also letter dated 19 August 1960.

<sup>577</sup> CMT, 3/1484. Attached to a letter from the Cala Magistrate to the Chief Magistrate, dated 18 May 1961.

<sup>578</sup> Interview in Cala, 5 January 2000.

<sup>579</sup> Interview with Sobantu Mlonzi, Cala, 8 January 1999.

the Magistrate were making all sorts of pleas to the Chief Magistrate to have more people deported. When it was revealed that the main target, Abel Ntwana, had fled the country around May 1960, Alexander Tikana became the next. We have seen above that on the eve of the burning of huts, Tikana was accused of threatening some people with arson. It is thus not surprising that when huts were burnt in July and August 1960, the Magistrate, Marsberg, and supporters of Tribal Authorities concluded, without proof, that Tikana was responsible.

In his long letter to the Chief Magistrate after the incidents of 18 August, Marsberg described the situation at Emnxé as giving “cause for anxiety”. Along with other Magistrates before him, he depicted Emnxé as “the hub of all the subversion in this District”, adding, incitingly: “The rest of the District watches to see what the subversive element in Emnxé will do next, and whether they will get away with it”. He expressed fears “about signs that are appearing that the existence of Bantu Authorities here is in danger”. Marsberg submitted “the following suggestions”, which he felt “may assist in curbing the activities of the ` Congress’ men and should help restore the confidence of the loyal and law-abiding people in the location”:

Alex Tikana should be deported immediately. This step is strongly supported by the local police. There is no time to be lost in Tikana’s case, as the available evidence indicates that he is one of the men behind the hut burnings. ... From time to time, ever since my arrival in Cala in June 1957, I have had trouble with Alex Tikana. ... Up to a short while ago, the indications were that Abel Ntwana was the chief agitator here, but now that Abel Ntwana has fled to Basutoland, Alex Tikana has taken his place.<sup>580</sup>

It is not clear what available evidence Marsberg was referring to.

Although Marsberg had supported the retaliatory measures taken by the supporters of Tribal Authorities on the night of 18 August, he pursued the ` legal’ route of deportation. Marsberg held the same view that most government officials had that deportations had a deterrent effect. He made a passionate plea that information would have to be “allowed to leak out” about the pending deportation, arguing that,

---

<sup>580</sup> CMT, 3/1484. Letter to the Chief Magistrate, dated 19 August 1960.

by doing this, a good number of them will follow the examples of Abel Ntwana and Ben Tyeku and leave the District. I am informed that similar rumours were circulated in Manzimahle Location after the removal of Edward Sineke Tyaliti from that location on the 28<sup>th</sup> October 1959, and that, as a result things are quiet there. In the case of Abel Ntwana, it was not long after the Security Branch had searched his kraal that he realised that the time had come for him to remove himself to Basutoland.<sup>581</sup>

Following a process similar to the one pursued with regard to Tyaliti, the Magistrate collected affidavits from the most prominent and loyal supporters of government policies, acting headman Mrwetyana, headmen Msengana and Mvinjelwa, as 'evidence' against Tikana. Mrwetyana, who had earlier reported to the Magistrate that Tikana was threatening people with burning their huts, admitted that he did not have proof that Tikana was behind the burning of huts but claimed that he was "quite satisfied that he is the chief danger in the location". Mrwetyana agitated the government to act "in such a way as to put a stop to the activities of these people", otherwise, "Bantu Authorities will come to a stop".<sup>582</sup> Msengana confirmed Mrwetyana's allegations, adding: "I know those men whom he has mentioned. They are all bad men. He omitted a name viz. Willie Manzana, but in any event, I have heard that that man was killed last night. He should include Eleazor Masoka in that list".<sup>583</sup> Headman Mvinjelwa described Tikana as "a fluent speaker" who "can easily convince the people not to accept the scheme. Alex Tikana has got a great influence in the Emnxé and surrounding locations and I am certain that should he be deported the spirit of the Anti-Bantu Authorities group will be broken". Mvinjelwa accused Tikana of being "the brains behind the recent burnings".<sup>584</sup> Affidavits were also collected from some of the government's supporters whose huts were burnt. These affidavits resembled those above in tone and content.<sup>585</sup>

---

<sup>581</sup> CMT, 3/1484. Letter dated 19 August 1960.

<sup>582</sup> CMT, 3/1484. Affidavit dated 18/8/60. He listed the following people as working with Tikana: Mbeke Kewana, Kleintjie Ngamlana, Mputa Mgemane, Ntsumpa Mgemane, Josiah Yolo, Makamba Mdlalo, Breden Mdlalo and Makandilili Yakobi.

<sup>583</sup> CMT, 3/1484. Affidavit dated 19 August 1960.

<sup>584</sup> CMT, 3/1484. Affidavit dated 29 August 1960.

<sup>585</sup> CMT, 3/1484. See affidavit dated 29/8/60 by Douglas Meneli and Kolaniso.



Unlike previous occasions, where the Chief Magistrate and/or the Secretary for Native Affairs had insisted on more convincing evidence, the action of the Governor-General this time was swift. On 19 September 1960, exactly a month after most of the affidavits had been made, the Secretary for Bantu Administration and Development wrote a letter to the Chief Magistrate in Umtata. In this letter, he advised him of the decision to remove Alex Tikana to the farm 'Frenchdale' in the district of Mafeking, in the Province of the Cape of Good Hope. The order was signed on 15 September 1960.<sup>586</sup> This swift action seems to have taken Magistrate Marsberg by surprise. A few days after the order was signed, he was still trying to convince the Chief Magistrate that although things had, 'for a week or so', been quiet at Emnxe, he still felt that 'a few deportations from Emnxe Location will assist in bringing these people to their senses'. He recommended: 'Perhaps the deportation of Alex Tikana, followed by a mass meeting addressed by you, and personal warnings against known members of the agitator group, will assist'.<sup>587</sup>

On 28 September 1960, Tikana left Cala for Mafeking. But his departure was not without drama. In the presence of 'the usual crowd of curious onlookers' that had 'collected', Tikana was, according to Magistrate Marsberg, 'defiant, insolent, and non-repentant'. He told the crowd 'he would never accept the Headman or a Chief', and 'in the presence of the Police, called on the people present to see to it that, should the Police ever set foot in Emnxe Location, they should be killed'. Tikana apparently told the Magistrate 'to instruct acting Headman Mrwetyana, of Emnxe Location, ... that under no circumstances should he ever set foot at Tikana's kraal during his absence'.<sup>588</sup>

However, having drawn first blood, the forces of resistance at Emnxe were, by the end of 1960, dealt a severe and crippling blow. The deportation of Tyaliti in 1959, the fleeing of Ntwana and Ben Tyeku, the burning of their huts, the murder of Manzana and the banishment of Tikana, all contributed to the defeat. This onslaught was undoubtedly the turning point in the long struggle against segregation and apartheid in Xhalanga. What was at stake for the state was the role of Chief K.D. Matanzima.

---

<sup>586</sup> CMT, 3/1484.

<sup>587</sup> CMT, 3/1484. Letter to Chief Magistrate, dated 18 September 1960.

### **Divide and rule – Matanzima style**

For years, Matanzima referred to the people of Xhalanga as *amadyakobi*. This term is presumably a form of the word ‘Jacobins’, denoting the French Revolutionary political group. The Concise Oxford Dictionary defines a Jacobin as a “member of radical democratic club established in Paris in 1789 in the old convent of the Jacobins; any extreme radical” (Allen ed. 1991:633). It has not been possible for me to establish why Matanzima used this term in particular.<sup>589</sup> As an educated Chief, with a Bachelor of Arts degree, he most probably had read about the French Revolution and must have related the hostility he received in Xhalanga to the “extremism” of the Jacobins. In many ways this was reflective of the kind of opposition he faced in Xhalanga.

One of Matanzima’s strategies of subjecting the people of Xhalanga to his control was, following his colonial and apartheid masters, that of divide and rule. He created the impression that the people who spearheaded the resistance in Xhalanga were a tiny clique of ‘agitators’, without any meaningful support. This was in essence the message behind his claim that Mrwetyana enjoyed support at Emnxe. On the eve of the burning of huts at Emnxe, Matanzima manipulated and reconstructed the ‘ethnic’ divisions between amaMfengu, generally taken as ‘the school’ people (*amakhumsha*) and abaThembu (popularly referred to as the ‘red people’ or *amaqaba*). He mounted a campaign to insinuate the notion that tensions at Emnxe, in particular, were ‘ethnic’, between amaMfengu and abaThembu.

The origins of these ‘ethnic’ divisions in Xhalanga have been discussed in the first chapter of this case study. It has been argued in that chapter that these divisions were not static. Formal, Western education, Christianity and urbanisation played a key role in breaking down these divisions. We have seen that by the mid-1940s there was already a demand in Xhalanga for at least a secondary school, which resulted in the establishment

---

<sup>588</sup> CMT, 3/1533.

<sup>589</sup> Attempts to interview Matanzima have not been fruitful. Those close to him are protective of him on the grounds that he is too old to be interviewed. He is about 87 years of age.

of two secondary schools by the end of the 1940s. Both amaMfengu and abaThembu rallied behind this call. Breaking down these divisions, however, was gradual. For example, Xhalanga retired educationist, B.S.C. Mkumatela contended that the distinction between *amakhumsha* and *amaqaba* was still evident in the 1950s. Another retired educationist, H.M. Tsengiwe, also confirmed that although the divisions were blurring, people still talked about a divide along 'ethnic' lines.<sup>590</sup> In other words, although the material conditions could have changed in the sense that umThembu married iMfengu, and that *amaqaba* were becoming *amakhumsha*, the divisions remained in the consciousness of the people in Xhalanga. Mrs. Ntwana's interview brilliantly captures this tension in Xhalanga. Born in Nqamakwe, the place, as she put it, of amaMfengu (*emaMfengwini*), Mrs. Ntwana came to Emnxe in 1955, when she got married. She recalled: "I was surprised when I came here to hear this distinction ... There was this gulf between the two. AmaMfengu did not want their children to marry the children of amaQaba, *although marriages happened among the children of the two groups*. There were tensions when I came here" (my emphasis).<sup>591</sup>

Again, closely linked to the 'ethnic' divide in Xhalanga was the question of social gradation. The residents of Xhalanga were broadly divided between the landholders of Schedule A and B quitrent titles on the one hand, and the landless along with PTO holders, the majority of whom had no access to fields for cultivation, on the other hand. These divisions were still evident in the 1950s. According to Abel Ntwana: "The title ruled in Xhalanga. Those who did not have title had nothing to protect them. They lived on the land of the property owners, hence the term, *amalose*. They were like farm labourers or labour tenants".<sup>592</sup> The majority of the landholders were amaMfengu, while *amalose* and PTOs holders were mainly from abaThembu. That *amalose* changed from a state of landlessness to one of being holders of PTOs does not necessarily mean that class divisions vanished. All it meant was that the divisions were modified. Additionally, the

---

<sup>590</sup> Interview, Queenstown, 24 January, 2001. See also interview with B.S.C. Mkumatela, eMbenge, January 2000.

<sup>591</sup> Interview, Emnxe, 1 April 2000.

<sup>592</sup> Interview, Mochudi, Botswana, 26 March 2000. Reiterated in the interview with former headman Kupe, Emnxe, 1 April 2000. It must be pointed out, though, that Ntwana uses "title" in a loose sense. The title he

problem of landlessness, as will be seen in the next chapter, remained, largely due to an influx of people from commercial farms and natural population growth.

Matanzima capitalised on the fact that the majority of the landholders in Xhalanga were of amaMfengu origin, and the landless were mainly abaThembu. He used the class divide as a basis to mobilise support along ethnic lines. His target group for support was the landless abaThembu. A former headman, Kupe, recalled Matanzima's words in an effort to rally support among abaThembu: "What would be better would be for you to come to my side so that we drive amaMfengu away. After that, you will get land".<sup>593</sup> Headman Fani of Cala Reserve also confirmed that Matanzima built his support and support for Tribal Authorities around the land question: "The majority of the people of Cala Reserve accepted the Rehabilitation Scheme hoping that they would get more land".<sup>594</sup> According to Mrs Ntwana, there were threats, accusations and counter-accusations between abaThembu and amaMfengu: "When there were threats against amaMfengu, the latter responded by saying that abaThembu will be driven back to the 'boers' (*emabhulwini*), where they came from. AbaThembu, on the other hand, claimed this was their land, and that they will drive amaMfengu back to *eNgqushwa*, where they belong".<sup>595</sup> Almost all the interviewees felt that Matanzima succeeded in reviving ethnic divisions that were otherwise blurring. According to Mrs. Ntwana, the 'school' and 'red' people were residentially "mixed". Former headman Kupe remarked that they were "living harmoniously with the 'red people' and inter-marrying".

Thus I would argue that Matanzima's success in dividing the people of Xhalanga and building his support along ethnic lines is doubtful. In the first place, Matanzima's eminent loyalists, headmen Mvinjelwa and Msengana, the heads of the Eqolombeni and Ehlathini Tribal Authorities respectively, and acting headman Mrwetyana, were

---

is referring to is a quitrent title issued under Schedule A and B as discussed in Chapter 4. It is not a freehold title.

<sup>593</sup> Interview, Emnxe, 1 April 2000.

<sup>594</sup> Interview, Cala reserve, 15 March 2000.

<sup>595</sup> *Engqushwa* is the Xhosa name for Peddie. When amaMfengu were refugees under amaGcaleka, and were treated as subjects, the Governor of the Cape, Sir Benjamin D'Urban arranged for their transfer to Peddie in 1835, "hoping that they would become potential military allies and labourers" (Davenport 1987:65).

amaMfengu. Secondly, Matanzima failed to mobilise meaningful support among the people of Xhalanga and was, in the words of H.M. Tsengiwe, always accompanied by ‘his hordes from Qamata’, whenever he went to Xhalanga.<sup>596</sup> An account by Magistrate Marsberg of a meeting at the Matanzima Secondary School on 17 September 1960, confirms Tsengiwe’s assertion. Soon after the wave of hut burnings and the murder of Manzana at Emnxe, Matanzima held this meeting. According to Marsberg, ‘the agitator group’ was ‘under the impression that they would be able to indicate, by means of a vote, whether they supported Matanzima or not’. When it turned out that this was not the purpose of the meeting, and the ‘agitator group’ decided to leave, Matanzima flexed his muscle by calling them back ‘and reminded them that such conduct on their part would result in action being taken against them’. In the event, the group ‘then resumed their places and remained at the meeting until it ended’.<sup>597</sup> That the group ‘resumed their places’ was not surprising given the pressure to which the forces of resistance were subjected after the murder of Manzana. In addition, and this is the main point here, Matanzima was, as always, accompanied by his supporters from St. Marks, who were brought in three busses. There were also ‘Police reinforcements from Engcobo, Cofimvaba, Tsomo and Ngqamakwe’, that ‘stood by as a precautionary measure’. According to the Magistrate: ‘It was also reported to me that many people present believed that two lorry loads of soldiers had been brought in, and this, too, may have had the effect of keeping the agitator group in order’. Under these circumstances, Marsberg was compelled to conclude, ‘from enquiries made’, that it seemed ‘doubtful whether Chief Matanzima’s meeting achieved much success’.<sup>598</sup>

Further evidence that Matanzima did not have support in Xhalanga was shown in the ‘election’ process of a headman at Emnxe on 21 November 1960. When Matanzima appointed acting headman Mrwetyana, he indicated that a permanent headman would be elected when resistance subsided at Emnxe. It would appear that he considered conditions towards the end of 1960 as conducive to an election. A candidate, William Ngamlana, complained in separate letters to the Magistrate and to the Attorney’s Office,

---

<sup>596</sup> Interview, Queenstown, 24 January 2001.

<sup>597</sup> CMT, 3/1484. Letter to Chief Magistrate, dated 22 September 1960.

Grahamstown, about “a very strange election of the Headman done by Chief K.D. Matanzima”.<sup>599</sup> It would appear that Matanzima characteristically brought with him “a crowd of armed men on horseback”.<sup>600</sup> In the end, the Magistrate dismissed Ngamlana’s appeal as “not clear”.<sup>601</sup> This was irrespective of the fact that the same Magistrate indicated to the Chief Magistrate “that in all probability, no vote was taken” in appointing the headman.<sup>602</sup> Another Ngamlana, Gensil, was eventually “elected” headman.

### **Proclamation 400, the coup de grace**

The above incidents in September and November 1960 show that despite the so-called retaliatory measures of government supporters, including the murder of Manzana, the forces of resistance at Emnxe in particular were still prepared to put up a struggle against Matanzima. The publication of *Proclamation 400* of 1960, however, dealt resistance in Xhalanga, and in the rural areas of the former Bantustans in general, a decisive blow (Mbeki 1984:124). *Proclamation 400* was a draconian measure that provided, amongst other things, for the banning of meetings and banishing of individuals. More significantly for the purposes of this study, it gave wide-ranging powers to chiefs. For example, it was an offence under the *Proclamation* to treat a chief with contempt. Above all, chiefs were given powers of banishment. Hitherto, the Secretary for Bantu Administration and Development had these powers. Not only were chiefs given the power to banish their opponents, they also had the power to demolish the immovable property of their victims. The latter had no recourse to law. A State of Emergency could also be declared in terms of the *Proclamation*. This provision was duly put into effect on 30 November 1960.

---

<sup>598</sup> CMT, 3/1484. Letter dated 22 September 1960.

<sup>599</sup> Umtata archives, file 3/27/3/11. Letters to the Magistrate and the Attorney General’s Office dated 12 December 1960 and 20 December 1960, respectively.

<sup>600</sup> In the letter to the Magistrate it was estimated that the men were “more or less 200”. Apart from the “very strange election”, William Ngamlana complained that on the same day, Matanzima boasted of “chasing the Emnxe people out of his lands”. Matanzima apparently “authorized his messengers to collect beasts and sheep from William Ngamlana, Ben Tyeku, Mavandla Ntwana and Ntsumpa Mgemana”, after having been found guilty by the ‘Bantu Qamata Court’.

<sup>601</sup> Umtata archives, file 3/27/3/11. Letter dated 9 February 1961.

<sup>602</sup> Umtata archives, file 3/27/3/11. Letter dated 6 February 1961.

Matanzima grabbed the powers the *Proclamation* granted him with alacrity. Barely two months after the publication of the *Proclamation*, on 13 January 1961, he signed a removal order. His victim was Mrs Eugenia Ntwana (hereafter Maradebe, to avoid confusion with Asnath Ntwana), the wife of the exiled Abel Mavandla Ntwana.<sup>603</sup> Maradebe was arguably the first woman to be deported in the district. Despite the fact that Abel Ntwana had already fled, the order was issued to him, his wife and “with her members of her household, livestock and moveable property”. She was to be removed to “Keilands location, District of St. Marks, and to remain there for a unspecified period”. Matanzima also invoked Regulation 12 (1) (b) of the *Proclamation* which granted authority to the Messenger of Matanzima’s Court, “with assistance of the persons accompanying him to demolish any hut or dwelling owned by and occupied by” the Ntwanas.<sup>604</sup> Chief Matanzima had on the same day “convicted and sentenced” Maradebe “on four counts of contempt of Court”. Apparently Maradebe did not pay a fine imposed on her, in which event she was “committed to Gaol in Cala to serve a sentence of three months imprisonment in default of payment of fine”.<sup>605</sup> Given that Maradebe could not meet the terms of the banishment order as a result of her sentence, Matanzima issued another order on 20 February 1961 in which he gave her “thirty days from date this notice is served on you”. By this time, Maradebe had been released from prison.<sup>606</sup> However, before the expiry of the thirty days, she left the country and joined her husband in exile, initially in Lesotho, before they eventually ended up in Botswana.<sup>607</sup>

Abel Ntwana’s sister-in-law became another victim of Matanzima. According to Mrs Asnath Ntwana, when Abel Ntwana and his wife left, his sister-in-law was given the responsibility of looking after the house. However, around September 1962,

---

<sup>603</sup> CMT 3/1484. Letter from Magistrate Marsberg to the Chief Magistrate, dated 24 February 1961. Ntwana’s shop in Tsengiwe was run by John Ncoko of Tsengiwe Location until January 1961 when Ncoko was asked to stop trading given that the licence for the shop had not been renewed.

<sup>604</sup> CMT 3/1484. Order under the regulations for the administration of the Transkeian Territories, dated 13 January 1961, issued to Abel Mavandla Ntwana and Eugenia Ntwana and signed by K.D. Matanzima, Regional Chief of Emigrant Thembuland.

<sup>605</sup> CMT 3/1484. Letter from Cala Bantu Affairs Commissioner to Chief Magistrate, dated 23 January 1961.

<sup>606</sup> CMT 3/1484.

‘abaThembu men destroyed the house’ of Abel Ntwana. Recalling what happened that day, Mrs Asnath Ntwana said: ‘Some goods were saved, but others broke. They (the demolishers) were sent by K.D. It was in broad daylight, and in full view of a shocked public’.<sup>608</sup> Ntwana’s sister-in-law was subsequently deported. There were other casualties, including Matanzima’s own supporter, Mawonga Nkunkuma and landholders and owners of stock in Upper Ndwana. They, too, were deported to various parts of the Transkei.

As a final blow, Matanzima used his newly enhanced powers to ensure that his supporters were issued with licences to possess firearms. Headman Robert Msengana of Tsengiwe was the first to apply for a firearm. This was soon after the burning of huts. We will recall that Msengana had reported that anonymous letters threatening him had been sent to him after the first huts were burnt. In recommending his application, Magistrate Marsberg pointed out that ‘the issue of this licence will serve to indicate to him (Msengana) that the State is prepared to support and protect him in his difficult post’. Refusal to issue the licence, Marsberg strongly argued, ‘could possibly result in his losing his life if attacked and this will undoubtedly have an adverse effect on the progress of Bantu Authorities in this District’.<sup>609</sup>

Subsequent applications suggested that the spirit of resistance was beginning to spread beyond eMnxe. In his letter of application to the Bantu Affairs Commissioner dated 28 January 1961, Waqu, the Secretary of amaQwati Tribal Authority, stated that some councillors ‘may be killed or burnt to death at any time by local agents of the congress men in big cities’.<sup>610</sup> Another applicant, Tofile, the headman of Manzimahle, gave an unsubstantiated claim to the Cala Magistrate, that the deported Edward Tyaliti had

---

<sup>607</sup> Interview with Ntwana, Mochudi, Botswana, 25 March 2000. At the time of the interview in March 2000, Maradebe had passed away in a car accident. Abel Ntwana, who was 81 years at the time of the interview, passed away towards the end of that year, in October.

<sup>608</sup> Interview with Mrs. Asnath Ntwana, Emnxe, 1 April 2000.

<sup>609</sup> CMT 3/1484. Letter dated 29 September 1960.

<sup>610</sup> CMT 3/1484. Waqu cited E. Vumazonke and court interpreter N. Kwelelani as ‘(A)mong these unfortunate councillors’. Waqu also stated that ‘disguised men’ enquired from ‘school children at Stokwe’s Basin’ about the ‘kraals of Councillors E. Kuse and E. Mfobo together with that of a Board - member’.



escaped from Sibasa and was hiding in Manzimahle. Almost two years later, Tofile told the Magistrate that there were unknown people driving cars inquiring about Sineke Tyaliti's kraal. Tofile wanted his security to be stepped up in the form of more 'Home Guards' and more revolvers and bullets. Headman Enoch Mfobo also informed the Cala Magistrate on 14 March 1963: 'Things are deteriorating in the location and there is a bad spirit amongst some of the people'. He reported that in December 1962 and February 1963, 'motor cars from Cape Town started coming into the Location'. According to him, the 'bad spirit amongst some people' started after he started seeing these cars. Mfobo told the Magistrate that he was afraid to call meetings to discuss this matter 'because the agitators might retaliate by killing me'. His recommendation was that the Police should conduct 'a 24 hour Road block ... to stop the Cape Town cars which are coming into the Transkei'. Mfobo also requested that he be supplied with 'ten more bullets for my Departmental Revolver ... to enable me to practice' and also 'be supplied with a Departmental shotgun'.<sup>611</sup> Another supporter of Matanzima, B.B. Mdledle, an educationist at Askeaton, applied for the retention of his firearm.

The initial reaction of the government was to delay or refuse granting licenses to the applicants. When this was brought to the attention of Matanzima, he wrote a letter to the Secretary of the Department of Justice in Pretoria, copied to the Chief Bantu Affairs Commissioner in Umtata. In the letter, Matanzima protested that the refusal 'has come as a great surprise to me in view of the state of unrest caused by POQO and other organisations opposed to the Government'. He pointed out: 'Mr Mdledle is one of the men who have rallied around me' and 'I cannot see how we can be expected to defend our lives if your Department deprives us of the few arms we possess'. Matanzima further pointed out that 'POQO members and their allies are illegally armed as is evidenced by the numerous revolvers found on the persons of those who had travelled all the way from Cape Town to Qamata for an attempt on my life ... The Emigrant Tembus have pledged themselves to fight against any forces that may attack the Republic of South Africa. They will do so side by side with the Republican forces'. In concluding his letter, Matanzima reminded the Secretary 'that several applications of the above nature have

---

<sup>611</sup> Others applied, for example, S.N. Mguli, of Emnxe Location.

already been submitted to your Department by loyal subjects from my area and it has surprised me to learn that these applications have been turned down without reasons being given for the refusal”.<sup>612</sup> Informants were of the opinion that it was through Matanzima’s intervention that licenses for firearms were subsequently issued to supporters of government policies. According to Mlotha, resistance declined when Matanzima armed his supporters and was given powers to deport people, emphasising: ‘People feared deportation’.<sup>613</sup>

### **The role of political organisations, women and youth in Xhalanga in the early 1960s**

To the extent to which political organisations played a role in the events of the 1960s, the ANC appears to have been the most visible. We have seen, however, the term often used was ‘congress’. The use of this term in the context of the early 1960s can be confusing. This confusion is captured in the following statement from acting headman Mrwetyana: ‘When they talk about the Congress, I do not know which Congress they are referring to, but they tax people 5/- a head for that Congress’.<sup>614</sup> It should be borne in mind that by 1960, there were two main political organisations representing Africans, the ANC and PAC, the latter having been established in 1959. Hardly a year after its establishment, the PAC played a leading role in the Sharpeville and Langa incidents in March 1960 (Lodge 1983; Roux 1964). My assumption here is that ‘congress’ in the case of Xhalanga referred to the ANC, given that is no evidence of the active involvement of the PAC in Xhalanga, except, as we have seen, in Matanzima’s unsubstantiated claims. As was the case in the late 1950s, archival records and interviews with some of the activists in this period tend to differ concerning the role played by the ANC in the events of the early 1960s. Archival records suggest that the ANC was largely behind the ‘agitation’, while the activists suggested a more nuanced state of affairs.

My overall position is that the struggles in Xhalanga were, by and large, local responses to specific, local issues that affected onegroup in particular - the landholders. This,

---

<sup>612</sup> CMT, 3/1042.

<sup>613</sup> Interview in Cala, 5 January 2000.

<sup>614</sup> CMT, 3/1484. Affidavit dated 18/8/60.

however, does not exclude the possibility that political organisations attempted, with varying degrees of success, to influence things. Neither does it exclude the possibility of outside influences fuelling these essentially local struggles. The role played by migrant workers in Xhalanga in the 1960s seems to show such involvement. An informant, Jama, recalled that as migrant workers in Cape Town, they used to discuss developments at home and liaised with local activists. According to him, they even considered killing the government supporters.<sup>615</sup> Cape Town attracted a number of migrant workers from Emigrant Tembuland. It is in Cape Town that a ‘Poqo-inspired’ plot was hatched to kill Matanzima in 1962 (Lodge 1983:286). The link between migrant workers and the rural struggles in Xhalanga was also evident in the various applications that were made for licences to possess firearms referred to above. We will recall, for example, that Waqu, the Secretary of amaQwati Tribal Authority, stated that that some councillors ‘may be killed or burnt to death at any time by local agents of the congress men in big cities’, and headman Enoch Mfobo claimed that ‘motor cars from Cape Town started coming into the Location’.<sup>616</sup>

By the time the Transkei became a self-governing territory in 1963, resistance in Xhalanga, as elsewhere in the country, has been crushed.

### Women and youth

Throughout the decades of struggle against the District Council and Bantu Authorities, the role of women was marginal. We have seen that one of the Cala magistrates remarked that women did not participate in the election of nominees for the District Council. This is not surprising, given the patriarchal nature of African societies in South Africa. Against this background, the situation in Emnxe during the struggle against Tribal Authorities provides an important example, and a harbinger to future developments in the area. Soon after his hut was burnt, Mbuqe accused women of

---

<sup>615</sup> Interview in Cala, 7 March 2001. Jama claimed that he dropped out of these meetings when his father’s name was included in the list (*utata wayebandakanywa*). ‘My father was very close to Mvinjelwa’. Mvinjelwa, as seen above, was the headman of Sifonondile and head of the eQolombeni Community Authority.

<sup>616</sup> CMT, 3/1484.

‘causing trouble. They also belong to the Congress and they cause trouble. For example, they take grass away from the Headman’s side. They also attend the night meetings’.<sup>617</sup> Earlier, Johnson Ngqayana had claimed that Tikana encouraged those against Bantu Authorities not to ‘leave the women -folk out of things because they are the people who would be strong fighters in this matter, and whom the Government would not suspect’.<sup>618</sup> The women who were interviewed, however, did not have any recollection of the direct involvement of women. They saw the role of women as extremely marginal politically, although they were deeply affected by the conflict, as, for example, when they were forced to sleep in the mountains. They were certainly not in leadership positions and the struggle was still led almost exclusively by men.

The youth, too, did not play any prominent role in these struggles. We have seen in the accounts of Mbulawa, Mlonzi and Ntwana, for example, that they were only brought into the picture as providers of political education, after which, according to Mlonzi, they would leave and not be part of the planning and strategizing processes. Mlonzi even doubts if they made an impact, not only because they expressed themselves in English, but also because of their age.

## **Conclusion**

After years of resistance against government’s segregationist and apartheid policies, the struggle in Xhalanga reached crisis proportions in the second half of 1960. It took the form of violent action, particularly in the form of setting huts alight and murder. This chapter has described in some detail the role of the opponents of Tribal Authorities in this crisis. Given the role played by political organisations, the chapter began by looking at the nature of the ANC and AAC and their role in Xhalanga in the late 1950s.

Historically and at least up to the mid-1950s, the main political organisations at the time, such as the ANC and AAC, were not prominent in the resistance struggles in rural Xhalanga. However, when Tribal Authorities were introduced in 1956, and there was

---

<sup>617</sup> CMT, 3/1484. Affidavit dated 17/8/1960.

resistance shown in Xhalanga, the AAC attempted to establish a political foothold in the area. The fact that Wyciffe Tsotsi was a human rights lawyer in nearby Lady Frere, and defended many of those who were charged for opposing Tribal Authorities, contributed to the stature of the AAC in Xhalanga. At the time, the ANC was struggling to make an impact politically, following its moribund years from the 1930s. The chapter has shown that by 1960, the AAC had lost its political influence in Xhalanga in favour of the ANC. The main reason for this loss of position was that the AAC was mainly an intellectual organisation whose main preoccupation was polemics, without any activist engagement with the bread and butter issues of ordinary people. An attempt to be involved in the burning issues affecting rural people in the 1940s when the Betterment Scheme was implemented was unfortunately not sustained by the AAC. On the other hand, while it could be argued that the ANC was not as principled an organisation as the AAC, it began, from the early 1950s, to identify with the day-to-day struggles of ordinary urban people, in particular. Not surprisingly, the ANC was, by 1960, more popular than the AAC in Xhalanga and elsewhere.

Against this background, the chapter gave a detailed account of the events of 1960 in Xhalanga. Opponents of government were the first to burn the huts of the government collaborators. There was retaliation, ostensibly from the supporters of the government. The retaliation did not only involve setting the huts of some opposition members alight, but above all, the murder of Manzana, a prominent opponent of Tribal Authorities and chiefs. This chapter has argued that these so-called retaliatory measures were encouraged by the state. This meant that the state, in contrast to its earlier reservation, was now prepared to openly act outside its legalistic framework. The decisive role that was played by Matanzima, with the aid of the state, in the crackdown on the resistance, has been highlighted. Initially banking on splitting the people of Xhalanga along “ethnic” lines, and building a support base among abaThembu, Matanzima resorted to force once his divide and rule strategy failed. Armed supporters from his district, St. Marks, and police were a characteristic feature of his meetings. The powers he received under

---

<sup>618</sup> CMT, 3/1484. Affidavit dated 20 May 1960.

*Proclamation 400* gave Matanzima free reign to banish his opponents at will. Under this kind of sustained attack, resistance in Xhalanga had, by 1963, collapsed.

The roles of the ANC and the AAC in Xhalanga in the early 1960s have been assessed. This chapter has argued, drawing from the oral evidence of some political activists at the time, that both organisations played a marginal role. The main actors behind the resistance were the landholders and owners of stock of Xhalanga. It has, however, been demonstrated that migrant workers took an active interest in developments at home. A significant number of migrant workers from Xhalanga worked in Cape Town, which, in the early 1960s, was one of the main centres of political opposition against the pass laws in particular and apartheid in general. At this stage, women and the youth were still peripheral in the mainstream struggles. Furthermore, by 1963, opposition to the state was decimated in Xhalanga.

The defeat of resistance in Xhalanga can be seen as one instance of the apartheid government's 'cleanup' operations in the aftermath of the Sharpeville and Langa marches in March 1960. The state's reaction was swift and fierce. Protesters were killed and arrested. Political organisations such as the ANC and PAC were banned and a State of Emergency declared, followed by waves of arrests and trials throughout the early 1960s (Lodge 1983; Roux 1972). A comparable example of protest followed by ruthless suppression of opposition in the rural areas in the early 1960s, was the Mpondo revolt of 1960.<sup>619</sup> This revolt, which lasted for nine months, was the response of amaMpondo to the introduction of Tribal Authorities. By May 1960, an alternative political authority was on the verge of being established, taking over from the chiefs' functions of settling land allocation and other disputes (Lodge 1983:279-280)<sup>620</sup>. The first major reaction from the state occurred in June 1960 when the police fired into a crowd of villagers assembled in a valley adjoining the Ngquza hill between Bizana and Lusikisiki in the Eastern Cape. About eleven amaMpondo were killed and twenty-three arrested. The reaction of amaMpondo was to call a boycott of traders. The revolt was finally suppressed when

---

<sup>619</sup> Mbeki (1984) and Lodge (1983) have sketched other instances of rural revolts from the 1930s up to the early 1960s.

*Proclamation 400* was invoked to introduce a State of Emergency in the Transkei. The state brought in the military and heavily armed police (Mbeki 1984:117).

A common feature of the Xhalanga, Mpondo and other rural struggles against Tribal Authorities was, their ‘parochial’ nature (Lodge 1983:290). We have seen in the case of Xhalanga that the organisation and leadership against Tribal Authorities were internally and externally weak. Within Xhalanga, the forces of resistance were not co-ordinated so that they could strike together. As we have seen, there was no integration of strategy, for example, between political organisations and the rural residents, and later between migrant workers and rural residents. The strategies seemed to have been ad hoc. We have also seen that intellectuals in the AAC were far from being ‘organic intellectuals’. According to Gramsci: ‘The mode of being of the new (organic) intellectual can no longer consist in eloquence, which is an exterior and momentary mover of feelings and passions, but in active participation in practical life, as constructor, organizer, ‘permanent persuader’ and not just simple orator’ (Gramsci 1971:10, see also Bundy 1992:2). Externally, there is little evidence of links between the urban and rural struggles in this period. The limited role of migrant workers in Xhalanga did not fill in this gap. At best, migrant workers seemed to be exiles, carving strategies for rural battles in the cities. As Lodge has correctly pointed out, at this stage, the migrant workers identified themselves as ‘peasants’, rather than as a full -fledged proletariat (1983:290). Faced with the organised, vicious machine of the apartheid regime, it was almost inevitable that the forces of resistance would, as they did, succumb.

---

<sup>620</sup> See also Mbeki (1984:116-123).

## CHAPTER 8

### **The Era of Bantu Authorities in the Xhalanga district: a decentralised despotism?**

#### **Introduction**

The systematic assault on resistance in Xhalanga, as in other parts of the former Bantustans, paved the way for the implementation of Tribal Authorities. The period up to the mid-1980s could arguably be regarded as the consolidation of Tribal Authorities. The 1976 students' uprisings and the mass uprisings that swept most parts of South Africa, especially the urban areas, did not have a visible manifestation in many rural areas, including Xhalanga. However, by the early 1990s, Tribal Authorities were again in crisis, challenged by popular civic structures. Once again, in Xhalanga, Emnxe became one of the centres of resistance. Unlike earlier resistance that almost exclusively involved married men and landholders, the movement of the early 1990s was, as elsewhere in most of the country at the time, led by the youth. What seems to have been distinctive with rural resistance in Xhalanga, especially Emnxe, was the palpable involvement of women, who, in some cases, took the lead in identifying issues. In this period, it is also notable that past divisions along ethnic lines, and social distinctions were not as central and visible as in the period up to the early 1960s.

This chapter traces and analyses the consolidation and crisis of Tribal Authorities in the period between 1963 and the advent of the first democratic elections in South Africa in 1994. The active role of Chief K.D. Matanzima in the consolidation of Tribal Authorities in Xhalanga will be highlighted. This chapter argues that Tribal Authorities in Xhalanga never acquired the kind of independent power that would make them what Mamdani describes as a "decentralized despotism". Mamdani has argued that although chiefs "functioned as a conveyor belt for the central state policies" they "possessed a degree of autonomy" (1996:60). It will be shown that the Chiefs of Xhalanga never managed to regain any significant influence over their subjects. Matanzima's hope that the chiefs would end up having jurisdiction over the whole of the Xhalanga district never



materialised. The decline of Matanzima's despotism from the mid-1980s, it will be argued, was one of the factors, although by no means the only one, that contributed to the crisis of Tribal Authorities in Xhalanga, especially from the early 1990s.

Secondly, Matanzima did not only rule by force, patronage was his other tool. By means of this method, he managed to win over to his side some of his former adversaries. Indeed, Tribal Authorities in Xhalanga, as elsewhere in the rural areas of the former Bantustans, were not only instruments of repression, but were the conduit through which vital services and resources, the most important of which were land and pensions, were channelled. There were no other legal avenues that rural residents in these areas could explore to gain access to these services and resources. This meant that rural inhabitants were compelled to use Tribal Authorities. Mamdani clearly had this in mind when he referred to the concentration and fusion of power in Native Authorities (1996).

The chapter argues that the crisis faced by Tribal Authorities in Xhalanga in the early 1990s was preceded by the political activity of the 1980s. It will be shown how, unlike earlier struggles that were essentially localised, the struggles of the 1980s and early 1990s were linked to the broader movement against apartheid and in favour of a non-racial democracy in a unitary South Africa. This chapter will demonstrate how these wider initiatives impacted on Xhalanga and in the development of civic movements that cut across ethnic, urban, rural, gender and generation lines. Although the civic movement initially developed in the village town of Cala, it was not long before the struggles shifted to the rural areas of Xhalanga. Tribal Authorities were the chief targets. Women played a much more visible role than in the past. On the face of it, it would appear that political organisations were behind the mobilisation of women in the rural areas of Xhalanga. However, this chapter will argue that it was women's involvement in the development NGOs (in particular, the Health Care Trust (HCT) and, later the Cala University Students' Association (CALUSA), that instilled in them the necessary confidence to be able to engage in discussion, debate and be considered for leadership positions. These NGOs, with their stress on gender sensitivity and democratic decision-making, made a difference in the form of rural resistance and the involvement of women in Xhalanga, that

was not readily palpable in other rural areas, such as the Tshezi area (Ntsebeza 1999) and Phondoland (Kepe 2001; 2000; 1999).

This chapter will discuss two broad periods in the history of Xhalanga. The first of these is the period in which Tribal Authorities were consolidated, from around 1963 to the mid-1980s; in the second period Tribal Authorities experienced a crisis, from the mid-1980s to the advent of the first democratic elections in South Africa in 1994. Once again, Emnxe will be presented as a case study to illustrate the above dynamics. Where necessary, examples will also be drawn from other areas in Xhalanga.

### **The consolidation of Tribal Authorities in Xhalanga**

#### *The iron fist of Matanzima and its legacy*

As already noted, a combination of factors and circumstances led to the consolidation of Tribal Authorities in Xhalanga between the late 1960s and mid-1980s. By far the most notable of these in the immediate aftermath of the suppression of resistance in the early 1960s, was the iron rule of Chief K.D. Matanzima. In many ways, Matanzima played an administrative and coercive role similar to the one performed by magistrates during the segregation period. Matanzima used Tribal Authority as an extension of his despotism. The one major difference was that Matanzima overshadowed the role of the Xhalanga chiefs. Almost all the informants, including the ‘beneficiaries’<sup>621</sup> of the former Bantustan such as business people and farmers, agreed that their social, economic and political lives were controlled and directed from Qamata, the ‘Great Place’ of Matanzima. When one prominent businessman and farmer, who is also a priest, was asked who was behind the hardships suffered by the people of Xhalanga during the Tribal Authority era, his instant response was: ‘Kaizer Matanzima’.<sup>622</sup>

Seemingly, it was headmen and the Tribal Authorities who directly meted out the punishment. Retired educationist, Tsengiwe, remarked about headmen: ‘They became

---

<sup>621</sup> This term is borrowed from Southall (1992; 1977).

<sup>622</sup> Interview conducted by Hlubi Xuba with Reverend Tyeku, 24 April 2000.

powerful in their Tribal Authorities. They were very powerful. For example, Msengana, later Tofile and Mvinjelwa”.<sup>623</sup> But he was quick to point out that the real power was Matanzima. A resident of Sifonondile, Jama, was even more dramatic about the power that Matanzima wielded through headmen and Tribal Authorities:

In the past, our things went to Qamata through the headman and Tribal Authority. You could not directly approach Qamata even if you suspected that the headman lied about a decision he would claim emanated from Qamata. Even your brother would beat you if you started challenging a decision purporting to be coming from Qamata. People would be astounded: ‘You want to go to the Great Place? Do you know so and so are in prison, or have been deported?’<sup>624</sup>

Sifonondile is where Chief Sekhukhune was deported to in the late 1950s for his opposition to Tribal Authorities in Sekhukhuneland. It has been seen in the previous chapter that the headman of Sifonondile, Mvinjelwa, was one of the strongest supporters of Matanzima. The headman earned himself the nickname ‘Manyathelo’ (taking steps), because he used to threaten people about taking steps against them (*ndizakuthathela amanyathelo*).<sup>625</sup> This meant that Mvinjelwa would report to Qamata, Matanzima’s headquarters.

It is quite clear from the above that the nature of the power of chiefs and headmen in the apartheid period was highly authoritarian and despotic. In areas such as Xhalanga, they did not derive their authority from their pre-colonial traditional role. In this district, Matanzima went all out to avenge the resistance he encountered in the district in the late 1950s and early 1960s. He persecuted and humiliated the people of Xhalanga, referring to them, as already noted, as the ‘Jabobins’ (*amaDyakophu*). Matanzima once called the people of Xhalanga to Qamata ‘only to say to us: ‘*NguThixo, ibendim. Nina nizimbovane nje ezingenangqondo*’ (It is God, then me. You are just stupid ants) ... We had to swallow even if that was such an insult’.<sup>626</sup> Matanzima exported to Xhalanga a

---

<sup>623</sup> Interview with H.M. Tsengiwe, Queenstown, 24 January 2001. Msengana was head of the eHlathini Tribal Authority. He was succeeded by Tofile of Manzimahle. Mvinjelwa headed the eQolombeni Tribal Authority.

<sup>624</sup> Interview with Jama, Cala, 7 March 2001.

<sup>625</sup> Interview with Jama, Cala, 7 March 2001.

<sup>626</sup> Interview conducted by Hlubi Xuba with Reverend Tyeku, 24 April 2000.

method that was notorious in Qamata, and which was regarded by the Chief Magistrate as effective: corporal punishment. Many interviewees relived this form of humiliating and barbaric punishment: “The rule of Matanzi ma through Tribal Authorities was extremely ruthless (*babungqongqo kakhulu*). For example, people were beaten ... We were not happy under the rule of K.D., there were kangaroo courts. People were beaten, especially men, they were beaten on their backs (*becanjaliswa*) ... This was soon after K.D. came to power. His rule was pervasive, even here in our location”.<sup>627</sup>

Thus, the power of Matanzima defied, at least in Xhalanga, even Weber’s definition of power and analysis of authority. Weber distinguished three “ideal types” of legitimacy upon which a relationship of domination may rest: traditional, charismatic and legal. According to him, traditional authority draws its legitimacy not from reason or abstract rule but “on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them (traditional authority)” (Weber 1978:215). It must be noted, however, that Matanzima represented an extreme example of how customary power was used as a coercive administrative arm of the apartheid regime. The same could not be said, for example, of traditional authorities such as Paramount Chief Sabata Dalindyabo who, despite his weaknesses, was not as autocratic and wicked as Matanzima.

Reality and myth converged to sustain the fear of Matanzima, even when his duties and responsibilities as the Chief Minister and later Prime Minister of the Transkei made it very difficult for him to focus on Xhalanga. Ever suspicious of the people of Xhalanga, Matanzima had spies within the community, over and above chiefs and headmen. “There were many people who were planted to spy for Matanzima. The expression used for these people was: *Ngumthuthi ndaba waseQamata* (He is a news carrier for Qamata). People were fearful”.<sup>628</sup> Myths about Matanzima reflected the extent of his information sources, such as the stories that Matanzima could change himself into a pig, chicken, dog or, indeed, anything. In the words of Mrs. Ntwana: “It would be said that K.D. is all

---

<sup>627</sup> Interview with Mrs Asnath Ntwana, Emnxe, 1 April 2000.

<sup>628</sup> Interview with Tsengiwe, Queenstown, 24 January 2001.

over the place, but one could not see him, because of his magic”.<sup>629</sup> When the apartheid regime granted the Transkei independence in 1976, Matanzima received detention powers, over and above the power to deport his opponents.. He used these powers with little discretion (Streek and Wicksteed 1976).

Matanzima’s active involvement in Xhalanga contrasted sharply with the marginal role of the two Chiefs of Xhalanga, Gecelo and Stokwe. We have seen that these Chiefs struggled to stamp their authority, especially among the educated sectors of the Xhalanga population. Additionally, Ngonyama Gecelo was, by 1962, too old, and was replaced by Daluhlanga Gecelo on 28 July 1962. Chief Jamangile Stokwe was apparently irresponsible. Barely a year after being re-instated as a chief, there were complaints of ‘irresponsible behaviour’ from the Magistrate.<sup>630</sup> Chief K.D. Matanzima had explained to the Chief Magistrate that Stokwe was ‘young and inexperienced’, and that he would ‘learn by such mistakes’. However, by 1962, Stokwe hadn’t learnt from his mistakes. In October 1962, the Emigrant Thembuland Regional Authority recommended, inter alia, that headman Ernest Vumazonke should be appointed as a deputy to Chief Stokwe, ‘as numerous complaints have been received that Chief Jamangile Stokwe is hardly ever to be found at his work even when he is in good health’.<sup>631</sup> When Matanzima recommended that Stokwe be paid a bonus, the Magistrate wrote to the Chief Magistrate to say that:

Nothing has come to my notice to indicate that he (Stokwe) takes steps to stimulate collection of taxes ... I cannot say he obeys instructions from the office properly ... It appears that he neither attends his own Chief’s Court nor does he hear cases or deliver judgements ... It appears that he has little influence over or support from his people.<sup>632</sup>

When Gecelo and Stokwe died in the 1970s, their children were still young and regents had to be appointed. When the current Chiefs were appointed in the 1980s, they were

---

<sup>629</sup> Interview with Mrs Asnath Ntwana, Emnxe, 1 April 2000.

<sup>630</sup> Umtata archives, file 3/27/2/1, chiefs and headman: Sub-chief Jamangile Stokwe. Letter to Chief Magistrate, dated 26 June 1959.

<sup>631</sup> Umtata archives, file 3/27/2/1, chiefs and headman: Sub-chief Jamangile Stokwe. Letter to the Bantu Affairs Commissioner, Cala, dated, 17 October 1962.

<sup>632</sup> Umtata archives, file 3/27/2/1, chiefs and headman: Sub-chief Jamangile Stokwe. Letter dated 8 April 1963.

seen as immature, and certainly with regard to Stokwe, irresponsible.<sup>633</sup> This is probably the reason why a sub-headman remarked about chiefs in Xhalanga in general, including the current ones: “Our chiefs were not strong. The other thing is that these chiefs are young. Their uncles were regents”.<sup>634</sup> It will be seen below how attempts by Chief Gecelo in the mid-1980s to assert himself came to nothing.

### *Tribal Authorities in action in Xhalanga*

There was a large gap between how Tribal Authorities were supposed to operate at a formal and legal level, on the one hand, and the concrete realities on the ground, on the other. This section will focus on these two levels. Headman Fani of Cala Reserve, who is also prosecutor of the amaGcina Tribal Authority, pointed out that the main functions of the Tribal Authorities were presiding over certain criminal and civil cases. With regard to criminal cases, Tribal Authorities did not deal with grievous bodily harm cases involving the use of lethal weapon. Civil cases were mainly cases of pregnancy, when the man did not want to own up. When found guilty, the fine was, “in terms of custom (*ngokwesintu*)”,<sup>635</sup> five beasts. Four of the beasts went to the complainant and the fifth to the Tribal Authority, as a fee. Tribal Authorities were also responsible for facilitating the local government service delivery, such as the maintenance of roads and provision of water, by linking up with the relevant departments. These authorities also collected levies from rural residents towards building schools and clinics in rural areas. Not all Tribal Authorities, as the headman explained, collected these levies. He explained that in his involvement in the Tribal Authority of amaGcina, no schools were built, and they never had to collect money for schools. The other function that was performed by Tribal Authorities was land allocation, for residential plots, fields and business sites. The process ended with the issue of PTOs by the District Commissioner (*kwamantyi*).<sup>636</sup>

---

<sup>633</sup> Interviews and conversations with various people in Xhalanga. Also, own observation regarding Stokwe.

<sup>634</sup> Interview with sub-headman Dyantyi, amaQwathini, 15 November 1999.

<sup>635</sup> Headman Fani did not elaborate on whose “customs” he was referring to and how far back these customs went.

<sup>636</sup> Interview conducted by Fani Ncapayi, Cala Reserve, 5 May 2001.

Structurally, the four Tribal Authorities made up a District Authority that fell under the jurisdiction of the Regional Authority at Qamata. The Regional Authority ratified the decisions of the Tribal Authorities of Emigrant Thembuland, including Xhalanga Tribal Authorities and also considered appeals from people sentenced by the various Tribal Authority courts. With regard to appeals, headman Fani explained that the people had a choice either to appeal to the Regional Authority court or to the magistrate. The Regional Authority court has the same status as the Magistrate's court. The major difference was that lawyers, as in Tribal Authority courts, were not allowed to represent the accused.<sup>637</sup> Matanzima was the presiding officer, but because of his duties as the head of the Transkei Bantustan, he appointed other chiefs to act for him. Headman Fani was evasive as to whether the majority of the people appealed to the Regional Authority or the Magistrate. He did point out, though, that some people did not take their case to the Regional Authority because they knew that legal representation was denied, or because the Regional Authority was further than the Magistrate in Cala. From the perspective of the question of whether rural people were 'citizens' or 'subjects', the significant point here is that rural people had access to both courts.

As indicated, the account given by headman Fani presents the more formal aspects of Tribal Authorities. Practice, though, presented a different picture. Many informants saw Tribal Authorities as 'kangaroo courts'. The basis for this claim was, for the people of Xhalanga, and in particular the educated sector that seemed to enjoy litigation, the fact that the accused were not allowed legal representation. Appeals against sentences were, in the words of an informant, 'a waste of time'. According to him, 'fines were commonplace ... you were sent straight to the Tribal Authority, where you were found guilty'.<sup>638</sup>

It is, above all, at the level of the allocation of land, and in particular, land for residential purposes, that chiefs and headmen abused their power. Although the Native/District Commissioner issued the PTO, he did so on the strength of the recommendation of

---

<sup>637</sup> Interview conducted by Fani Ncapayi, Cala Reserve, 5 May 2001.

<sup>638</sup> Interview with H.M. Tsengiwe, Queenstown, 24 January 2001.

agricultural officers and, crucially, the Tribal Authority concerned. Given restrictions in acquiring land outside the former Bantustans, the vast majority of Africans in the rural areas of the former Bantustans did not have alternatives but to apply through Tribal Authorities in order to have even the limited land rights offered by a PTO (Tapscott 1997). Given the unlimited powers Tribal Authorities had under the protection of Matanzima, and the instruments of coercion at his disposal, there was barely any form of accountability on the part of Tribal Authorities to the rural residents. This was a recipe for corruption. It was widely accepted that Matanzima tried to win support by bribing some people and rewarding his collaborators ‘by giving them farms’.<sup>639</sup> One interviewee cynically remarked: ‘Under K.D.’s rule, businesses were owned by Blacks. Some got farms, though I do not know how they acquired them’. This, according to her, applied even to those people who were anti-Matanzima in the late 1950s and early 1960s.<sup>640</sup> Matanzima thus created a system of patronage that would ensure that those who benefited from him remained his sycophants. In modified forms, corruption filtered down to chiefs and headmen in the rural areas of Xhalanga. One of the issues that was taken up against Tribal Authorities in the early 1990s was thus corruption in the system of land allocation. Land was allocated not in terms of who applied first, but in terms of who had the appropriate bribe for the headman.

The extraction of taxes was another detested aspect of Tribal Authorities. Over and above paying the hut tax, chiefs, headmen and Tribal Authorities in Xhalanga, as elsewhere in the former Bantustans, extracted a range of taxes from the already poverty stricken rural masses. We have seen above that headman Fani called these taxes, ‘levies’, and they were collected for, among other things, the building of schools and clinics. It was the primary responsibility of the headman, working through his sub-headmen, to ensure that all households contributed the required tax. This system of collecting taxes amongst rural residents to pay for their services, irrespective of whether they had been consulted or not and whether they had the means or not, was a continuation of the much detested taxation system of the era of the District Council in Xhalanga. The collection of

---

<sup>639</sup> Interview with Mlotha, Cala, 5 January 2000. Interview conducted by Hlubi with Rev Tyeku, Cala, 24 April 2000.



money for schools and development projects was met with mixed feelings. At one level, rural inhabitants saw a need for schools and development. At another, they were not happy that they should be forced to contribute money. Rural people must have considered the provision of schools as a government function. According to Mrs. Ntwana: ‘Schools were built, by force. K.D. forced people to contribute money. People here were sent to Qamata, where Ngangomhlaba (K.D. Matanzima’s cousin) was head. Ngangomhlaba issued summons, also to the headman. Money came out flying.’<sup>641</sup>

After the Transkei was granted its independence by the apartheid regime in 1976, a new form of taxation was introduced, that is, to fund ‘independence celebrations’ on 26 October each year. This applied to many Transkeians, rich and poor, rural and urban. When Matanzima was about to retire as ‘President’ of Transkei in 1986, each administrative area was asked to ‘contribute’ a beast. This meant that each household would contribute a certain amount of money. To a lesser extent, taxes might be levied whenever there was a visitor from the higher echelons of the Transkeian establishment. Sub-headman Dyantyi recalled that the few occasions they saw Chief Stokwe was when he visited them at Lumphaphasi, essentially to tax them. Rural residents had to ‘contribute something’ whenever a chief visited.<sup>642</sup>

It is intriguing to note that these taxes were presented as ‘contributions’ and/or ‘donations’. Such terms imply a voluntary action of giving whatever one wishes to give, or can afford. It also implies that if one does not want to, they are at liberty not to contribute or donate. Yet, in Xhalanga, as in many parts of the Transkei, these terms carried a completely different meaning. They meant paying a prescribed fee, whether you wanted to or not. What was euphemistically called ‘contribution and donation’ in the Transkei, was, in reality, taxation. Most people in Xhalanga, urban and rural, were forced to succumb to this extraction of taxes, for fear of being persecuted by Paramount

---

<sup>640</sup> Interview with Mrs Asnath Ntwana, 1 April 2000.

<sup>641</sup> Interview at Emnxe, 1 April 2000. Mrs. Ntwana made K.D. Matanzima sound like a benevolent dictator when she said: ‘K.D. (Matanzima) liked education and development, but he was forceful and autocratic’.

<sup>642</sup> Interview, Lumphaphasi, 15 November 1999.

Chief Matanzima.<sup>643</sup> Recalling this inhumane manner of taxation, an interviewee, Madeyi, stated: ‘Even if you said you do not have money or you happen to ask what you will eat after paying the money, you would be arrested, and appear before the headman’s court’.<sup>644</sup>

On the whole, Tribal Authorities, as agents for delivery of basic services, and agents for development initiatives, were at best, not successful, and at worst, disastrous. The most basic services in the rural areas of the District were water, road construction and maintenance and fencing of grazing camps. The fencing of grazing camps (*ubiyoy*), a cardinal component of the conservation measures, could not be sustained. As will be seen below, by the 1970s and 1980s, there were constant complaints by landholders that stock destroyed their crops, due to broken fences. The boreholes and windmills that were supplied for the provision of water had ceased to operate by the 1980s (Alperstein and Bunyonyo 1996). Many parts of the Xhalanga rural areas were almost impossible to access due to bad access roads. In fact, Xhalanga, including its village town, Cala, must have been one of the very few areas in the Transkei that did not have tarred main roads. A widely held view in Xhalanga, confirmed by a survey conducted in the early 1990s, was that it was a neglected district (Keyter 1994).<sup>645</sup>

### **Political fermentation in the Xhalanga district**

Despite the heavy repression imposed by, and the fear of Matanzima, Tribal Authorities in Xhalanga were, by the early 1990s, in a crisis of legitimacy. Although it may be true to say that the crisis emanated from external forces - such as the stepping down as President of Transkei of Paramount Chief K.D. Matanzima, the military rule, the re-burial of Paramount Chief Sabata and the unbanning of political organisations - it is possible to argue, as this study does, that there were internal processes that were at play, too. A

---

<sup>643</sup> I had personal experiences when I was running a bookshop in Cala. For the record, I never paid any so-called contribution and/or donation, despite pressure and advice from friend and foe.

<sup>644</sup> Taped interview conducted by Fani Ncapayi with Lungiswa Muriel Mguli (Madeyi), Cala, 11 May 2000.

<sup>645</sup> Although it may be argued that Xhalanga was no exception, Xhalanga must be one of the few areas whose main roads, for example, are not tarred.

number of different and, at times, combined efforts and processes contributed to the challenge to Tribal Authorities and their incumbents. It is, indeed, these internal processes that could explain why resistance took place in Xhalanga, but not in the Tshezi Tribal Authority. This section provides an overview of events leading to the crisis of Tribal Authorities in Xhalanga. In the context of this study, it is more important to convey the momentum of events in the 1980s than to explore their underlying causes, the political ideas that informed them, and the relation of developments to a larger national context.

The establishment of NGOs in Xhalanga in the 1970s and 1980s was arguably one of the earliest developments that eventually led to the resurgence of political activity in the district. The first of these NGOs was the Health Care Trust (HCT). HCT, at the time a Cape Town based NGO, established a Village Health Worker project in May 1979, in the Manzimahle administrative area, Xhalanga. The guiding policy of HCT was based on primary health principles. In terms of these principles, the health of the people cannot be divorced from the social, economic and political environment in which they live. In addition, as Alperstein and Bunyonyo (1996:2) have noted in the context of HCT, “the principles of empowerment and democratic forms of community participation and decision making in health were regarded as essential for changing the health status of any community”.<sup>646</sup>

Given the climate of extreme repression, HCT could not afford to be overtly political. The organisation used health and the deteriorating socio-economic conditions as the basis for organising rural people. HCT had found itself not only having to deal with health education matters, but had to actively engage in the provision of basic services, amenities and human rights such as accessible, clean water, fencing for gardens, communal gardens and pre-school education. The organisation clearly did not want to be seen as merely theoretical in its approach to health and development. The strategy of HCT was to train community based health workers, not only on health education, but also in linking health

---

<sup>646</sup> See also the various evaluations and annual reports of the organisations from 1982. Information on which my analysis of HCT is based is drawn from these sources.

with development. In other words, HCT and the health workers went beyond merely propagating development, but were actively engaged in providing certain community services that promoted primary health.

The overwhelming majority of the health workers were women. Given the migratory labour system, women became the de facto heads of and providers for their households. It could also be argued, though, that, the dominance of women in HCT was influenced by the fact that, until the 1990s, the health profession, especially nursing, was associated with women. Whatever the reasons for the dominance of women in HCT, their involvement in HCT greatly empowered and boosted the confidence of rural women. HCT had, using health and development as their departure point, instilled in these rural women principles of democratic decision making, and community participation in processes that affected their lives. The fact that the content was health and development, rather than directly challenging the undemocratic practices of Tribal Authorities, for example, made it possible for HCT to introduce democratic values without inviting the wrath of the Matanzima regime broadly, and its representatives, Tribal Authorities at the district level. In the struggles of the 1990s and beyond, as will be seen, women were to play a palpable role, in contrast to earlier struggles.

Another NGO that was to have an impact in the rural areas of Xhalanga was CALUSA. This association was established in 1983 as a response to requests that were made by correspondence students registered with the University of South Africa (UNISA).<sup>647</sup> While the primary aim of the UNISA students was to get assistance in writing their assignments, the founding principles of CALUSA, however, were broadly defined in terms of promoting “education in general”. Some of the initial activities of CALUSA were to organise university lecturers from the nearby University of Transkei, and on one occasion, a lecturer from Stellenbosch University, Andrew Nash. CALUSA specifically invited academics that represented the radical, so-called ‘revisionist’ school of thought in

---

<sup>647</sup> See minutes and various reports and evaluations of the organisation from 1983. The original full name of the organisation was Cala Unisa Students’ Association. The name ‘university’ replaced ‘Unisa’ when Unisa objected to the use of their name, without going through what sounded like complex legal processes. This meant that the acronym would not change.

the social sciences and humanities. CALUSA also organised 'Winter Schools' for teachers, and later high school students. Most of the participants came from the Xhalanga district. By 1985, though, CALUSA's activities had been hampered by the interference of the security police who associated the organisation with political activities. The main reason behind this suspicion was my own involvement in CALUSA. I had recently been released from prison for political activities. It is worth noting that my earlier involvement in the evaluation of HCT made the nursing hierarchy, which was already a conservative community, suspicious of the activities of HCT (Alperstein and Bunyonyo 1996).

Over and above the activities of the above NGOs, there were, from the early 1980s, it seems, students in the village town, Cala, who were involved in underground political work. The initial ideological and organisational manifestation of these activities was in the Black Consciousness movement and the Azanian People's Organisation (AZAPO) respectively.<sup>648</sup> Members of these groups read the Black Consciousness political literature, *Frank Talk*, journals, magazines and newspapers.<sup>649</sup> This group was formed on the eve of the mass uprisings that swept through South Africa in the early 1980s. By 1985, consumer boycotts had affected even smaller towns, such as Queenstown, the main urban centre of Xhalanga. Unlike the 1976 students' uprisings, these political developments had an impact on the youth of Xhalanga, in particular. According to the leaders of the underground students' organisation, they were inspired by these events. As the date of the commemoration of Steve Biko's murder, 12 September 1985, was approaching, the group took a decision to honour the event in Cala. At the time, almost all the members of this group were students at Cala High School. The leading figures were Mthetho Xhali, Sonwabo Khayingana and Sipiwo Liwani. According to Liwani, their group drafted a pamphlet, 'typed it and made a few copies at the bookshop'.<sup>650</sup> The pamphlets, which explained the significance of the date, were circulated at Cala High

---

<sup>648</sup> Interviews with Sipiwo Liwani and Sonwabo Khayingana, Cala 23, 24 and 28 October 2000.

<sup>649</sup> Some of the newspapers were purchased from a bookshop that I ran after serving my sentence for political involvement in 1981. Popular magazines and journals that were stocked in the bookshop included *Work in Progress*, *Saspu National*, *Probe*. Literature ranged from the Communist Manifesto to works in the African Writers Series.

<sup>650</sup> Interview, Cala, 23 October 2000.

School on the day before the commemoration. Despite warnings by the principal of Cala High School, C.K. Qhuma, the students went ahead with the distribution of pamphlets. When Xhali was asked to bring his parents to the principal, after being seen distributing the pamphlets, students pledged solidarity with him. This led to the detention of students and subsequent expulsion of some of them, including Mthetho Xali, Sonwabo Khayingana, Siphwiwo Liwani and Fani Ncapayi.

The murder by the security police of Batandwa Ndonga on 24 September 1985, barely two weeks after the students' unrest, sent shock waves not only throughout the community of Cala village and its district, Xhalanga, but throughout South Africa and the world over.<sup>651</sup> An expelled student from the University of Transkei, political activist of the Congress Alliance and fieldworker of Health Care Trust, Ndonga was gunned down in broad daylight and in full view of a shocked Cala public. Despite an admission by the investigating officer, Lt. Jilili, in Cala, and the Commissioner of Police in Umtata, that the police knew, not only who the murderers were, but that the murders were police officials, they were not arrested. Instead, vanloads of heavily armed police conducted raids at the Ntsebeza house in Cala, where Ndonga and I, his cousin, lived.<sup>652</sup> But this high level of intimidation did not stop those who were close to Ndonga, including his cousins, Dumisa Ntsebeza and I, from mounting a campaign that would ensure that the murderers were brought to book.<sup>653</sup> At the same time, student unrest in Xhalanga did not abate as a result of the death of Ndonga. The latter's death seemed to have awoken the political consciousness of some of them, as the following remark attests: 'Spirits were high after the murder of Batandwa'.<sup>654</sup> During the course of 1986, student unrest spread to the neighbouring Arthur Tsengile Training School and Matanzima High School.<sup>655</sup>

---

<sup>651</sup> The murder of Batandwa received extensive publicity in most newspapers in South Africa, and a few overseas papers. But it is the *Daily Dispatch* that sustained the coverage throughout 1985 and 1986, and occasionally, the *Weekly Mail* (now *Mail and Guardian*) and *City Press*.

<sup>652</sup> For details of the murder see especially, Bell and Ntsebeza (2001); Ntsebeza (1995a); Nash (1985).

<sup>653</sup> Despite being known, the perpetrators were never brought to book. When the Truth and Reconciliation Commission (TRC) was established, two of the murders, Dandala and Tshabalala applied for amnesty. Tshabalala was granted amnesty, while Dandala was refused. By this time, the other two murderers, had died under suspicious circumstances (see Bell and Ntsebeza 2001).

<sup>654</sup> Interview with Xolile Dayimani, Cala, 28 October 2000.

<sup>655</sup> This came up in conversations with a number of students and youth who were in Xhalanga at the time, and also in the formal interviews with Liwani, Khayingana, Ncapayi and Xolile Dayimani.

Political developments in Xhalanga drew angry responses, not least from Paramount Chief K.D. Matanzima. His strategy was to intimidate the people of Xhalanga. Less than a week after the murder of Ndondo, Matanzima ordered the detention of those who were associated with the publicity campaign aimed at the arrest and charge of the murderers. These people included the late Monde Mvimbi, Victor Ngaleka, Godfrey Silinga, Zingisa Mkhabile and later, Dumisa Ntsebeza and I. Just over a week after the murder, on 3 October 1985, through the Cala security police Matanzima ordered the people of Xhalanga to his Great Place at Qamata. An intimidated group of mainly elderly people, business people and civil servants responded to the call, only to be humiliated and asked who the chief of the Xhalanga was.<sup>656</sup> When the crowd assured Matanzima that he was the chief, he asked where the wife of Mvimbi was.<sup>657</sup> When she came forward, he declared the meeting closed, without giving any reason.<sup>658</sup> Matanzima was later to boast, at a meeting at Idutywa, that he called the people of Xhalanga to a meeting that did not even last two minutes, and in his words, “the meeting was over”.<sup>659</sup> He accepted full responsibility for the murder. At the same meeting in Idutywa, Matanzima declared, amongst other things:

Recently a young man called Ndondo was killed in Cala. Many people are asking why Ndondo was killed. He is the one who came from Lesotho with others and exploded a bomb in Umtata ... You will see the communists will be asking what has Ndondo done. Must you all be killed because of these people? Your president, your prime minister (his brother, George Matanzima), will not allow such atrocities to take place in Transkei.<sup>660</sup>

It is clear from the statement that Matanzima was trying both to intimidate the people of Transkei, including Xhalanga, and also to justify the murder. What was interesting in

---

<sup>656</sup> This question should be understood in the context of earlier discussions regarding Matanzima's struggle for acceptance in Xhalanga as the latter's Paramount Chief.

<sup>657</sup> It is not clear why Matanzima singled out Mrs. Mvimbi. Some people in Xhalanga think that it could have been because Monde Mvimbi had led the group of parents who hired lawyers to represent their detained Cala High School children, in defiance of Matanzima's call that no children should be legally represented.

<sup>658</sup> Conversation with people who went to Qamata, soon after their return.

<sup>659</sup> Video recording of the meeting. Damaged and cut copy at the CALUSA video library, Cala.

<sup>660</sup> Damaged Video tape at the CALUSA video library

this justification was Matanzima's endorsement of the activities of state sponsored death squads, rather than the legal mechanisms of arrests and trials. Matanzima's own style of rule made full use of his power to detain his opponents, and then followed detentions up with banishment orders on the detainees upon their release (Bell and Ntsebeza, 2001:141-149).

With regard to the students' unrests, Matanzima decreed that those who were detained and charged should not be represented.<sup>661</sup> In addition, a curfew regulation restricting the movements of people within Transkei after 10 p.m. was imposed. This was over and above the State of Emergency that Transkei had been under from 1960. In Xhalanga, according to Ncapayi and Liwani, Matanzima issued an instruction that students should be beaten if they are not at school on a school day. Chief Rogers Gecelo of Mbenge took up the challenge.<sup>662</sup> He organised a group of men from his farm to patrol in Cala. According to Ncapayi, some of these men boasted: 'We are not going to be governed by boys. We will beat a child to school. (*Asizukuphathwa ngamakhwenkwe. Sakubetha umntwana abheke esikolweni*)'. This remark should be understood within the context of the leading role that youth in South Africa were playing in the political struggle. The youth involvement drew mixed reactions. While some praised the heroic struggles of the youth, others regarded the youth as disrespectful in guiding elderly people. Men who adhered to the 'traditional' hierarchical view that men cannot learn from boys belonged to this group.

The involvement of Chief Gecelo in matters outside his administrative area seems to have been an attempt to put into practice what Matanzima had initially suggested, that Xhalanga should ultimately be divided into two Tribal Authorities and be under the jurisdiction of the two Chiefs, Gecelo and Stokwe. At the time (the mid-1980s), it was rumoured in Xhalanga that Gecelo was making unfounded claims that parts of Cala were built on his forefather's farm. He repeated this claim in an interview I had with him. If genuine, it is possible that Gecelo might have heard that the Magistrate's office of

---

<sup>661</sup> Interview with Fani Ncapayi and Sipiwo Liwani, Cala, 23 October 2000. It is not clear how official the decree was.



Xhalanga between 1878 and 1884 was on land that fell under the jurisdiction of his great, great grandfather, Gecelo. What he probably did not know, though, was that the magistracy then was near Cala Road station and not where it is in Cala (see chapter 4 above).

Bank (1992:94) has noted that it was only after the fall of K.D. Matanzima from political power that youth politics flourished in Xhalanga. While this statement might bear an element of truth, it may hide the determined efforts that were made to oppose Matanzima.<sup>663</sup> Matanzima might well have succeeded in intimidating some elderly people in Xhalanga, after the events of 1985 and 1986. But this was certainly not the case regarding those who wanted the murderers of Batandwa to be brought to book. The latter were mainly, but not exclusively, the radical youth and students in Xhalanga. When banishment orders were served on Mvimbi, Ngaleka, Silinga, Mkhabile and the Ntsebeza brothers, these were vigorously and successfully challenged in court. Re-issuing the banishment orders met with equal resistance (Bell and Ntsebeza 2001). The parents of students who were charged following unrests in Cala also defied Matanzima by seeking legal representation for their children. At the same time, the residents of Cala continually harassed the 'patrol group' that was set up to monitor the movements of students. In this regard, Edgar Mkhokeli Madikwa (N.I. No.5000099)<sup>664</sup> has stated, in an affidavit dated 31 October 1986, that he, as Mayor and M.S. Silinga, as Deputy Mayor of Cala, were given the responsibility to draw up lists of men who would patrol 'in order to guard trouble makers'. Madikwa stated that they received reports from the patrol groups that they were interfered with in their duties by Cala residents. According to Madikwa, 'Mr A.K.M. Vilana' is supposed to have threatened Mr Mfazwe's group with 'burning them by tyres nicknamed necklaces'. Mrs Conjwa, according to Madikwa, was supposed to have told the patrol group that 'comrades (that is, the militant youth who burn people by

---

<sup>662</sup> See affidavit by Edgar Mkhokeli Madikwa. Copy with author.

<sup>663</sup> Further, the statement does not mention that when Tribal Authorities were challenged in the early 1990s (see below), Matanzima was the head of the Qamata Regional Authority, under whose jurisdiction Xhalanga falls.

<sup>664</sup> I could not establish what the significance of this number was. It could have been his police identity number.

means of tyres)<sup>665</sup> would attack and punish” them “for guarding the CALA streets and schools”. Madikwa also alleged that one group reported that they were stoned by youth “who took refuge at” the houses of H.M. Tsengiwe and Mrs C. Nyoka. Lastly, Madikwa also claimed that Miss V. Nkohla was reported to have “threatened” the groups that they “would be assaulted by means of stones thrown by students”.

Having given the above reports, Madikwa gave his impressions of the situation in Xhalanga. He stated: “As far as everybody knows, all the above named persons are mere satellites of the main group of subversive element”. He cited the subversive elements as: “Mr Dumisa NTSEBEZA, Mr Lungisile NTSEBEZA, Mr Monde MVIMBI, Dr. K. MFENYANA and Mr. M. NTSALUBA.” Madikwa based his allegation on information he got from “one Mr L.M. SILINGELA M.P. from Cala that, Mr Dumisa NTSEBEZA (the lawyer)” questioned the “Cala Station Commander, Major SOMTHUNZI” why “the Curfew at CALA starts at 18H00 instead of 22H00”.<sup>666</sup> What Madikwa did not say, though, was that he was, in the 1970s, a hesitant and unreliable leader of one of the political study groups that led to the detention in June 1976 and imprisonment in September 1977 of Mathew Goniwe, Godfrey Silinga and the Ntsebeza brothers. That Godfrey Silinga was not on the list could be attributed to the claim by Madikwa that Silinga’s father was, with Madikwa, charged with the responsibility of organising and monitoring the patrol groups. The crime of Mvimbi and Mfenyana was clearly the result of their business associations with me. M. Ntsaluba was most likely Mzwandile Ntsaluba, a colleague of Dumisa Ntsebeza who represented the Cala High School students.

In 1986, students who took legal representation were not allowed back to Cala High School. These included the leaders of the underground AZAPO group in Cala referred to above. When this group heard about CALUSA (by that time CALUSA was renting premises with the intention of setting up a resource centre), they approached the organisation for use of its premises for study purposes. CALUSA, and in particular, one

---

<sup>665</sup> The words in brackets are in the original, that is, Madikwa’s actual words.

<sup>666</sup> The use of the capital letters for surnames is in the original.

of its founder members, Bambo Qongqo, organised study material for the students from the Turret unit of SACHED, a well-known educational NGO.<sup>667</sup> These students also undertook to resuscitate CALUSA by ensuring that the resource centre was always open during the day. Constant detention of these students by the security police did not stop them from their resolve to work in CALUSA. From then onwards, CALUSA was transformed from an organisation oriented towards university students, to one that focused on high school education, and in particular, served correspondence students. CALUSA organised Winter Schools during the June holidays, and later established a unit, the Guidance Centre.<sup>668</sup>

One of the outcomes of CALUSA's focus on students and the youth was the establishment of the Xhalanga Youth Club (XYC). Following numerous initiatives, XYC was formally launched in June 1989. Partly reacting to the widely held view at the time that youth was a 'lost generation' (Ntsebeza 1993), XYC set out to mobilise the youth and make them of service to the broader community. The organisation was not a political organisation,<sup>669</sup> although some of its members were activists drawn from a variety of political organisations and ideological persuasions. These activists included the underground AZAPO group. By this time, however, they had abandoned AZAPO and the Black Consciousness philosophy, in favour of socialism. This was largely due to their contact with Bambo Qongqo, who cut his political teeth in socialism and was a member of the study groups that involved the Ntsebeza brothers in the 1970s. These study groups were established in order to fill in the political vacuum that was left as a result of the banning of political organisations in 1960.<sup>670</sup> The guiding principles of XYC were based on democratic control of the organisation and the 'practice of non-sectarianism'.<sup>671</sup> The activities of the Club were wide ranging. They included numerous debates on topics such as non-racialism in sport, socialism and the significance of May Day. One of the highlights of the XYC was the presentation of a play Confused Mhlaba

---

<sup>667</sup> Contact with Qongqo led to the group being weaned from its Black Consciousness thinking and introduced to socialist ideas.

<sup>668</sup> See minutes, quarterly and annual reports and evaluation reports of Calusa.

<sup>669</sup> Interview with Ntomboxolo Noyakaza-Tsengiwe, Cala, 1 March 2001.

<sup>670</sup> See Bell and Ntsebeza (2001:131-140) about the study groups.

<sup>671</sup> Interviews with Liwani, Ncapayi, Dayimani and Kayingana.

(land), that was based on a book that was in the CALUSA resource centre.<sup>672</sup> According to Ncapayi, the play depicted the difficulties that apartheid political prisoners went through after their release. It outlined the particular problems of adaptation and of being feared by and alienated from the wider society. The play was performed not only in Cala but also in the rural areas. Apart from the play, XYC engaged in a campaign to clean the cemetery.

So far, the focus has been on the activities of youth and students that were based and/or studying in Xhalanga. Yet, there was a crucial section of the youth that has not been mentioned that was to play a critical role in the political and social developments in Cala and Xhalanga. These were Xhalanga students who were studying outside the area, mainly in tertiary institutions, and migrant workers. All would return, especially during the December holiday. Some of them were student activists in their institutions, while some migrant workers were members and executive members in their unions. Xhalanga unionists who became prominent in their Unions included Moses Mayekiso, Enoch Godongwana, Gwede Mantashe and Mzwanele Mayekiso. All were from the rural areas of Xhalanga. Amongst the students were Ganga Tsengiwe, Lindiwe Msengana, Mpilo Makiwane and Loyiso Mdleleni. As with the migrant workers, some of these students were from the rural areas. For political reasons, these students and migrant workers did not involve themselves in the activities of the NGOs in Cala and XYC. The main reason, it seems, revolved around membership and/or non-membership to the Congress tradition of the ANC/SACP/COSATU alliance. The two NGOs, CALUSA and HCT, on the one hand, and XYC on the other hand, were, correctly, not seen as the products of the Congress tradition. In addition, the trustees and staff were not known Congress members, even though political organisations were banned.

The aftermath of the re-burial of Paramount Chief Sabata towards the end of 1989 brought the simmering tensions among the youth of Xhalanga into sharp focus. The first public manifestation of these tensions occurred between November 1989 and February 1990, when both students, studying outside the District, and migrant workers returned for

---

<sup>672</sup> Attempts to get hold of this book have been fruitless.

their usual holiday. The majority of these students and migrant workers associated themselves with the Mass Democratic Movement (MDM). The MDM sprung into prominence in the late 1980s, after the 1986 State of Emergency rendered the United Democratic Front (UDF) effectively banned. It was composed of some affiliates of the UDF, Congress of South African Trade Unions (COSATU) and various notables such as Winnie Mandela. Not surprisingly, the MDM strongly identified with the Congress tradition. Hitherto, the Congress tradition in Xhalanga had not embarked on any overt activities. Its main activities were underground and seemed to have focused on the activities of uMkhonto weSizwe (MK), the military wing of the ANC. Batandwa Ndondo was also an underground member of the Congress tradition. But it is above all the influence of students who studied outside Xhalanga, and who were involved in students' organisations that were part of the Congress tradition, and trade unionists who were in COSATU that established the Congress tradition in Cala and Xhalanga.<sup>673</sup>

The mission of the Congress youth was to establish, in line with the rest of the country, a youth structure along the Congress tradition in Xhalanga. When it was drawn to their attention that a youth organisation, XYC, already existed in Xhalanga, the Congress inclined youth questioned the credentials and political leanings of XYC, according to Liwani, Ncapayi, Khayingana and Dayimani.<sup>674</sup> At the heart of the matter, though, was the suspicion that XYC was not a Congress youth organisation. The Congress youth were clearly sectarian. After a series of intense and energy sapping debates and discussions, the Xhalanga Youth Congress (XAYCO) was established in December 1989.<sup>675</sup> For most of 1990, there existed two youth organisations in Xhalanga. However, in June 1990, the XYC disbanded.

One of the reasons for the disbanding of XYC, apart from the competition presented by XAYCO, was internal division about its role. Some argued that XYC should disband and join the popular forces and others argued for a continued role for XYC, pointing out that

---

<sup>673</sup> An in-depth study of resistance in Xhalanga over the last 50 years will be pursued by the author from 2003.

<sup>674</sup> See also the document: 'Xhalanga Youth Club – the voice of the youth and working youth', kept at the Calusa resource centre. Given the contents of the document, it appears as if it was produced in mid-1990.

XAYCO would not address the issues that XYZ was addressing. Those who argued for a continued role for XYZ pointed out that, unlike XAYCO, which had solely political objectives, XYZ had broader visions of developing the youth, socially, educationally, developmentally and politically. These discussions and divisions were a manifestation of similar discussions and divisions that were taking place clandestinely among socialists in Xhalanga, some of whom were active in XYZ. A former member of XYZ angrily captured the processes leading to the demise of the Club: ‘XYZ was hi-jacked by XAYCO, but also betrayed by some of its members who took the funds of XYZ and gave them to XAYCO. They wanted everyone to be ANC’.<sup>676</sup> The other reason for the XYZ’s disbanding was the popularity of the housing campaign that was taken up by the Congress movement. When political organisations were unbanned at the beginning of February 1990, an ANC office was formally established.<sup>677</sup> In the same month, a Cala Residents Association (CRA) was established to tackle chronic landlessness in Cala (Bank 1992). For almost two decades, a significant number of the growing population in Cala had unsuccessfully wanted land for residential purposes so as to escape what they considered to be exorbitant rents. The establishment of CRA was therefore a timely and an appropriate response to a burning need. CRA was also a response to similar campaigns that were supported by the ANC (Bank 1992:96).<sup>678</sup> Soon after its establishment, CRA submitted a petition to the Cala Magistrate for land to be made available for residential development. This petition elicited a quick response from the military government with promises that a survey would be done (Bank 1992:95-6). The housing campaign dwarfed the development programmes of XYZ around the cleaning campaign, and joined forces with HCT and CALUSA in their campaign for water provision in Xhalanga. As Xolile Dayimani, one of the XYZ members who strongly argued for disbanding the Club, explained: ‘What beat us was the campaign for housing. It was visibly commanded by XAYCO and ANC. Our campaign for water was undermined’.<sup>679</sup> This remark and the existence of campaigns that competed against one

---

<sup>675</sup> Conversations with Godfrey Silinga in January 1990.

<sup>676</sup> Interview with Ntomboxolo Noyakaza-Tsengiwe, Cala, 1 March 2001.

<sup>677</sup> The ANC had, though, since the re-burial of Sabata, been effectively unbanned.

<sup>678</sup> This also came up in interviews with Loyiso Mdleleni, Charles Mabadi, Andile Sondlo, Mbulelo Ngamlana and Sonwabo Khayingana.

<sup>679</sup> Interview, Cala, 28 October 2000.

another, rather than working as complementary initiatives, once again underlined the political divisions in Cala.

A feature of the Congress activities in Xhalanga in the late 1980s and early 1990s was that most of their activities took place during holidays, a clear testimony to the influence that students studying outside the district and migrant workers had in events in the area. The influence of outside students and migrant workers in Xhalanga seems to confirm Van Kessel's contention about the weakness of the UDF and ANC organisation in rural areas described in Chapter 3. For example, it is XAYCO that, during the June holiday in 1990, put a sense of urgency to landlessness when there was a delay with the land survey. The youth organisation put pressure on CRA, urging the latter to seize land that had already been identified for low-cost housing. On 18 June 1990, XAYCO and CRA seized land and demarcated plots. There was a dramatic response from the landless. Soon after the demarcation started, the new settlement was named 'Ndondo Square', an honour to the murdered local youth activist (Bank 1992).

### **The shift to rural areas and the crisis of Tribal Authorities**

Although most of the above activities took place in the town of Cala, they had a direct impact on the struggles against Tribal Authorities that came out in the open in the early 1990s. As has been pointed out, and will again be shown below, some of the activists in the rural struggles were also active in the housing campaign in nearby Cala. Further, there were conscious attempts to link the urban housing campaign with the land struggles in the rural areas of Xhalanga. Indeed, land was as much a burning issue in the urban area as it was in the rural areas of Xhalanga.

The first signs of resistance spreading to the rural areas of Xhalanga occurred, it appears, at Lumphaphasi, an administrative area that falls under Chief Stokwe's emaQwathinini Tribal Authority. Lumphaphasi has a chronic land shortage that can be attributed mainly to the fact that most of the land is made up of farms held under Schedule A quitrent titles. These farms surround the administrative area. It should be remembered that it is in

Luphaphasi that large landholders, such as Solomon Kalipa were given farms as part of the Thembuland Commission resettlement after the 1880-1881 Gun War. One informant remarked about the size of Kalipa's farm: "One farm, Kalipa, is the size of our grazing land".<sup>680</sup> It is again in Luphaphasi that, as shown above, residents such as sub-headman Dyantyi felt compelled to overlook the official channels of land allocation in the early 1980s.

When the resistance struggle against apartheid shifted to rural areas from the late 1980s, Luphaphasi became the first area in Xhalanga to embark on resistance. One of the main issues was land, and the target: the headman and the emaQwathini Tribal Authority. Recalling these events, the ranger of Luphaphasi declared: "1990 heralded the start of the *toyi-toyi* (*Ngo1990, kukuqala kwe toyi-toyi*)", citing the exact date as 5 January 1990.<sup>681</sup> The ranger explained that on that day, a meeting was held in Luphaphasi in order to discuss two issues, funds that were collected to build a clinic, on the one hand, and land, on the other hand. The meeting, according to him, was attended mainly by the youth, but there were also teachers, both men and women, a member of the then ruling military council and headman Shude. The youth accused the headman of corruption and refusing to allocate land for residential sites. A decision, according to the ranger, was taken at the meeting that sites should be demarcated on one of the commonages, Landula farm. "The *toyi-toyi*", the ranger concluded, "demarcated sites at Landula. It was the very first time here ("*itoyi-toyi yayokucanda kwaLandula. Yayiqala ngqa apha kuthi*")".<sup>682</sup>

However, the land campaign at Luphaphasi does not seem to have been directly connected with the land struggles in Cala. For purposes of establishing this link between the urban and the rural in Xhalanga, the following section will explore the land question at Emnxé and the re-emergence of organized resistance in that administrative area and how it triggered rural resistance in the Xhalanga district. The case of Emnxé also

---

<sup>680</sup> Interview with sub-headman Dyantyi, Luphaphasi, 15 November 1999.

<sup>681</sup> The term *toyi-toyi* refers to a dance that was popular amongst political activists in the urban areas in the 1980s. It was like a war cry.

<sup>682</sup> Interview with Mr Dyantyi, Luphaphasi, 9 September 1999.



highlights the visible role women played in the land struggles. Some of these women were involved in the programmes of the two Xhalanga NGOs, HCT and CALUSA.

*The re-emergence of organised resistance: the case of the landholders*

The district of Xhalanga was declared a Betterment Area on 23 November 1962, in terms of *Government Gazette number 1910*. It was not, however, until the late 1960s and 1970s that the scheme was actually implemented. A critical aspect of the scheme entailed the demarcation of land into grazing camps, residential plots and fields. In most cases, the demarcation entailed the removal of people from their areas of residence into new settlements. All the interviewees, including headmen and supporters of the apartheid government, pointed out how illogical the demarcation exercise was. They explained that before the Betterment demarcation, the residential sites divided the grazing camps from the fields. This meant that, despite the fact that grazing camps were not fenced, the risk of livestock destroying crops in the fields was limited by the fact that the residential sites acted as a buffer.<sup>683</sup> With the introduction of Betterment planning, residential sites were in most cases relocated away from the fields. Often, the fields were adjacent to grazing camps. This meant that fields could only be protected from animals for as long as there was effective fencing of grazing camps and close monitoring of gates. The Betterment Scheme promised the provision of fencing of grazing land and rangers were employed to monitor and maintain the fences and gates.

It will be seen below that the people who were primarily affected by this kind of planning were the landholders (*oonomokolo*). These were the holders of the Schedule A and Schedule B quitrent titles discussed in chapter 4 of this study. Betterment planning affected landholders who were removed from their residential plots in another way. The new plots that they were allocated were smaller than the old plots. Headman Fani, who became headman when Betterment was being implemented, explained: ‘People were removed to new settlements. People who had bigger plots lost as the new plots were smaller. The law stipulated that measurements should be 50m x 50m. There was no

compensation for land. Compensation was only for huts, and even then, it was the government who determined the amount”.<sup>684</sup>

In order to illustrate the concrete implications of Betterment planning in Xhalanga, the following example from one of the landholders at Emnxe is presented. Lungiswa Muriel Mguli (hereafter Madeyi, her clan name) was, until 1998, a community health worker employed by HCT cited above. According to her, landholders (*oonomokolo*) at Emnxe wanted to use their land for agricultural purposes, but could not do so as a result of damage caused by the stock.<sup>685</sup> She recalled that after the implementation of Betterment, fields (*amasimi*) were adjacent to grazing camps, and houses were far away at the foot of the hills (*ezingqaqeni*). ‘By the time you get to the fields’, explained Madeyi, ‘the cow has finished eating’. The fields, according to her, were not fenced, and there were no herd boys, as children were encouraged to go to school. When the landholders asked the headman to arrange for the fencing of the grazing land, they were, according to Madeyi, told that the government did not have the necessary resources. Madeyi recalled that landholders refused a suggestion by the headman that they should lease their fields to some white people who wanted land for agricultural purposes. According to her, their counter suggestion to the headman was that, given the failure by the government to provide fencing, the landholders should be allowed to go back to their old sites (*kuzwedala*). Their argument, as Madeyi explained, was that they would be closer to their fields.

It is worth noting that Madeyi emphasised that the failure to use their fields productively was due to the fact that camps and fields were not fenced, with the result that stock damaged their crop. While this is undoubtedly a key factor, research in the area and other communal areas strongly suggests that there are a whole variety of other reasons preventing rural people from productively utilising their fields. There seem to be two major reasons. First, rural people do not have access to financial support that would

---

<sup>683</sup> One of Matanzima’s strong supporters, Mawonga Nkunkuma, even took me to one of the locations, Tsengiwe, to demonstrate what he meant.

<sup>684</sup> Interview, Cala Reserve, 15 March 2000. It is worth noting that landholders, who were removed to new residential settlements, did not lose their fields.

make it possible for them to buy seeds, purchase or hire tractors and related implements, hire labour and buy fertilisers (for those who are not following natural and organic farming). The quitrent titles and PTOs are not recognised by financial institutions and thus cannot be used as collateral. Some may argue that rural people could continue to use cattle and manure for ploughing and fertilising, rather than modern technology. However, given current conditions, these methods are no longer feasible. Research on livestock production in Xhalanga showed that about 85% of those interviewed owned between one and ten cattle, with 50% of the respondents owning between 1 and 5 cattle. A cursory look at the figures in the Department of Agriculture in Cala seemed to confirm that the bulk of cattle owners in Xhalanga seem to own less than 30 cattle. In Cala Reserve, for example, one owner, who is also a ranger, had 83 cattle, but the rest owned between 1 and 22. A key factor for the decline in stock ownership seems to be overcrowded grazing fields and periodic droughts (Ntsebeza 2002a). Related to the above is the changing nature of rural life. Agriculture is not seen, particularly by the youth, as a viable means of livelihood, and formal education in its current form hardly orientates young people towards an agriculturally based livelihood. Consequently, a common complaint in rural areas is that youth are not interested in agriculture, leading to labour shortages.<sup>686</sup>

Attempts by Madeyi and her colleagues to take their case to Chief K.D. Matanzima revealed how vindictive a character Matanzima and his supporters at Qamata were. The occasion was used to belittle and vilify the people of Xhalanga presumably for the manner they resisted Tribal Authorities and Matanzima in the late 1950s and early 1960s. The Xhalanga landholders had managed to secure an appointment with the Regional Authority at Qamata through the efforts of a lawyer who grew up at Emnxe, and was considered by the landholders as being close to Matanzima. The practice of going through people who were known by Matanzima, rather than following legal channels and procedures was, of course, standard practice in the corrupt Transkei under his rule. After all, Matanzima represented himself as the law in Transkei. According to Madeyi, after

---

<sup>685</sup> Interview with Fani Ncapayi, Emnxe, 11 May 2000.

<sup>686</sup> I have benefited immensely from discussions with and notes from Miyuki Liyama, a Japanese Phd candidate doing fieldwork in Xhalanga. I am also indebted to Tim Wigley, a freelance trainer on the use of natural “organic” farming methods amongst various rural communities in Xhalanga.

explaining to the Regional Authority what their problem was, the Chief in charge of the Regional Authority on that day berated the Xhalanga landholders: ‘Hey! You are groping in the dark (*Tyini! Nifukuza nje emnyameni*). You don’t even know chiefs. What does Mr Stofile (head of eQolombeni Tribal Authority) say?’ When one of the men in the Emnxe delegation tried to argue, he was abruptly told: ‘You don’t do that to a chief (*akwenjenjalo enkosini*). You are talking nonsense’. The Chief apparently even threatened to arrest (“*ukubopha*”) the delegate from Emnxe. With regard to the request to be returned to their pre-Betterment land, the Chief warned the Emnxe delegation that what they were saying would land them in prison for suggesting “that the person who did the demarcation was out of his mind (*wayengenangqondo ngokucanda olwahlobo*)”. It was quite clear that the Chief knew about the people of Emnxe and wanted to teach them a lesson. The landholders from Emnxe were finally told that they should make a formal application requesting that the camp next to their fields be demarcated for residential purposes. The letter that was subsequently written by the landholders had, by the early 1990s, according to Madeyi, not elicited any response, other than being told by the headman of Emnxe that legal processes take a long time (“*izinto zomthetho zihamba kade*”).

### *The plight of the landless*

Madeyi’s account represents the specific position of those landholders who were relocated. Their problem was not landlessness, as such, but the fact that they were too far from their fields. Additionally, these landholders did not represent all the landholders at Emnxe, but only those who were removed. According to Madeyi, the landholders that she represented were eight in total. The majority of the inhabitants of Emnxe and other administrative areas in Xhalanga had, however, a different set of land-related problems. Their problem was ‘land hunger’. Not only did they not have fields to grow their crops, they also did not have residential plots to build their houses. The composition of this landless group ranged from the grown-up children of landholders who wanted to establish their own independent existence, on the one hand, to newcomers, mostly people who were either evicted by neighbouring white farmers or voluntarily left the farms, on the

other hand. Between 1960 and 1991, the population of the rural areas of Xhalanga had more than doubled, having grown from 24 360 in 1960, to 60 545 in 1991. By 1993, the rural population in this district was estimated at 63 754.<sup>687</sup> By contrast, the size of land had not expanded.

Sub-headman Dyantyi of Lumphaphasi has pointed out that by the mid-1980s, it was difficult to get land. The plots that were demarcated in the 1960s had been fully allocated. There were delays in demarcating more sites. The practice was that the headman would call a meeting of (male) inhabitants where a grazing camp would be identified and a recommendation made to the Tribal Authority for the camp to be converted into a residential area. If approved by the Tribal Authority, the headman would contact the officials of the Department of Agriculture to do the planning and demarcation. This process was time-consuming and several people, like sub-headman Dyantyi, were forced to resort to claiming land without the approval of the Tribal Authority, as early as the 1980s.<sup>688</sup> These measures, acts of despair under the repressive conditions of the 1980s, demonstrate the chronic shortage of land.

Lists of people who needed residential plots were compiled in many administrative areas of Xhalanga. Sub-headman and their committees compiled these lists in their villages.<sup>689</sup> The lists were ultimately forwarded to the office of the District Commissioner through the headman and Tribal Authorities. By the early 1990s, however, there had been no demarcation of land. As has been indicated above, headman Kupe's response that legal processes take a long time was seemingly a standard response by headmen in general. This lacklustre response provided the conditions for the re-emergence in Xhalanga of challenges to Tribal Authorities in the early 1990s. As already noted, there were similar struggles against Tribal Authorities in other parts of rural South Africa. The land struggles in the neighbouring town of Cala clearly influenced the land struggles in rural Xhalanga (Bank 1992).

---

<sup>687</sup> Source: Statistics South Africa – Republic of Transkei, Population Figures, Table VII (26), District: CALA –26.

<sup>688</sup> Interview, Lumphaphasi, 15 November 1999.

<sup>689</sup> Madeyi was a member of the committee in her area.

### **The struggle for land becomes more organised: the example of Emnxe**

Arguably the most organised and sustained campaign for land was at Emnxe, the hub of the campaign against Tribal Authorities in the late 1950s and early 1960s. Marked by divisions that were exploited by K.D. Matanzima outlined above, this study argues that three main and interrelated changes destroyed these divisions: the destruction of peasant production brought about by the Betterment planning, the migrant labour system and formal education.

Landholders who were forcibly moved found themselves in a position where they could not make any productive use of their land, largely due to destruction of their crops by livestock, but also due to other factors highlighted above, such as lack of access to financial resources. By the early 1990s, there was hardly any material difference between landholders, who had access to fields, and those who had no access. More than 50% of fields held under quitrent titles lay fallow and were effectively grazing land for livestock.

The destruction of production on land forced many rural residents of working age to seek work in the mines and in urban areas. This migratory labour trend, however, started much earlier. Drought seemed to have been another contributory factor to this process of proletarianisation in Xhalanga. Elderly men had vivid memories of two major droughts, in 1933 and 1949. ‘In 1933’, one of them recalled, ‘there was a big drought. Stock died. After that there was a big rain and snow. Some stock survived. People survived by cultivation and migrant labour. There was another drought, worse than 1933, in 1949. Dipping books were returned to dipping officials as many people lost all their stock. These people went to work as migrant workers’.<sup>690</sup> Betterment planning further aggravated matters and accelerated the pace of migrant labour in Xhalanga. As workers, rural people, whether they were landholders or not, or children of either, were by and large given the same treatment by their bosses. As will be seen below, the children of

---

<sup>690</sup> Interview with Fikile Ellen, eMaqwathini, 16 November 1999.

landholders and the landless became members of the same trade unions in urban areas and struggled together.<sup>691</sup>

Lastly, the rise of formal education in Xhalanga, particularly from the 1970s bridged the longstanding gap and divisions between so-called 'red' and 'school' people. In the early 1970s, Xhalanga only had the Arthur Tsengiwe Training School, for girls and women only, and the Matanzima Secondary School. By the early 1980s, the Training School accepted girls and boys. There were five High Schools and many primary and junior Secondary Schools. A leading educationist in Xhalanga, who was a high ranking official in the Department of Education from the late 1970s, recalled how he wrote letters on behalf of the Xhalanga communities to ensure that they were allocated funds to set up schools.<sup>692</sup> The irony is that the main person credited for the promotion of education in Transkei, including Xhalanga, was none other than Paramount Chief K.D. Matanzima. We have seen above that one informant commended Matanzima for promoting education, although she criticised his autocratic methods. Another informant commented: 'Matanzima was strong with education. He introduced education through chiefs and chiefs relayed the message to headmen ... We built many schools, for the future of our children. Education was seen as guaranteeing a better future for children, than reliance on stock'.<sup>693</sup> Little did Matanzima know that by promoting education, he was destroying the basis of his erstwhile constituency and building a constituency of students and educated people that would not be as loyal and liable to manipulation as was the case with the uneducated rural people.<sup>694</sup>

The driving force behind the resistance to Tribal Authorities in the early 1990s provides another interesting contrast to the resistance that reached its climax in the late 1950s and early 1960s. We have seen in previous chapters that the roughly 70-year resistance against government policies up to the early 1960s was led by men who were landholders

---

<sup>691</sup> On the association of workers due to their conditions of work, see Marx and Engels (1998).

<sup>692</sup> Interview with B.S.C. Mkumatela, Mbenge, 9 January 2000.

<sup>693</sup> Interview with Fikile Ellen, eMaqwathini, 16 November 1999. Mkumatela also made a similar point.

<sup>694</sup> This point is not meant to undermine the intelligence of uneducated people, but rather than to underline the point that in the era of 'globalisation', formal education widens one's mental horizons and creates far more options and opportunities.

and livestock owners. The struggles of the early 1990s bore testimony to the demise of this social group and the rise of new actors, the youth and women (see also Van Kessel 2001; 2000). The composition of the youth was made up of migrant workers, mainly in their 20s and 30s, and students in tertiary institutions, high and secondary schools. The migrant labour system established women as the de facto heads of their households and, having to fend for themselves, they found themselves playing a leading role in development initiatives such as the primary health care project of HCT and the educational programmes of CALUSA. It is also women, like Madeyi, who were behind the drive towards access to land in the 1980s. Emnxe provides a good example of how youth and women combined in the struggle against the headmen and Tribal Authorities. The Emnxe example also reveals another dimension - the urban-rural link.

Developments in nearby Cala had an influence on youth activists at Emnxe. One of the youth leaders, Loyiso Mdleleni, laid great emphasis on how developments in Cala influenced them: "One of the motivations was the establishment of the Residents Association in Cala. We insisted that there should be similar associations in rural areas".<sup>695</sup> Mdleleni was, in the late 1980s and early 1990s a student at the University of Transkei in Umtata. When the Xhalanga Campaigns Action Committee (XCAC) was formed in 1991, Mdleleni became its secretary. Evidence of the urban-rural link was also captured in the undated publication of the XYC cited above. The publication noted that there was an "informal" meeting at the Cala town hall on 2 December 1989 that was organised by the youth that later formed XAYCO.<sup>696</sup> The meeting was apparently called to receive "visitors" who were a "certain Mr (Mbulelo) Ngamlana and Mr Gwede Mantashe from the National Union of Mineworkers (NUM)". These visitors were interested "to hear reports on developments" in Cala, and also wanted to report on developments in the then Transvaal and Orange Free State. After listening to developments in Xhalanga, the visitors are reported to have stated that they, amongst others, "held a workshop where they discussed strategies of forming structures in the

---

<sup>695</sup> Interview, Queenstown, 29 January 2001.

<sup>696</sup> *Xhalanga Youth Club: The Voice of the Youth and Working Youth.*



rural areas”.<sup>697</sup> Their reasoning was that as activists in trade unions in the urban areas, they wanted to be involved in rural structures when they are on holiday.<sup>698</sup> The “visitors” were from Emnxe. Apart from showing the link between the urban and the rural, this also highlights the role of the youth, both as migrant workers and as students.

The issue that was identified by the youth as the basis for establishing a rural structure was, as in Cala and Lumphasi, land. This was one issue that would bring together rural inhabitants across gender, generation, ethnic and class lines. As Mdleleni explained: “We discussed the issue of forming the association and tackling vital issues with elderly people. We discussed all sorts of things – unfenced camps, residential sites and fields”.<sup>699</sup> We have seen that these were precisely the issues that people like Madeyi and landless people struggled with throughout the 1980s. It is thus not surprising that, as was the case even in Cala, the youth of Emnxe began to gain the support of elderly people, and especially women. Land for residential purposes was identified as the most essential, as Mdleleni and other activists recounted. This meant two things: the return to the original properties for landholders, and demarcation of land for the landless. It is worth mentioning that the old sites of landholders were never re-allocated, but became part of the grazing land (*amadlelo*).

The formation of a structure at Emnxe took longer to establish than might have been anticipated by the youth leaders. One of the reasons was, ironically, the leading role that migrant workers and students studying outside Xhalanga played. Most activities took place during the December holidays, when migrant workers and students were back on holiday. We saw this problem even in Cala. Migrant workers and students studying outside Xhalanga, we have seen, dismissed the XYC, and did not see it necessary to build on its foundation. The other reason was that there was, according to the youth leaders who were interviewed, on the part of the headman, Kupe, resistance to the establishment

---

<sup>697</sup> Youth activists at Emnxe who were interviewed confirmed workshops run by the Unionist, Gwede Mantashe.

<sup>698</sup> See Delius (1996) for the case of Sekhukhuneland.

<sup>699</sup> Interview, Queenstown, 29 January 2001.

of a resident's association.<sup>700</sup> A third and more interesting reason was the resistance of the landholders (*oonomokolo*), in particular those who were not removed and were not under the same pressure that Madeyi and her group were. They apparently attempted to reconstruct social relations between landholders (*abemi*) and the landless who recently arrived at Emnxe (*abahlali*).<sup>701</sup> The argument of the landholders, as Mdleleni explained, was that as landholders, "they were the only ones who could decide whether the land should be made available or not".<sup>702</sup> As one of the youth leaders, Andile Sondlo put it: "Only landholders were part of the cabinet of the headman".<sup>703</sup>

An important turning point in the process of establishing a Residents Association at Emnxe was the large-scale retrenchment of migrant workers from the late 1980s. Emnxe youth leaders such as Andile Sondlo and Mbulelo Ngamlana were retrenched around 1991. This meant that these youth leaders would be available throughout the year, rather than during the December holidays, as was the case in the past. The leading role played by these youth leaders dealt a telling blow to the conservative wing of landholders. Whereas these landholders could dismiss a youth leader such as Charles Mabadi, whose background fell in the category of the landless new arrivals, the same could not be said about Sondlo and Ngamlana. They were the sons of the landholders. Although they also wanted land for residential purposes, as trade unionists, and supporters of the Congress Movement, in particular, the South African Communist Party (SACP), they clearly did not subscribe to the class oriented views of their parents. Sondlo was quite clear: "What beat them was that we are the sons of *abemi*. We did not get into that. We strove that everybody should get a residential site. We were not very popular for that. They were surprised that it was us who were in the forefront of things".<sup>704</sup>

---

<sup>700</sup> It must be mentioned that former headman, Kupe, completely avoided any discussion of this phase of his reign. All he said was that "disrespect" on the part of the youth made him decide to retire.

<sup>701</sup> Interviews and conversations with youth leaders and residents of Emnxe during 2000 and the beginning of 2001.

<sup>702</sup> Interview with Loyiso Mdleleni, Queenstown, 29 January 2001.

<sup>703</sup> Group interview with Andile Sondlo, Charles Mabadi and Mbulelo Ngamlana, Lower Cala, 19 March 2000.

<sup>704</sup> Group interview with Andile Sondlo, Charles Mabadi and Mbulelo Ngamlana, Lower Cala, 19 March 2000.

Serious efforts were made by the youth leaders during 1992 to gather support for the establishment of a Residents Association around the land issue. Initially skeptical, the movement gained support from a wide spectrum of Emnxe residents. The youth leaders adopted various strategies. Firstly, they followed, to the best of their ability, legal channels, starting from the headman to General Bantu Holomisa's Military Council that was in power at the time. Only after they did not get positive responses did they resort to demarcating residential plots on some grazing camps without the permission of the government. Details of how this process unfolded will be provided below.

Secondly, the youth leaders capitalised on the widely accepted view that former headman Kupe was, as was the case with many headmen in the former Bantustans, corrupt in the system of allocating land. In this regard, one interviewee stated: "The youth had complaints about the administration of Emnxe (especially) land allocation, funds collected for the building of a clinic, etc. ... We also used to challenge the headman complaining about levies whose results we did not see".<sup>705</sup> According to another source: "If the headman did not like a particular person, for example, poor people, he would ignore the application for a site. Headman first considered the status of the person (*umntu onezinto zakhe*), what you would do for him and what he (headman) would get out of that person. It is precisely this behaviour that created problems between us, as residents, and the headman".<sup>706</sup> Interviews and conversations with rural residents in Xhalanga confirmed what the XCAC had identified - the corruption of chiefs and headmen as one of the grievances of rural people. The Committee alleged that chiefs and headman were prone to excessive bribery and corruption, especially when it came to the allocation of residential sites (Bank 1992:99).<sup>707</sup>

---

<sup>705</sup> Interview conducted by Fani Ncapayi, with Mrs. Xhegwana, 1 June 2000. It is worth noting, though, that by 1992, illegal taxation was no longer rife, given that the military regime of Holomisa had taken a stand against it. Holomisa is credited for having said: "When a chief comes to an administrative area (*elalini*), he should have his lunch-box. So why must poor people be troubled"? (Interview conducted by Fani Ncapayi with Lungiswa Muriel Mguli (Madeyi), Emnxe, 11 May 2000.

<sup>706</sup> Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Emnxe, 20 June 2000.

<sup>707</sup> Bank cites Minutes of the XCAC of a meeting that was held at the Royal Hotel in Cala on 18 April 1992. It has not been possible to view these minutes.

Thirdly, the youth leaders approached prominent individuals for support. Madeyi confirmed that the youth (*ulutsha*) approached her about her group's request that landholders be returned to their old sites. When she replied that the headman was evasive about the application, amidst rumours that it was approved and was being delayed in Cala (the local town), the youth asked whether she would object if they intervened. According to Madeyi, she agreed that the youth "should help".<sup>708</sup> Lastly, but by no means the least, the youth leaders drew inspiration from the tradition of resistance at Emnxe, making it clear, though, that they wanted to avoid the violence that accompanied the resistance of 1960 as discussed in the previous chapter. Linking the struggles of the early 1990s with those of 30 years earlier brought memories to the elderly as is evident from this elderly woman: "Some of us in the Emnxe Residents Association are a generation of the Xhalanga Residents Association".<sup>709</sup> Emnxe Residents Association (EMRA) referred to the organisation that was ultimately formed by the residents of Emnxe.

None of those interviewed was sure when exactly the Emnxe Residents Association (EMRA) was established, but it seems as if it was either in December 1991 or during the course of 1992. The youth leaders who were active in the late 1980s and early 1990s, Sondlo, Ngamlana, Mabadi and Mdleleni, became part of the executive. In order to ensure representativity, the committee was made up of two members from each of the nine sub-villages of Emnxe.<sup>710</sup> One of the founder members of EMRA sited the objectives of EMRA as bringing political awareness among the residents of Emnxe, particularly their perceived oppression under Tribal Authorities. The specific issues identified were the shortage of land for residential purposes and bribery in the land allocated process. EMRA was committed to a popular, transparent and participatory process of land allocation.<sup>711</sup>

---

<sup>708</sup> Taped interview conducted by Fani Ncapayi with Lungiswa Muriel Mguli, Emnxe, 11 May 2000. Mabadi would also have known Madeyi's land struggles from the work situation, given that both worked for the Health Care Trust

<sup>709</sup> Interview conducted by Fani Ncapayi with Mrs Xhegwana, 1 June 2000.

<sup>710</sup> Interviews with various members of EMRA.

<sup>711</sup> Interview conducted by Hlubi Xuba with Christopher Nkosinathi Kubukeli, Emnxe, 13 May 2000.

*The demarcation of land at Emnxe*

EMRA took up the delay in the demarcation of residential sites. All the committee members of EMRA who were interviewed insisted that they made every effort to pursue legal channels, from the headman upwards; these were all in vain. According to Madeyi, the headman angrily told the youth: “You will be allocated land when you are very old” (*Nakucandelwa mhla nakhokhoba*).<sup>712</sup> In the end, EMRA gave the government officials, including headman Kupe, an ultimatum that should there be no positive response by 26 December 1992, they would demarcate land.<sup>713</sup> The choice of date again points to the influence of migrant workers and of students studying outside Xhalanga, although it should be added that some migrant workers, such as Andile Sondlo and Mbulelo Ngamlana, had been retrenched. In the meantime, there were further meetings discussing the strategy for land demarcation (*ucando*). It was resolved that plots would be given to the landless according to the existing lists that were compiled by the sub-headmen.<sup>714</sup> At the time, it appears, the sub-headmen supported their headmen in full..

When, by 26 December 1992, the government had not responded positively to the land demands of Emnxe residents, EMRA led the drive to demarcate land for residential plots. They started at Lower Cala without any incidents. On the second day, they moved closer to the area from where Madeyi and others were removed. Madeyi stated that the Ranger wanted to know who gave permission for the demarcation. When they replied: “We gave ourselves permission ... `we` being `Emnxe` (*singuMnxe*)”, the ranger apparently informed the headman and the agricultural officer, Mablawuti Ncoko. The police were also called and, after discussing with the committee members of EMRA, the police indicated that the committee members were under arrest and should report to court.<sup>715</sup> A lawyer, Prince Madikizela, was engaged to represent the accused. The case was subsequently thrown out, apparently on a technicality.<sup>716</sup> All those interviewed reported that there was wide support for the accused. People were brought in trucks to show their

---

<sup>712</sup> Taped interview conducted by Fani Ncapayi with Lungiswa Muriel Mguli, Emnxe, 11 May 2000.

<sup>713</sup> Interview conducted by Fani Ncapayi with Charles Mabadi, Cala, 21 April 2000.

<sup>714</sup> Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Cala, 20 June 2000.

<sup>715</sup> Interview with Loyiso Mdleleni, Queenstown, 29 January 2001.

support during the trial. The arrest of office bearers did not dampen the spirit of resistance. Instead, new committee members were identified and recruited. So determined were the people of Emnxe that the demarcation of land continued even as the court case was proceeding.

Madeyi strongly argued that women had played a leading role in the land struggle of the 1990s, since their involvement in HCT health and development programmes.<sup>717</sup> By the late 1980s, HCT had expanded geographically to Emnxe, and in terms of projects, had included pre-schools, primarily, though not exclusively, to train mothers on child health (Alperstein and Bunyonyo 1996). Madeyi was herself a health worker at the time. She stressed that it was women who took the initiative, with men following thereafter. She was emphatic: ‘It was women (*oomama*), then men (*ootata*) followed.’<sup>718</sup> People who are quick to understand things are women. It takes time for men to understand, they are blunt (*ngqukuva*). But as soon as they see that ‘hey! These women are persisting’, they follow. Some understand, but drag their feet’.<sup>719</sup> Madeyi’s remarks should, of course, be understood in the context of her specific experiences in HCT. I indicated earlier that despite the gender-neutral philosophy of HCT, it is mainly women, who participated in HCT activities. Employees of HCT agreed that it was difficult, even after HCT introduced gardening and water projects, to attract men. It appears that men expected to be paid and unwilling to be involved in HCT activities on a voluntary basis.

Despite the activism of women, and in spite of the fact that they were in the majority in meetings in these land struggles, it was mainly (but not exclusively) young men in their thirties, who held leadership positions.<sup>720</sup> Interviews and conversations with rural women, coupled with my own observations, suggest enduring patriarchal relations where not only men, but women, too, have not internalised gender equality. In some instances, it appears men simply would not accept gender equality and women found it difficult to

---

<sup>716</sup> None of the informants grasped the details of the technicality.

<sup>717</sup> Taped interview conducted by Fani Ncapayi, Emnxe, 11 May 2000.

<sup>718</sup> Literally translated ‘mama’ is mother, and ‘tata’ father. However, for purposes of this study, the terms ‘women’ and ‘men’ will be used.

<sup>719</sup> The visible role of young women was confirmed by all the interviewees and in conversations.

<sup>720</sup> Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Cala, 20 June 2000.

challenge their husbands, and risk destroying their marriage. As one executive member of EMRA said: ‘My husband used to attend these meetings. I was a housewife, not knowing much about things’.<sup>721</sup>

The youth leadership insisted that they were respectful towards their parents and they went through the legal process as best as they could. In spite of this, though, there were some people, mainly the elderly, who regarded the youth as disrespectful. Not surprisingly, former headman Kupe was one of the most vocal in this regard. The youth, led by EMRA, removed Kupe as headman. EMRA members claim that this was a last resort, when it became clear that the former headman did not want to co-operate with them. Their account states: ‘When it became clear that we were not in agreement with the headman, we organised that the headman be removed from office, given that he was not co-operating with us. Mr Kupe (the headman) stepped down’.<sup>722</sup>

There seems to be a sense in which it could be said that the youth were disrespectful and, indeed, intimidating. One of the founder members of EMRA frankly stated that elderly people ‘were against what we were doing as we were indeed very arrogant in so much that we used to threaten people by saying to them: *‘Sizakunitshisela ukuba anifuni kulandela’* (‘We will burn your houses if you do not follow’)’. He also alleged that some residents were ‘angered by the fact that the piece of land that we had allocated ... was actually grazing land and no consultation was made of senior citizens to be honest’.<sup>723</sup> Leading EMRA activist, Sondlo, argued in defence of EMRA that whereas they in the leadership were committed to conduct things in an orderly fashion, it was not always possible to control things ‘as tempers were running high’.

Whether the land campaign at Emnxé had popular support or not seems to be difficult to answer in simple terms. But it appears, from interviews and conversations that there was support for the campaign, particularly from the landless, across gender and generation

---

<sup>721</sup> Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Cala, 20 June 2000.

<sup>722</sup> Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Cala, 20 June 2000. No one could recall when, exactly, the headman was forced to step down. The former headman was not keen to deal with this question in our interview.

lines. This issue of demarcation seems to have affected mainly the landless and some cattle owners. In interviews during my research on cattle production in Xhalanga, the linking of the shortage of land for grazing and the demarcation process of the early 1990s arose (Ntsebeza 2002). But those who raised this issue understood and indeed sympathised with the plight of the landless. People who seemed not to have had an opinion are those “who did not have land related problems because their children are still young”, or “already had their own land”.<sup>724</sup>

In Xhalanga, in the allocation of land, there does not appear to have been preference for ANC members, despite the fact that the leadership of EMRA was made up of members of the ANC. This contrasted with Cala, where there were claims that CRA gave sites to members of the ANC, or people who paid the joining fee of the ANC. Madeyi was emphatic that the allocation of plots was per the list compiled by the sub-headmen, rather than according to political affiliation: “There were also members of the PAC, although they were not active (*nangona babehamba emva nje*). We were not allocating plots to ANC people, we allocated plots to everyone from Emnxe who wanted a plot”. It was possible to obtain those lists, especially where certain sub-headmen switched allegiances in favour of EMRA or where activists, like Madeyi, were also members of the sub-headman’s committee.

### **From the demarcation of land to the first democratic election in 1994**

EMRA’s level of commitment to a radical transformation of existing governance and land tenure structures in the rural areas is worth consideration. EMRA, for example, did not challenge the system of headmen. We have seen they were even willing to work with headman Kupe, had there been co-operation on his part. When headman Kupe was removed, another headman was elected. This reminds us that, on the whole, the people of Emnxe had never been against the system of headmen. We have seen that the one time they objected to a headman was when Paramount Chief Matanzima and the eQolombeni

---

<sup>723</sup> Interview conducted by Hlubi Xuba with Kubukeli, Emnxe, 13 May 2000.

<sup>724</sup> Interview conducted by Fani Ncapayi with Nolungile Mkwai, Emnxe, 20 June 2000. Those who already had land would presumably exclude cattle owners.



Community/Tribal Authority refused to allow the male residents of Emnxé to elect their headman. EMRA, however, changed the nature of the system of headmen. In the past a headman was elected until retirement, as if they were civil servants, but the leadership of EMRA argued that headmen should be elected every five years, as are politicians in a representative democracy. Some of the leaders thought that headman Mbimbi, who was elected to replace Kupe, would either be re-elected or replaced in an election after five years. This, however, was not to be. There has never been another election of a headman.<sup>725</sup>

With regard to land tenure, the leadership of EMRA negotiated the registration of the plots they had demarcated, without raising any questions about the form of tenure based on the PTO system that existed under colonial and apartheid governments. This is perhaps an indication that rural people did not really regard the PTO as insecure.

EMRA encountered problems in their bid to acquire PTOs for the plots they demarcated. After numerous discussions and negotiations, the Xhalanga District Commissioner indicated his willingness to issue PTOs, on condition that existing procedures for land allocation were observed.<sup>726</sup> For the purpose of this discussion, I will focus on two requirements that proved to be a major hurdle in EMRA's efforts to secure PTOs for their supporters: the size of residential plots and taxes. The official size of plots had, by the early 1990s, been reduced from the 50m x 50m to 46m x 46m at the time of the introduction of the Betterment Scheme, another indication of how scarce land was becoming in the rural areas of the former Bantustans. EMRA did not use the official measurements. The size of their plots measured 50m x 50m. When the question of the size of plots was brought to the attention of EMRA, they stuck to their measurements.<sup>727</sup> Mdleleni claimed that they decided on these measurements largely because they did not get any clarity from the officials of government about the prevailing size of plots.

---

<sup>725</sup> This is despite numerous complaints villagers have against him. Part of the reason is that EMRA had, by the late 1990s become almost defunct.

<sup>726</sup> I was unable to secure an interview with the former District Commissioner. He has since left Cala after District Commissioners were abolished after 1994.

The other condition that EMRA did not meet concerned taxes. We have seen above that one of the conditions for approval of an application for land was that the applicant should be up to date with taxes. These taxes were paid by men, as soon as they reached a certain age and status, (for example, when they married), and irrespective of whether they had land or not. EMRA responded to this requirement with a further two conditions. First, that they pay taxes with effect from the time plots were demarcated, and not before, when the landless were still staying with parents and/or relatives. The second condition was that the taxes be used for the development of Emnxe. Mabadi summarises the views of EMRA on the issue of taxes thus: “We may agree to pay from the time we started occupying our houses, but not pay interest, as we did not have any papers. Secondly, we wanted to know what happens to the money we pay, and to what benefit would it be to us”.<sup>728</sup>

By April 1994, the differences between the government and EMRA had not been resolved. Instead, EMRA encouraged its supporters to occupy their plots. It is quite clear from interviews that at the time, the leadership of EMRA was certain that the delays were as a result of laws, regulations and officials of a dying apartheid, Bantustan regime. By the end of 1993, there was already agreement amongst the negotiating parties at the constitutional talks that the first democratic election in South Africa would be held in April 1994, and it was clear that the ANC would win the election by a large majority. As Sondlo put it: “We were a matured youth, and we had information of the coming government”.<sup>729</sup> Additionally, given the political climate of the early 1990s, and the fact that General Bantu Holomisa had openly aligned himself with the liberation movement, it was not possible for the Transkei administration to evict EMRA’s supporters. In fact, no one was evicted. By 1994, about half of the demarcated sites had either been occupied or were fenced. Madeyi was one of the first elderly people to return to the household she was removed from. As their houses had been destroyed, she rebuilt hers from scratch.

---

<sup>727</sup> Interviews and conversations with the leadership of EMRA, Emnxe, 21 March 2000.

<sup>728</sup> Interview, Cala, 16 March 2000.

<sup>729</sup> Interview, Cala, 16 March 2000. The “coming government” he was referring to was the ANC government.

Chiefs did not feature in the land struggles of Emnxe. It will be recalled that Emnxe was never under the jurisdiction of any of the two Chiefs in the district: Gecelo and Stokwe. With regard to Lumphasi, which fell under Chief Stokwe's Tribal Authority, there is no evidence that Stokwe intervened when land demarcations were made in the early 1990s. As already indicated, Stokwe tended to be somewhat irresponsible.<sup>730</sup> At Cala Reserve, an area under the amaGcina Tribal Authority of Chief Gecelo, headman Fani backed down and put pressure on the government to release land and fast-track the demarcation and allocation process.<sup>731</sup> According to headman Fani, most headmen in the district adopted his strategy to avert a repetition of what happened at Emnxe.

The leadership of EMRA most probably did not realize that, as at 1994, the form local government in the rural areas of the former Bantustans would take, had not been defined. Furthermore, the 1993 Interim Constitution recognised the institution of traditional leadership, without any clarity as to its roles, functions and powers especially in local government and in relation to the land issues in the rural areas of the former Bantustans. The Interim Constitution also failed to define critical terms, like "traditional leader", thus leaving the nature and role of the institution open-ended.

## **Conclusion**

This chapter has dealt with the period between 1963 and 1994. This period has, in turn, been divided into the period between 1963 to the mid-1980s, on the one hand, and the period up to the first democratic election in 1994, on the other hand. It has been argued that the former period could be seen as the era of the consolidation of Tribal Authorities in Xhalanga, while the latter period saw the Tribal Authorities in crisis. Detailed case study material has been drawn from the Emnxe administrative area, the site of the anti-Tribal Authorities campaigns of the late 1950s and early 1960s. Central to the consolidation of Tribal Authorities in Xhalanga was the active and direct involvement of Paramount Chief K.D. Matanzima in the activities of Xhalanga, at least initially. It has

---

<sup>730</sup> Interview with Mr Dyantyi, emaQwathini, 9 September 1999.

been shown how his vicious and autocratic style of rule made him a feared, rather than a revered ruler.

It has been argued in this chapter that Matanzima's despotism had implications for the appropriateness of Mamdani's notion of the "clenched fist" leading to "decentralised despotism" in the Xhalanga case study. According to Mamdani, decentralised despotism occurs when various forms of power have been concentrated in the chief and his Native Authority. Critical to Mamdani's delineation is that the chief and Native Authority should possess "a degree of autonomy" (1996:60). The interference of Matanzima in the affairs of Xhalanga, it has been shown, made it difficult for the chiefs and Tribal Authorities in this district to exercise independent power. This chapter has doubted, given the history of Xhalanga, the ability of the Chiefs and Tribal Authorities in the District to be effective decentralised despots. The Chiefs in particular were never a recognised force in the district of Xhalanga, despite Matanzima's hope in the late 1950s that Xhalanga would eventually be divided into two Tribal Authorities, each of which would fall under the jurisdiction of one of the two Chiefs, Gecelo and Stokwe. A source of power that Tribal Authorities had, though, was that rural residents could not gain access to government resources without going through Tribal Authorities. This meant that whether rural residents supported Tribal Authorities or not, they had no option but to use these structures.

The crisis of Tribal Authorities, which in practice manifested itself in the form of the ousting of headmen in the early 1990s, was preceded by political activity in the 1980s, which shaped development in the rural areas of Xhalanga. It has been the contention of this chapter that this political resurgence, partially a result of the increasing number of returning migrant workers and students, significantly contributed to the development of civic movements that cut across ethnic, social rank, urban, rural, gender and generation lines. It is these divisions, the chapter has argued, that were exploited by Matanzima in the early 1960s and partly contributed to the demise of resistance at the time. This newfound unity revived resistance.

---

<sup>731</sup> Interview with headman Fani, 15 March 2000.

Women in Xhalanga were a visible force in the struggles of the late 1980s and early 1990s, especially in comparison to their role in certain other areas, such as the Tshezi Tribal Authority (Ntsebeza 1999), and to the struggles up to the early 1960s. In this regard, the indirect, but critical role of NGOs in Xhalanga, and in particular that of the Health Care Trust (HCT), has also been emphasised. The chapter has shown that it is HCT, more than political organisations, that equipped women with leadership skills and boosted their self-confidence by laying stress on gender sensitivity and democratic decision-making. The chapter has, however, avoided exaggerating the role of women and shown that woman's involvement and participation in the political and social life of Xhalanga was in its infancy. This was shown by the fact that key leadership positions were still the preserve of men, as the case study of Emnxe shows.

This chapter has demonstrated that by the time of the 1994 democratic elections, headmen and Tribal Authorities were under severe pressure. Headmen who resisted were either removed, as at Emnxe, or forced to flee, as was the case at Sifonondile. The general pattern, it has been suggested, was that certain headmen, such as Fani in Cala Reserve, took the initiative, thus avoiding being pushed into action.

Opposition to Tribal Authorities in the late 1980s and early 1990s in Xhalanga was indeed part of a wider struggle against these authorities in other parts of the country. The issue of land was central in all of these struggles. However, whereas in earlier struggles against the Betterment proposals up to the early 1960s, when resistance against government policies was crushed, the struggles of the early 1990s were marked by forced land occupations and a return to land that people were removed from in the 1960s. The possibility of land occupations in the 1990s should, of course, be seen against the backdrop of nature of the state. By the early 1990s, the state had changed from a highly repressive state in the apartheid period until the late 1980s, to one that was on the verge of collapse. Without the backing of a repressive state, Tribal Authorities and their incumbents were considerably weakened. In addition, the organisation of resistance in the 1990s was much more coordinated than in the late 1950s and early 1960s. In this

regard, migrant workers and students played a critical role in linking the urban and rural struggles. The formation of SANCO in 1992 and its active involvement in rural struggles, was also an added advantage to linking the various struggles. It was precisely the lack of this co-ordination that had been one of the weaknesses of the rural struggles up to the early 1960s.

However, the chapter has pointed out that there were, on the eve of the first democratic election, still uncertainties about the kind of democracy that was emerging in South Africa. The main concern was the form local government was to take in the rural areas of the former Bantustans, on the one hand, and how the land question, including overcrowding, land tenure and administration would be resolved. The 1993 *Local Government Transitional Act* was silent on the form local government would take in the rural areas of the former Bantustans. Land matters were still governed by apartheid and Bantustan laws, as is evident in the bid by Emnxe resident's to register their plots. Indeed, the recognition of, and simultaneous lack of clarity about, the roles, functions and powers of traditional leadership in a democratic South Africa, raised serious questions about the possibility of a democratic resolution of local government and land issues in rural areas of the former Bantustans. The example of Xhalanga, though, shows that political activists in rural areas appeared to be unaware of these dynamics and their implications for the resolution of local government and land affairs in the so-called 'communal areas'.

## CONCLUSION

### **Neither Citizens nor Subjects: the plight of rural residents in Xhalanga**

This study has sought to understand why, despite their collaborative role during the colonial and apartheid periods, traditional authorities have demonstrated remarkable resilience. This study has considered three related questions about traditional authorities: the conceptual question of the relationship between democracy and 'tribalism', the history of these institutions, and the political contexts in which they were established and the causes they served. Conceptually, the study examined the fundamental contradiction arising out of the constitutional recognition of the institution of traditional leadership, while at the same time enshrining and upholding democratic principles based on a Bill of Rights and representative government. The historical question has revolved around how, despite their collaborative past, traditional authorities have survived when South Africa's democracy was introduced in 1994. The study further sought to find answers to the political question of why an ANC-led government has recognised traditional authorities given their centrality in apartheid repression, and especially in the rural areas of the former Bantustans.

In trying to understand the continued survival of traditional authorities to the present day, this study traced the history of rural local government from the time of contact between Africans and colonialists in South Africa in the nineteenth century. It has been argued that colonialists in South Africa faced the same problem that colonialists in general faced; namely how to rule an indigenous majority, as a minority from abroad, without local knowledge and understanding. The colonial answers, as Mamdani shows, were those of 'divide and rule' and 'indirect rule' (1996). In the specific conditions of South Africa, colonialists opted for segregation and established 'reserves' for African occupation. This entailed establishing administrative structures that involved collaborative links with willing Africans, including traditional authorities, at a local, administrative level.

The study has shown that the above process of incorporation was uneven. Not only were there differences between the Boer Republics and the British Colonies, but there were

also varying styles of rule within the different British Colonies. In the Natal colony, a policy of indirect rule through traditional authorities, under the stewardship of Shepstone, was followed. However, under the specific conditions of the Cape in the nineteenth century, indirect rule through traditional authorities could not be immediately implemented. In this colony, traditional authorities in general led pitched battles against colonialist in a number of 'frontier wars'. Thus, the colonial strategy in this colony was to undermine and marginalise traditional authorities. Yet, the study has argued that a version of indirect rule was instituted in this colony too, in the form of the headman system and the district council. Some traditional authorities participated in the headman and council systems, not in their capacity as traditional authorities, though, but as headmen or councillors. The position taken in this study thus challenges scholars such as Evans (1997) and Dubow (1995) who suggest that the system in the Cape before the advent of apartheid was one of direct rule, with administration run by magistrates.

The issue of the legitimacy of traditional authorities, it has been argued, came to the fore from the late 1930s, when those who were headmen and/or councillors were compelled to implement the much hated government conservationist policies, popularly known as the Betterment Scheme. This study has challenged Hammond-Tooke's claim that, until the introduction of the *Bantu Authorities Act* of 1951, traditional authorities commanded some measure of legitimacy. Hammond-Tooke's claim assumed that traditional authorities were not directly responsible for implementing draconian government measures such as the Rehabilitation Schemes. This study, though, has demonstrated that by the end of the 1920s, a growing number of traditional authorities were appointed either as headmen or served in the District and General councils. Hammond-Tooke himself acknowledged that by the 1940s, traditional authorities dominated the General Council. These traditional authorities could not avoid discrediting themselves in the eyes of their 'subjects', as they were compelled to enforce government policies, particularly the much-hated conservation measures. But the study does concede that some traditional authorities could avoid being tainted, given that they were not compelled to be either headmen or councillors.



After the introduction of the *Bantu Authorities Act* of 1951, traditional authorities could no longer avoid tarnish. They, together with headmen, were pivotal in the implementation of the *Bantu Authorities Act*. This *Act* established a form of rural local government that was based on Tribal Authorities. Regional and Territorial authorities were also provided for in the *Act*. By being drawn into the apartheid administration, no traditional authority could escape association with this system, given that they were forced to implement Tribal Authorities. By this time, the role of the reserves, renamed ‘Bantustans’ at the dawn of the apartheid regime, had changed. Initially conceived as a base for the reproduction of migrant labour, the Bantustans became structures of controlling and policing unwanted labour in ‘White’ South Africa. By the late 1980s, the majority of traditional authorities were discredited and, in many areas, feared. It was thus not surprising that when resistance spread from the urban to rural areas in the late 1980s and early 1990s, Tribal Authorities and their incumbents were the obvious targets.

Under these circumstances, this study has concluded that traditional authorities have indeed survived, but have survived precisely because they were collaborators, rather than as a result of their ‘resilience’, let alone their legitimacy. ‘Resilience’, according to this study, is considered a strong term, suggesting some form of resistance and buoyancy, an argument for which there is no evidence. Colonialists set up the headman system, and traditional authorities had to fall in line with this structure in order to play an administrative function. To the extent that a partnership existed, the colonialist government was the dominant partner, especially as it robbed chieftaincy of its final authority on land and governance issues.

A question that this study has attempted to answer is how it came to pass that even those traditional authorities who were tainted by apartheid are today in favour with the post-1994 democratic government. In this regard, the study has argued that this situation must be understood against the broader context of the seeming resurgence of the institution of traditional leadership and its incumbents in African countries, such as Mozambique, in the early 1990s. In the case of South Africa, the notion of the ‘resurgence’ of traditional authorities manifested itself in the form of the recognition of the ‘institution of traditional

leadership” in the 1993 Interim Constitution. The study has investigated the process leading to the recognition of the institution of traditional authorities. In this regard, the policies of the ANC, the main and critical liberation movement in the negotiation process, have been analysed and assessed. The rationale for exploring the policies of the ANC is based on the fact that it leads the post-1994 government. The analysis also brings us to the political question of why the ANC recognised this institution.

The ANC, according to this study, never had a consistent policy on chieftainship. There were internal debates on this matter, as well as debates between the ANC and SACP in exile and those members that were on Robben Island. The key issue under discussion was whether the institution of chieftainship and its incumbents had a role to play in a developing capitalist South Africa. Communists led by Mbeki argued that the institution had outlived its necessity and needed to give way to elected, democratic forces. However, others in the ANC/SACP alliance argued in favour of close collaboration with traditional authorities such as Buthelezi who, while participating in the apartheid system, were nonetheless sympathetic to the liberation struggle. When the struggles of the UDF, an internal voice of the ANC, shifted to rural areas in the 1980s, its overall policy on chieftainship resembled Mbeki’s position, namely that chieftainship did not have a place in a modern democracy.

The formation of CONTRALESA in 1987, coupled with bloody conflict in KwaZulu Natal and the former Transvaal involving the IFP and UDF/ANC, were central events in the process leading to the ultimate recognition of the institution of traditional leadership. On the one hand, in a bid to broaden its rural mass base, the ANC continued its bid to woo ‘progressive’ traditional authorities, rather than evolving a strategy to establish alternative democratic structures that would replace traditional authorities in these areas. When the question of elections became imminent in the early 1990s, alliance with chiefs was seen as a chance to win votes in rural areas. On the other hand, the ANC and the (then) ruling National Party agreed that no permanent political settlement was possible without the involvement of the IFP. Given the chiefly support base of the IFP, the ANC

and National Party considered the recognition of traditional authorities to be critical in ensuring the co-operation of the IFP.

Based on this history, I have argued that the recognition of the institution of traditional leadership was influenced by political and reconciliation considerations, rather than based on their popular support. On the ground, rural residents, (mainly, but not only, youth), in many rural areas in the Eastern Cape and elsewhere were involved in running battles with chiefs and headmen. There were calls for their removal in favour of democratically elected structures led by Residents Associations. The formation of SANCO in 1992 brought tighter structures to rural civic organisations. This development, as has been pointed out, was, however, uneven. SANCO did not establish itself across the country. In areas such as the Tshezi area, traditional authorities remained strong and often feared, and there was hardly any evidence of the existence of SANCO branches.

The recognition of the institution of traditional authorities, without any clarity about their roles, on the one hand, and enshrining democratic principles based on representative government, on the other hand, poses a conceptual problem about the meaning of democracy in rural South Africa. For their part, traditional authorities understood the recognition of their institution to mean that they would be the primary structure in rural local government. On the other hand, the ANC was ambivalent as to what recognition of the institution would mean in rural local government. However, the Interim Constitution had prescribed that municipalities would be established throughout South Africa, including in the rural areas of the former Bantustans. How the two would co-exist was not clear when the first democratic local government elections were held in 1995/6. It has been argued, though, that the advantage the ANC had at the time of the 1994 election was that, despite the conflict between traditional authorities and democratic structures on the ground, the ANC enjoyed the support of both traditional authorities in CONTRALESA and rural inhabitants organised by civic organisations. This meant the ANC was under no pressure from its constituencies to resolve the impasse.

An issue that came out in the historical overview of the role of traditional authorities has been that rural areas differ, not only between, but also within provinces. Different regional histories and sets of circumstances mean that the status of traditional authorities varies across the country. It has been shown that rural areas such as Phondoland and KwaZulu have a strong tradition of chieftainship, and that this is largely still the case. That chieftainship is still strong does not necessarily mean that it is popular. Often, as has been argued in this study, subjects may be fearful of their traditional authorities. Yet, in many other areas of the Eastern Cape, in particular in the Ciskei, traditional authorities are either weak or do not exist. These differences indeed demonstrate that the relationship between traditional authorities and subjects is dynamic and changeable. The Xhalanga case study provides an illustration of this relationship.

In Xhalanga, it has been argued, chieftainship was imposed, but it never established a foothold. A combination of internal and external factors contributed to the weakness of chiefly rule in Xhalanga. The internal dynamic was that the Xhalanga rural population was not homogeneous. It was not only divided socially between the so-called 'school' and 'red' people, but according to social ranks, mainly between those who had access to land for cultivation and were given quitrent title, and those who paid hut tax, but did not have any access to land for cultivation. Some of the latter resided on the farms of the landholders and were often referred to as the 'hose' people, a term derived from white farms. Ethnic divisions between amaMfengu and abaThembu further complicated these social gradations. AmaMfengu were 'school' people, while the majority, though not all, of abaThembu were 'red' people. Given that the 'school' people strove towards assimilation into the colonial system, they rejected chieftainship. Moreover, amaMfengu did not have chiefs.

At the same time, the colonial promise that they would not interfere with chiefs in Emigrant Thembuland proved to have been a trick to get Africans out of Glen Grey. Soon after Africans settled in parts of Xhalanga, the Cape Colonial government exercised its policy of undermining the power of chiefs and chieftainship. The decisive moment was the involvement of Chiefs Gecelo and Stokwe in the 1880-81 anti-colonial Gun War. As a result of their involvement, colonialists stripped them of their chiefly power.

A protracted struggle against the District Council in Xhalanga characterised the period from the late nineteenth century to the introduction of the 1951 *Bantu Authorities Act*. The study has demonstrated that it was primarily the landholders who stood in opposition to the formation of the District Council. Inspired by the colonial promise of incorporation into the colonial political and economic system, they rejected the segregationist aspects of the *Glen Grey Act*, the Act that established the District Councils. After being imposed in 1925, it did not take long for the District Council in Xhalanga to be discredited, even in the eyes of those who would have supported it. The introduction of the conservation measures from the late 1930s, and the supportive role played by the District Council, thoroughly discredited the District Council in the eyes of rural residents. Unlike before, when opposition was expressed in the form of peaceful pleadings, deputations and delegations, the nature of the opposition to the conservation measures was becoming much more confrontational. This was particularly the case in the administrative area of Emnxe.

In the period up to the introduction of the *Bantu Authorities Act*, the dethroned chiefs of Xhalanga were not prominent in the public life of Xhalanga. Of the two Chiefs, Gecelo's descendant managed to secure a role as a headman at Mbenge location, which also happened to be the land that was granted to him following the recommendations of the 1883 Thembuland Commission. The colonial stance was that given that the land was allocated to Gecelo, the position of headman could not be contested. This cast doubt to any claim that Gecelo was popular and respected, rather than feared by his people. By contrast, the chieftainship of Stokwe's descendants suffered a severe blow after the death of Stokwe in the Gun War. Although some subjects remained loyal to the chieftainship, evidence shows that the more educated people were reluctant to serve under an uneducated chief. No member of the Stokwe family was ever elected as headman before the introduction of the *Bantu Authorities Act*.

The *Bantu Authorities Act* paved the way for the re-imposition of chieftainship in Xhalanga. The *Act* also gave Chief K.D. Matanzima an opportunity to fulfil his longstanding ambition of being Paramount Chief of Emigrant Thembuland. It has been

argued that the apartheid government was instrumental in the imposition of chieftainship in Xhalanga and the elevation of Matanzima to Paramount Chief. These events were certainly not a demonstration of the legitimacy of chieftainship in Xhalanga. The study has presented the rise of Matanzima in some detail, and in particular it has given an account of his struggle against Sabata. It has been argued that the intervention of the apartheid state ultimately made it possible for Matanzima to become Paramount Chief of Emigrant Thembuland. His consistency and reliability as a collaborator clearly made him a favourite in the eyes of the government officials, particularly the Magistrate and Chief Magistrate. The struggle between Matanzima and Sabata revealed some complexities around the acceptability or otherwise of chieftainship in Xhalanga. At face value, it appeared as if the institution was acceptable, especially given that there were divisions between Matanzima and Sabata supporters. However, this study has argued that the dominance of the formally educated people in the area was such that chieftainship was largely rejected. The study has presented a detailed account of how the landholders in Xhalanga resisted, with a measure of militancy, the imposition of Matanzima, and of the principle of Tribal Authorities, in Xhalanga.

Government's response to the opposition initially involved persuasive and consultative methods of promoting Tribal Authorities. However, by the late 1950s, when it became clear that opposition was not abating, the government resorted to coercive methods, including arrests and deportations. The climax of this moment was the hut-burnings of the early 1960s when at least one person, Manzana, was murdered for being part of the opposition to Tribal Authorities. Ostensibly, the hut-burnings and murder were retaliatory measures, given that the first huts to be burnt were those of supporters of Tribal Authorities. This study has argued, though, that these so-called 'retaliatory' measures were encouraged by the state. The decisive role that was played by Matanzima, with the aid of the state, in the crackdown on the resistance, has been highlighted. Matanzima initially attempted to split the people of Xhalanga along ethnic lines, and tried to build a support base among abaThembu, but, with the support of the state, he resorted to force when it became clear that his 'divide and rule' strategy had failed. The powers

he received under *Proclamation 400* gave Matanzima free reign to banish his opponents at will.

The nature of resistance in Xhalanga in the period from the late 1950s and early 1960s, and specifically the role of political organisations, has received detailed description and analysis. The political organisations that received special attention were the AAC and ANC. These organisations are the ones that were mentioned in documents and interviews. It has been shown that up to the late 1950s, the political organisation that received constant mention was the AAC. This, it has been argued, was consistent with the leading role that this organisation played in the Transkei from the 1940s. This was the time when the ANC was struggling to make an impact, following its years of ailing in the 1930s. The study has traced the demise of the AAC after its split in 1958, on the one hand, and the rise of the ANC, following the dominance of the ANC Youth League from the late 1940s. As a result, by the early 1960s, it is the ANC that received most mention, in documents and interviews, in the struggles in Xhalanga.

An issue that has received some attention in this study was whether any of these political organisations were the driving force behind the resistance or not. The study has argued, drawing from oral evidence of some political activists at the time, that the roles of both organisations were marginal. The main actors behind the resistance were the landholders and owners of stock of Xhalanga. It has, however, been demonstrated that migrant workers took an active interest in developments at home, but were never central. The same could be said about the role of the women and the youth.

Opposition to the state was, by 1963, decimated in Xhalanga, and the study has pointed out that this defeat needs to be related to the renewed force of the apartheid government's repressive measures in the aftermath of the Sharpeville and Langa marches in March 1960. The state's reaction was swift and fierce. Protesters were killed and arrested. Political organisations such as the ANC and PAC were banned and a State of Emergency declared, followed by arrests and trials throughout the early 1960s. Further, it has been argued that rural struggles against Tribal Authorities were largely parochial. There was

no integration of strategy, for example, between political organisations and the rural residents, and later between migrant workers and rural residents. The strategies seemed to have been ad hoc. Despite the limited involvement of migrant workers, there is little evidence of links between the urban and rural struggles in this period.

The period between 1963 and the mid-1980s was an era of the consolidation of Tribal Authorities in Xhalanga, and other Bantustans. Matanzima was, in this period, the dominant figure. It has been shown how his vicious and autocratic style of rule made him a feared, rather than a revered ruler. Matanzima's direct involvement in Xhalanga meant that Tribal Authorities and the chiefs in the District never became fully-fledged "decentralized despots" in the sense described by Mamdani as possessing "a degree of autonomy" (1996:60). Matanzima's autocratic style and the marginal role of chiefs in Xhalanga, confirm one of the main themes of this study, namely that traditional authorities, particularly in Xhalanga, were imposed from above and hence lacked local legitimacy.

As elsewhere in the rural areas of the former Bantustans, Tribal Authorities in Xhalanga were the main targets when resistance shifted to rural areas in the late 1980s and early 1990s. It has been argued that political ferment in the 1980s, which took place mainly in the village town of Cala, by and large shaped resistance in the rural areas of Xhalanga. In contrast to the rural struggles up to the early 1960s, migrant workers, students and women now played a significant role. As elsewhere, the youth dominated the scene. This was a clear indication that the demands for land in the early 1990s were different from those up to the 1960s. The youth were more interested in land for residential purposes, rather than for agriculture and grazing.

The struggles against Tribal Authorities and their incumbents in Xhalanga, confirms another theme of this study; namely that there was a gap between the policies of the ANC and their supporters on the ground. At a time when the ANC had been arguing that the institution of traditional leadership and some of its incumbents were acceptable, their supporters on the ground were in a large number of areas, challenging traditional



authorities. It has been shown how at Emnxe, activists rejected traditional authorities in favour of headmen that they would elect.

An area of uncertainty on the eve of the first democratic election in 1994 that this study has highlighted was the kind of democracy that was emerging in rural South Africa. The form that local government was to take in the rural areas of the former Bantustans, on the one hand, and how the land question, including overcrowding, land tenure and administration, would be resolved on the other, was far from being clear. Indeed, local government and the land question in the rural areas of the former Bantustans foreground the tension between upholding democratic principles based on representative government, on the one hand, and recognising an inherently undemocratic ‘institution of traditional leadership’, enshrined in the Interim Constitution of 1993 without any clarity about its roles, functions and powers in a democratic South Africa.

### **Neither Citizens nor Subjects: the position of post-1994 rural South Africans**

Since 1994, the ANC-led government has, in a rather ambiguous manner, attempted to dismantle the “denched fist” of Tribal Authorities and their incumbents. In line with the 1993 Interim Constitution and the 1996 Constitution, municipalities made up of elected councillors were established throughout the country. The exception was KwaZulu-Natal. In this province, regional authorities were set up. There were no elected councillors in these regional authorities. Traditional authorities dominated them. In this regard, Lodge has argued that the *Municipal Structures Act* of 1998 has prohibited chiefs from exercising public power. According to him: “The Act takes all public power and functions conferred to chiefs and gives them to municipal councillors as part of a process of giving democratic power back to the people” (quoted in Dladla 2000b: 14).

The 1997 White Paper on Land Policy drew a crucial distinction between “ownership” and “governance” in land issues in rural areas. By drawing this distinction, the White Paper introduced a separation of these functions. This distinction was blurred in the colonial and apartheid eras, as the state was both legal owner and administrator of land.

By the beginning of 1998, the Department of Land Affairs (DLA) had developed principles that would guide its legislative and implementation framework. These included:

- These rights should vest in the people who are holders of the land rights and not in institutions such as tribal or local authorities. Where the rights to be confirmed exist on a group basis, the rights holders must have a choice about the system of land administration that will be used to manage their land rights on a day-to-day basis.
- In situations of group-held land rights, the basic human rights of all members must be protected, including the right to democratic decision-making processes and equality. Government must have access to members of group-held systems in order to ascertain their views and wishes in respect of proposed development projects and other matters pertaining to their land rights.
- Systems of land administration, which are popular and functional, should continue to operate (Thomas et. al. 1998:528).

Prior to the White Paper, a *Communal Property Association Act* (CPA) was promulgated in 1996. The *Act* aims to establish accountable landholding entities, Communal Property Associations (CPAs) through which members of disadvantaged and poor communities may collectively acquire, hold, and manage property in terms of a written constitution. The establishment of the CPA is in line with the DLA thinking that where ‘the rights belong to a group the group must be able, by democratic majority, to choose what form of landholding system best suits their needs. They may choose to individualise their rights but this decision would be valid only if it was taken by the majority of rights holders’ (DLA 1997).

Thus, at a formal legal and policy level, post-1994 local government and land policies and laws subject traditional authorities to a democratic and accountable process. The *Transitional Local Government Act* reduced their status in local government to that of an interest group, and without any voting powers. By establishing democratically elected local government with ‘developmental functions’ and democracy in decision-making regarding land, the intention of post-1994 South Africa was to introduce separation of functions, and democracy in the form of elected representation in local government and land, even in rural areas. Quite clearly, at least on paper, this is a major departure from

Tribal Authorities, where power was concentrated in a single functionary, and almost no official was democratically elected.

### **Responses of traditional authorities and government**

Government's (deliberate) ambiguities in the formulations concerning land administration in the Constitution and in legislation have allowed space for traditional authorities to contest this reading of the laws and policies. More specifically, it is this lack of clarity regarding their precise role in South Africa's post-1994 democracy that traditional authorities are exploiting. They are, not surprisingly, not happy with the situation. What is striking about the post-1994 period is that traditional authorities, despite earlier divisions, seem to be drawing closer and closer to one another. Traditional authorities in both CONTRALESA and the IFP took the ANC-led government to the Constitutional Court, challenging the government over the issue of establishing municipalities throughout the country, including in the rural areas under their jurisdiction. Chief Patekile Holomisa, CONTRALESA President and ANC MP, took "an increasingly defiant stand" towards the ANC. He called for a boycott of the first democratic local government elections. Holomisa's call for the boycott of the elections was, however, not heeded, casting suspicion on the purported popularity of traditional authorities (Ntsebeza 2000).<sup>732</sup>

While the initial collaboration between traditional authorities that were under the influence of the IFP and members of CONTRALESA was around local government, it is quite clear that the main issue that brings traditional authorities together is their opposition to the notion of a separation of powers. They would be happy to preserve the concentration of power they enjoyed under apartheid. Not only are they opposed to the idea of the separation of functions, but they are also opposed to any attempt to introduce alternative structures that would compete with them. In the same spirit, traditional authorities rejected the demarcation of municipal boundaries required by the Constitution

---

<sup>732</sup> This call for a boycott in 1995 (during Mandela's presidency) should not be confused with a similar appeal made by traditional authorities in the run-up to the 2000 elections. The latter appeal was called off after President Mbeki made some promises to traditional authorities (see below).

and the land legislation. They did not want any interference with ' their' boundaries and have repeatedly asserted their position that they do not want municipalities in rural areas falling under their jurisdiction (Dladla 2000a). With regard to land tenure reform, traditional authorities agree with government that land in the rural areas of the former Bantustans should not be the property of the state. However, they reject the notion that where land is held on a group basis, it should be transferred to democratically constituted and accountable legal entities such as CPAs. Traditional authorities are not united as to who the land should be transferred to. Some argue that land should be transferred to individual chiefs as trustees of their subjects. The majority, however, want land to be transferred to Tribal Authorities, apartheid-created institutions (Ntsebeza 2001:325-6).<sup>733</sup> Another model could be that of the KwaZulu-Natal Ingonyama Trust. This Trust was set up in terms of the *Ingonyama Trust Act* of 1994. In terms of the *Act*, about 93 per cent of the former KwaZulu Bantustan fell under the jurisdiction of the Ingonyama Trust, with the King of KwaZulu as the sole trustee. As early as 1995, the IFP made moves to amend the *Act* and make the King the owner of the land.<sup>734</sup>

The issue of the role of traditional authorities was the subject of much discussion and negotiation in the run-up to the second democratic local government election in December 2000. In April 2000, a 'Draft Discussion Document Towards a White Paper on Traditional leadership and Institutions' was published. The foreword states that the aim of the document was to engage 'South Africans in a dialogue regarding the institution of traditional leadership ... and clarifying its role in democratic governance'. When the document was launched in August 2000, traditional authorities refused to participate in discussions, claiming, amongst other things, that they would not hold consultations with their ' subjects' Government's promise that a fully -fledged White Paper would be published early in 2001 was not realised, and it is not clear what has happened to this process.<sup>735</sup> It may be that government launched the Draft Discussion

---

<sup>733</sup> See also Ntsebeza (1999).

<sup>734</sup> <http://www.anc.org.za/anc/newsbrief/1995/news1005>.

<sup>735</sup> There was discussion at the August 2000 workshop (which the author attended by invitation) about the possibility of circulating a Green Paper for public comments, before the White Paper.

Document as a pre-emptive tactic to control the agenda in the lead-up to the local government elections.

Lack of clarity about the role of traditional authorities was instrumental in causing the postponement of announcing the date for the 2000 election. After a series of meetings between the government and traditional authorities, the government made some concessions. The first significant concession was the amendment of the *Municipal Structures Act* that was successfully rushed through Parliament just before the local government elections. The amendment increased the representation of traditional authorities from 10% to 20% of the total number of councillors. Further, traditional authorities would not only be represented at a local government level, but also at a District and, in the case of KwaZulu-Natal, Metropolitan level. Traditional authorities appointed in this manner, though, would not have the right to vote.

This concession seems to have encouraged traditional authorities to ask for more. They rejected the proposed increase, demanding nothing short of Constitutional amendments and legislation flowing from it regarding municipalities in rural areas in the former Bantustans. They wanted municipalities to be scrapped in these areas in favour of apartheid era Tribal Authorities as the primary local government structures. Traditional authorities have claimed that the President had promised them, in word and in writing, that their powers would not be tampered with. If anything, they would be increased.<sup>736</sup> The President has neither denied nor endorsed the traditional authorities claim. This makes it difficult to know the implications of this statement in terms of policy, law and practice. As at the end of 2002, this matter had not been resolved.

The position of traditional authorities is further likely to be strengthened by what is perceived to be the failure of the post-1994 ANC-led government to deliver in rural areas. Hardly any support is given to newly elected rural councillors. They are few and scattered between remote and often inaccessible villages. Furthermore, the bulk of the legislation on rural areas has not been repealed. For example, land allocation is legally

---

<sup>736</sup> It has not been possible for me to get a copy of, or verify this comment on the part of the President.

still the responsibility of traditional authorities. The Eastern Cape province has tried to repeal aspects of the *Bantu Authorities Act* that deal with development issues through the promulgation of the *Regulation of Development in Rural Areas Act* of 1997. However, rural councillors are not in a position to give effect to this, simply because they lack government support. The following response from a resident in Xhalanga in the Eastern Cape aptly captures the confusion the above situation creates:

This is the reason why we still use chiefs. Rural councillors run in circles. This makes us a laughing stock and divides (*sic*) us. People will tell you: ‘Go to your rural councillor, you won’t succeed’. You end up going to the chief, even if you did not want to. At the magistrate’s offices they ask you about the stamp (of the Tribal Authority). If you do not have the stamp they will say: ‘Don’t waste our time’. The land issue is complex. There is a struggle between TrepCs (elected rural councillors) and the headman. The former brought electricity and telephones, but land is in the hands of chiefs. You are forced to be flexible (*kufuneka ubemvoco*) otherwise you won’t get your benefits. When we wanted land for pre-schools we were told to go to the headman, something that made the headman boastful. Sometimes you may have spoken badly about the headman, and you end up bowing down to it, as it is often necessary that you get what you want. With chiefs and headmen it takes a few days to get what you want, whereas with rural councillors it takes months, and even then you end up not succeeding.<sup>737</sup>

Why is the state not supportive of rural councillors and yet seems to be accommodating traditional authorities? Part of the answer lies in the urban bias of the ANC, and the fact that after the clampdown on political opposition in the early 1960s, the focus of the struggle shifted to the urban areas. By the 1960s, South Africa was an industrialising country with manufacturing as the dominant sector (Hindson 1987). Migrant workers became more and more absorbed in urban struggles. Throughout the two decades of struggle against apartheid in the 1970s and 1980s, there was very little happening in rural areas. Rural resistance only became visible in the early 1990s when large-scale retrenchments in urban areas forced some migrant workers to spend longer times in rural areas. Some brought with them the urban and trade union influences and started civic organisations that challenged traditional authorities. However, these struggles subsided after the ANC came to power in 1994. This was largely due to the ambivalence of the

ANC in power towards traditional authorities, something that made rural civic organisations reluctant to sustain resistance under an ANC-led government, as this could be seen to undermine a legitimate government.

The other reason could be governmental pragmatism on two counts. First, the government may be mindful of the bloody conflict in rural KwaZulu-Natal in the 1980s and 1990s and the need to avoid its repetition. Recently Lodge has argued that government accommodation of traditional authorities was “a compromise to avert a threatened boycott of the first general elections by the Inkatha Freedom Party if the institution was not recognized and protected in the constitution. If it was not for the pressure from the IFP, the institution would have been destroyed by now”. He argues further that: “Rather than abolishing it, the ANC is creating legislative conditions through local government that will allow for the gradual phasing out of the institution which is done to avoid resistance from traditionalists ... the ANC has become more tactful and has recognized that abolishing the institution will cause serious political conflict in the country (quoted in Dladla 2000b:15)”.

It is difficult, if not premature, to say whether the legislation that the ANC-led government has promulgated with regard to traditional authorities is indeed creating, as Lodge has claimed, legislative conditions for the gradual phasing out of the institution and its incumbents. What can be said, though, is that traditional authorities have been recognised in the Constitution, their existence legitimised in the provincial Houses of Traditional Leaders, they are handsomely remunerated and allowed a role in local government. This contrasts sharply with the minimal support to rural elected councillors, and the lack of support for proposed initiatives for land tenure reform. In addition, it has not always been clear how, in wooing traditional authorities, the ANC would dismantle tribalism and the reserves. Indeed, tribalism is inherent in the recognition of separate chieftaincies (Hendricks and Ntsebeza 1999).

---

<sup>737</sup> Interview with Mr. Jama, Cala, 9 September 2000.

The other reason why the government is pragmatic might be influenced by its decision to embrace macro-economic policies. The ANC-led government made a critical decision to shift from its 1994 Reconstruction and Development Programme (RDP) to adopting in 1996 its current Growth, Employment and Redistribution (GEAR) programme. The RDP ‘proposed growth and development through reconstruction and redistribution’ and ‘sought a leading and enabling role for government in guiding the mixed economy through reconstruction and development’ (Adelzadech 1996:66). On the other hand, the goal of redistribution was dropped in GEAR, and the role of the government in the economy was substantially reduced. In this regard, Adelzadech has concluded that this shift ‘is indicative of ... a lame succumbing to the policy dictates and ideological pressures of the international financial institutions’ such as the International Monetary Fund (IMF) and World Bank (1996:66). Hart has recently argued that the shift epitomised ‘the growing power of conservative forces’ within the ANC/SACP/COSATU alliance (Hart 2002:23).

A widely held perception is that the macro-economic policies substantially constrain the government from setting up and monitoring new structures. The low budgets for rural programmes for land reform and local government make it difficult for government to employ new and competent staff that would enhance government capacity (see Mingo 2002; Lahiff 2001; Adams M, Cousins B and Manona S 2000). In is in this light that the use of existing structures such as Tribal Authorities can be seen.

However, even if this were the case, the issue of how rural development should be facilitated, and in particular the question of democratic decision-making, would still stand. Ensuring that the rural residents actively participate in decisions affecting their development while at the same time enjoying the right to choose their representatives remains one of the key challenges to the ANC-led, post-1994 government.

This brings us to the critical question of whether it is the ANC’s deliberate strategy to limit democracy in rural areas or not. Indeed, this brings us back to some of the theoretical and conceptual issues raised in the first Part of this study about democracy and



citizenship. In this regard, various theses have been examined. Mamdani's thesis, for example, has been raised in the context of democratic transformation in post-colonial Africa and the centrality of "detrribalisation" – dismantling the fused character of tribal authorities and making them accountable, including subjecting them to elections. The chapter also explored the "co-existence" thesis advanced by some scholars who argue that it is possible for the institution of traditional authorities to co-exist with democratically elected institutions. The chapter went on to show that South African theorists differ on the role of traditional authorities, with Ismail arguing that they should be incorporated into the post-apartheid democratic dispensation, while Bank and Southall argue that they play a mere ceremonial role. Manona has argued in favour of an approach that would bring into harmony the relations between traditional authorities and the civic structures involved in local government. His grounds are that "traditions are not meant to hamper progress but should actually facilitate it" (1997:68). In the end, it has been shown that the ANC-led government opted, despite internal differences and the dubious history of traditional authorities particularly during the apartheid period, for the co-existence thesis. The "institution of traditional leadership" won recognition in the Constitution, while the same Constitution upholds a Bill of Rights based on liberal representative government.

As has been demonstrated, the recognition of the institution of traditional leadership was by and large influenced by political and reconciliation considerations, rather than influenced by popular support. The recognition of the institution was part of the highly political arena of choosing and consolidating alliances between elites, to the exclusion of ordinary rural people, and ignoring realities on the ground. At this level, rural residents, mainly youth, in many rural areas in the Eastern Cape and elsewhere, were involved in running battles with chiefs and headmen. There were calls for their removal from office and the replacement of Tribal Authorities with democratically elected structures. In many parts of the Ciskei in the Eastern Cape, headmen were removed from office and replaced by Residents Associations. The formation of the South African National Civics Organisation (SANCO) in 1992 brought tighter organisation to rural civic organisations.

The ANC had hoped that traditional authorities would accept a secondary, ceremonial role in the post-1994 democracy. Much of the argument in favour of merging chieftaincy with democratic local government rested, in part, on the presumption of ‘good’ chiefs who resisted apartheid and eschewed involvement in local government during the apartheid era (Bank and Southall 1996:425). Organisationally thin on the ground in rural areas, the ANC had hope that ‘progressive/comrade chiefs’ (Claasens 2001) would embrace the ANC policies of democratising rural areas while offering them a non-political ceremonial role. The basis for such arrangements has been shattered by the rejection of this role, not only by the IFP, but by CONTRALESA, too. This study has shown that traditional authorities, including those in CONTRALESA were united in rejecting a ceremonial role. If anything, they wanted to be the primary structures of local government and land administration in rural areas. They are opposed to the transfer of land to democratically constituted CPAs and argue that land should be transferred to Tribal Authorities.

Indications are that traditional authorities are going to reject the ‘Draft Communal Land Rights Bill, 2002’, gazetted on the 14<sup>th</sup> August 2002. This Bill proposes, inter alia, the transfer of registrable land rights to individuals, families and communities, rather than institutions, including the institution of traditional authorities. It divests traditional authorities of their land administration functions, including land allocation in favour of democratically elected administrative structures. Chiefs Holomisa of CONTRALESA and Mzimela of the National House of Traditional Leaders have already indicated that they are going to oppose the envisaged legislation and will take up the issue, as they did in the past, with the President (*Sunday Times* and *City Press*, 25 August 2002).

This study has depicted government’s response to the chiefly opposition as, at best, ambivalent. We have seen that policy and legislation on local government and land are consistently favouring accountable and democratic rule. In this regard, it is worth noting that, despite protestations by traditional authorities, the demarcation of boundaries went ahead. Another example is the recently gazetted ‘Draft Communal Land Rights Bill, 2002’ which categorically strips traditional authorities of, amongst other, their vital

uncontested control over land allocation. Yet, as we have shown, the same government is providing insignificant support to its democratic structures, thus discrediting them, while, it is simultaneously seen to be propping up chiefly structures, such as the Houses of Traditional Leaders, and paying traditional authorities handsome salaries.

The ambivalence of government regarding the role of traditional authorities in a democratic dispensation casts serious doubt about the prospects of democracy and citizenship in rural areas. The example of Xhalanga in the Eastern Cape province provides a good illustration of the complexities involved in trying to implement tenure reform, including land administration and management, while ambiguously recognising ‘the institution of traditional leadership’. In particular, the unresolved status of traditional authorities and their relationship with elected councillors has led to serious confusions as to the kinds of rights traditional authorities and elected councillors have over land administration in rural areas.

It may not be strategic for the ANC to resolve this tension. Despite its ambivalence, the ANC still manages to draw the votes of some traditional authorities and their supporters, on the one hand, and the opponents of traditional authorities, on the other. However, the issue goes beyond the question of strategy to that of principle. The issue here is whether rural residents will continue to be ‘subjects’ under the rule of unelected traditional authorities, or whether they will enjoy the citizenship rights, including the right to choose leaders and representatives, that the South African Constitution confers on all South Africans - or will they have to continue to live under both systems.

In sum, this study has, on the one hand, traced the structures of local government in the rural areas of the former Bantustans from the end of the nineteenth century to the advent of democracy in South Africa in 1994. It has also focused on how rural residents have responded to these structures. It has been shown in this study that there were fierce struggles on the part of rural residents against the imposition of rural local government structures, such as the District Council, during the segregation period and Tribal Authorities in the apartheid era. The involvement of traditional authorities in these

unpopular government structures has been shown to have greatly affected the legitimacy of traditional authorities in the eyes of their 'subjects'. While it could be argued that some traditional authorities might have avoided being tainted by an association with government structures during the segregation period, they could not avoid being part of the administrative arm of the apartheid government. The entire apartheid system was based on a policy of re-tribalisation as a form of control of Africans in the reserves. By the late 1980s, the study has shown, traditional authorities had been thoroughly discredited and, in some areas, feared.

The study has addressed the critical question of how it happened that traditional authorities, despite their previous record, came to be recognised in the Constitution. In trying to explain this phenomenon, the study has focused on the relationship between the ANC and traditional authorities. The reason for this focus is that the ANC leads the post-1994 Government of National Unity (GNU). The study has shown that the ANC has throughout its history been largely an urban-based and urban-focused organisation. In other words, the ANC, with the exceptions of individuals such as Govan Mbeki, never established any organisational structures in rural areas. For this reason, the ANC worked with and through what they considered to be 'good' or 'progressive' "comrade chiefs". The ANC's hope was that these traditional authorities would embrace its policies of democratising rural areas, on the one hand, and accept a non-political ceremonial role, on the other hand. It has been shown how such arrangements were shattered by the rejection of this non-political role, not only by the IFP, but by CONTRALESA, too. This study has shown that traditional authorities, including those in CONTRALESA are united in wanting to be the primary structures of local government and land administration in rural areas.

As at the end of 2002, the ANC-led government had not resolved this tension between democratic principles, and the demand that the unelected and unaccountable structures of traditional authorities play a primary role in rural local government and land

administration in these areas.<sup>738</sup> The implication for rural residents is that their (political) citizenship rights continue to be partial.<sup>739</sup> In so far as they are entitled to choose their political representatives at national, provincial and local government levels, rural residents enjoy the same citizenship rights that their urban counterparts enjoy. However, the mere possibility that unelected and unaccountable traditional authorities may be accorded a primary role in local government and land administration, entails that rural residents would remain subjects. In short, rural residents would be neither citizens nor subjects.

---

<sup>738</sup> It is worth noting that the ambivalence of the ANC towards traditional authorities and questions around tradition and transformation could already be seen in the constitutional negotiations of 1993 (Walker 1995; 1994).

<sup>739</sup> See Abrahamsen (2000) and Wood (1995) on the separation of the politics and economics in capitalist democracy discussed in chapter one of this thesis.

## REFERENCES

### Primary sources:

#### *Archival Material*

#### National Archives of South Africa, Pretoria

NTS, 9037, 269/362(3)A – 271/362.

NTS, 9037, 269/362(3)A – 271/362. Letter to the Secretary for Native Affairs, dated 13 September 1957.

BAD (Department of Native Affairs) 67/331. Rex vs Bunting and two others

#### Cape Archives, Cape Town, Chief Magistrate of Transkei Territories (CMT)

CMT, 3/188

CMT, 3/1484.

CMT, 3/591.

CMT, 3/873

#### Cape Archives, Cape Town, Magistrate's Office of Xhalanga (XAA)

1/XAA, 5/1/57.

1/XAA, 5/1/60.

1/XAA, 5/1/92.

1/XAA, 97.

1/XAA, 5/1/57.

1/XAA, 5/1/60.

1/XAA, 5/1/61.

1/XAA, 5/1/92.

1/XAA, 97.

#### Dutch Reformed Church Archives, Cape Town

D.R.C. archives, Cape Town. Letter dated 7 September 1946 from Matanzima to Pretorius

D.R.C. archives, Cape Town. Letter from J. Pretorius, Sending Pastorie, Cala, dated 25 September 1944, to Ds. G. de C. Murray.

#### Umtata Archives, Umtata.

Umtata archives, file 3/27/2/20, Headman: Mbenge Farm.

Umtata archives, file 3/27/3/7, Headman: Hota-Mbeula.

Umtata Archives, file 66/27. Bantu Authorities. Letter dated 19 March 1957.

Umtata archives, file 66/27/1D.

Umtata archives, file 3/27/3/7, Headman: Hota-Mbeula.  
 Umtata archives, file 3/27/3/4, Part II, Headman: eMnxé location.  
 Umtata archives, file 66/27, Bantu Authorities.  
 Umtata Archives, file 16/1/2. Bantu/Tribal Authorities.  
 Umtata Archives, file 16/1/2. Bantu/Tribal Authorities.  
 Umtata archives, file 3/27/3/18, Headman: Tsengiwe location, letter to resident Magistrate.  
 Umtata archives, file 3/27/3/20, Headman: Mbenge Farm. Letter dated 27 June 1930.  
 Umtata archives, file 3/27/3/20, Headman: Mbenge Farm. Letter to Cala Magistrate, dated 12 March 1957.  
 Umtata archives, file 3/27/3/20, letter dated 5 July 1930.  
 Umtata archives, file 3/27/3/20. Letter from Magistrate to Chief Magistrate dated 27 June 1930  
 Umtata Archives, file 66/27. Bantu Authorities. Letter dated 19 March 1957 from Chief Magistrate to Secretary for Native Affairs.  
 Umtata archives, file 66/27. Letter dated 19 March 1957.  
 Umtata archives, file 66/27/1D  
 Umtata archives, file 66/27/1D, letter to the Chief Magistrate dated 5 April 1956.  
 Umtata archives, file 66/27/1D. ‘Notes on meeting held in the Chief Magistrate’s office in Umtata on 22 March 1956’  
 Umtata archives, file 66/27/1D.  
 Umtata archives, file 66/27/1D. Extract from the District Council meeting minutes, meeting held on 25.7.1956.  
 Umtata archives, file 66/27/1D. Letter dated 1 October 1956  
 Umtata archives, file 66/27/1D. Letter from the Magistrate to the Chief Magistrate, dated 30 June 1956

Cory Library, Rhodes University

Government Commission on Native Laws and Customs presented to both Houses of Parliament by his excellency the Governor in January 1883, para 6022.  
 Report and Proceedings of the Thembuland Settlement Commission, 1883. Thembuland Commission of 1882-83, G. 66 - ` 83  
 Report of the Cape Native Laws and Customs Commission, 1883.  
 Xalanga District Report, G33 – 1879.

Cala Magistrate’s Office, Cala

Magistrate’s District Report

### *Interviews*

The following people's interviews were used:

Mr X.Dayimani  
Mr Dyantyi (Former ranger, Lumphaphasi)  
Former sub-headman Z.Dyantyi  
Mr Fikile Ellen  
Headman Fani  
Reverend Gxothiwe  
Mr Jama  
Mr S.Kayingana  
Mr Christopher Nkosinathi Kubukeli  
Former headman Kupe  
Mr Siphiwe Liwani  
Mr Charles Mabhadi  
Mr Joe Majija  
Former headman Mazibuko  
Mr Mbulawa  
Mr Ioyiso Mdleleni  
Mrs Mbuyisa Mfenyana  
Mrs Madeyi Lungiswa Muriel Mguli  
Mr Mandlandisa Mguli  
Mr B.S.C Mkumatela  
Mrs Nolungile Mkwayi  
Mr Sonwabo Mlonzi  
Mr Mlotha  
Mr Fani Ncapayi  
Mr Mbulelo Ngamlana  
Mr Mawonga Nkunkuma  
Mrs Ntomboxolo Noyakaza-Tsengiwe  
Mrs A.Ntwana  
Mr Mavandla Ntwana  
Mr Andile Sondlo  
Mr H.M Tsengiwe  
Mr Wycliffe Tsotsi  
Reverend M. Tyeku  
Mrs Xhegwana



## **Secondary Sources:**

Abrahamsen, R. 2000. *Disciplining Democracy: Development Discourse and Good Governance in Africa*. London: Zed Books.

Adam, H. 1972. *Modernizing Racial Domination: the dynamics of South African politics*. Berkeley: University of California Press.

Adams, M, Cousins, B and Manona, S 2000. *Land Tenure and Economic Development in Rural South Africa: constraints and opportunities*, in Cousins B (ed). *At the Crossroads: Land and Agrarian Reform in South Africa into the 21<sup>st</sup> Century*. Cape Town: Programme for Land and Agrarian Studies and National Land Committee.

Adelzadech, A. 1996. *From the RDP to GEAR: the gradual embracing of neo-liberalism in economic policy*. *Transformation*, No. 31.

African National Congress 1994. *The Reconstruction and Development Programme: a policy framework*. Johannesburg: Umanyano Publications.

Agrawal, A. and Ribot, J. 1999. *Accountability in decentralization: A framework with South Asian and West African cases*. *The Journal of Developing Areas*, 33 (Summer).

Alexander, J. 1995. *Things Fall Apart, The Centre Can Hold: processes of Post-War political change in Zimbabwe's rural areas*. Bhebe, N. and Ranger, T. (eds.). *Society in Zimbabwe's Liberation War: Volume Two*. Harare: University of Zimbabwe Publications.

Alexandre, P. 1970. *The Problems of Chieftaincies in French Speaking Africa*, in Crowder, M. and Ikime, O. (eds.) *West African Chiefs: the changing status under colonial rule and independence*. New York: Africana Publishing Company.

Aliber, M. 2001. *Study of the incidence and nature of chronic poverty and development policy in South Africa: an overview*. *Chronic Poverty and Development* No. 1. Cape Town: Programme for Land and Agrarian Studies.

Allen, R.C. (ed). 1991. *The Concise Oxford Dictionary of Current English*. London: BCA, by arrangement with Oxford University Press.

Alperstein, M. and Bunyonyo, B. 1996. *The Cala Community Health Worker Project*. Working paper for IDASA's Poverty Reduction Monitoring Service.

Bank, L. 1992. *Squatting and the Politics of Urban Reconstruction in Transkei: The Case of Cala*. *Journal of Contemporary African Studies*, Vol. 11, No. 2.

Bank, L. and Southall, R. 1996. *Traditional Leaders in South Africa's New Democracy*. *Journal of Legal Pluralism and Unofficial Law*. Number 37-38 (Special Double Issue).

- Baynes, K. 1993. Legitimacy, in Krieger, J. et. al. (eds). *The Oxford Companion to Politics of the World*. Oxford: Oxford University Press.
- Beinart, W. 1998. Strategies of the poor and some problems of land reform in the Eastern Cape, South Africa, in de Bruyn, T.D. and Scogings, P.F. (eds). *Communal Rangelands in Southern Africa: A synthesis of knowledge*. Alice: University of Fort Hare.
- Beinart, W. 1995. Chieftaincy and the Concept of Articulation: South Africa circa 1900-50, in Beinart, W. and Dubow, S. (eds). *Segregation and Apartheid in Twentieth century South Africa*. London: Routledge.
- Beinart, W. 1991. Speaking for Themselves, in Spiegel, A.D. and McAllister, PA (eds). *Tradition and Transition in Southern Africa: Festschrift for Philip and Iona Mayer*. Johannesburg: Witwatersrand University Press.
- Beinart, W. 1984. Soil erosion, conservation and ideas about development: A Southern African exploration, 1900-1960. *Journal of Southern African Studies*, Vol. 11, No. 1.
- Beinart, W. 1982. *The Political Economy of Pondoland 1860-1930*. Johannesburg: Ravan Press.
- Beinart, W. and Bundy C. 1987. *Hidden Struggles in Rural South Africa*. Johannesburg: Ravan Press.
- Beinart, W. and Dubow S. (eds). 1995. *Segregation and Apartheid in Twentieth century South Africa*. London: Routledge.
- Bekker, J.C. 1993. The Role of Traditional Leaders in a future South African Constitutional Dispensation. *Africa Insight*, 23(4).
- Bekker, J.C. 1991. Tribal Government at Crossroads. *Africa Insight*, 21(2).
- Bell, T. (with Ntsebeza, D.B.). 2001. *Unfinished Business: South Africa, Apartheid & Truth*. Observatory: RedWorks.
- Bellamy, R. 1995. Legitimacy, in Honderich, T. (ed). *The Oxford Companion to Philosophy*. Oxford: Oxford University Press.
- Bennett, T.W. 1998. The constitutional base of traditional rulers in South Africa, in d'Engelbronner-Kolff, Hinz, M.O. and Sindano, J.L. (eds.). 1998. *Traditional Authority and Democracy in Southern Africa: proceedings from the workshop, Traditional Authorities in the Nineties – Democratic Aspects of Traditional Government in Southern Africa*, 15-16 November, 1995, Windhoek.
- Benson, M. 1963. *Chief Albert Lutuli of South Africa*. Oxford.

- Berry, S.S. 2001. *Chiefs Know their Boundaries: essays on property, power, and the past in Asante, 1896-1996*. Oxford: James Currey.
- Bettelheim, C. 1976. *Class Struggles in the USSR, First Period: 1917-1923*. Hassocks, Sussex: Harvester.
- Bond, P. 2000. *Elite Transition: from Apartheid to Neoliberalism in South Africa*. Pietermaritzburg: University of Natal Press.
- Boonzaier, E. and Sharp, J. (eds). 1988. *South African Keywords*. Cape Town: David Philip.
- Bourdillon, M.F.C. 1987. *The Shona Peoples. An Ethnography of the Contemporary Shona, with Special Reference to their Religion*. Revised edition. Gweru (Zimbabwe): Mambo Press.
- Bowen, M.L. 2000. *The State against the Peasants: rural struggles in colonial and postcolonial Mozambique*. Charlottesville: University Press of Virginia.
- Bundy, C. 1992. *Breaking the Midnight Slumber: Govan Mbeki and Transkeian politics in the 1940s*. Paper presented at Agriculture and Apartheid Workshop, Queen's University, May.
- Bundy, C. 1988. *The Rise and Fall of the South African Peasantry*. Cape Town: David Philip.
- Bundy, C. 1987. *Mr Rhodes and the Poisoned Goods: popular opposition to the Glen Grey Council System, 1894-1906*, in Beinart W. and Bundy C. *Hidden Struggles in Rural South Africa*. Johannesburg: Ravan Press.
- Callinicos, A. 1996. *South Africa after apartheid*. *International Socialism*, 70, Spring.
- Callinicos, A. (ed). 1992. *Between Apartheid and Capitalism: conversations with South African Socialists*. London: Bookmarks.
- Callinicos, A. 1988. *South Africa between Reform and Revolution*. London: Bookmarks.
- Calusa 1996-2001. *Quarterly and Annual Reports*. Cala, Eastern Cape.
- Carstens, P.J.A. 1981. *The Administrative Implications of Landownership in the Republic of Transkei*. Unpublished Phd thesis, University of Pretoria.
- Channock, M. 1996. *Making and Unmaking a Segregated Land Regime- tenure, market and Individual: themes from South Africa, then and now*, in Arnfred S. and Peterson H.

(eds). *Legal Change in North/South Perspective*. Occasional Paper No. 18, University of Roskilde. Roskilde: International Development Studies.

Chaskalson, M. 1987. Rural Resistance in the 1940s and 1950s. *Africa Perspective* 1(5, 6).

Chege, M. 1997. Review of Mamdani's *Citizen and Subject: Contemporary Africa and the Legacy of Late Capitalism*. Copy of the review with the author.

Claassens, A 2001. 'It is hard to challenge a chief'. Transfer of title to tribes – the Rakgwadi case. Research Report No. 9. Bellville: Programme for Land and Agrarian Studies.

Claassens, A 2000. South African Proposals for Tenure Reform: the Draft Land Rights Bill, in Toulmin C and Quan J (eds). *Evolving Land Rights, Policy and tenure in Africa*. DFID/IIED/NRI. London.

Claassens, A and Makopi, S 1999. South African Proposals for Tenure Reform: the Draft Land Rights Bill: Key Principles and Changes in Thinking as the Bill evolved. Paper presented to an international conference organized by the Department for International Development, UK, on Land Tenure, Poverty and Sustainable Development in Sub-Saharan Africa, Sunningdale, Berkshire, UK, 16-19 February.

Cobbett, W. and Cohen, R (eds). 1988. *Popular Stuggles in South Africa*. London: James Currey.

Coetzee, J.K., Graaff, J., Hendricks, F. and Wood, G. *Development: theory, policy and Practice*. Oxford: Oxford University Press.

Connolly, W.E. 1987. Legitimacy, in Miller, D. (ed). *Blackwell Encyclopedia of Political Thought*. Oxford: Basil Blackwell.

Cooper, F. 1996. *Decolonisation and African Society: the labour question in French and British Africa*. Cambridge: Cambridge University Press.

Costa, A.A. 2000. Chieftaincy and civilization: African structures of government and colonial administration in South Africa. *African Studies*, 59(1).

Cousins, B. (undated). *Legislating Negotiability: Tenure Reform in Post-Apartheid South Africa*. Unpublished paper.

Cousins, B. 2000. *At The Crossroads: Land and Agrarian Reform in South Africa Into the 21<sup>st</sup> Century*. Cape Town: Programme for Land and Agrarian Studies and National Land Committee.

Cross, C. 1995. Losing the Land: securing tenure in Tribal Areas. *Indicator SA*, 12(2), Autumn.

Crowder, M. and Ikime, O. (eds.) 1970. *West African Chiefs: the changing status under colonial rule and independence*. New York: Africana Publishing Company.

Davenport, T.R.H. 1986. *South Africa: a modern history*. London: Macmillan Press Ltd.

Davenport, T.R.H. and Hunt, K.S. 1974. *The Right to the Land*. Cape Town: David Philip.

d'Engelbronner-Kolff, Hinz M.O. and Sindano J.L. (eds.). 1998. *Traditional Authority and Democracy in Southern Africa: proceedings from the workshop, Traditional Authorities in the Nineties – Democratic Aspects of Traditional Government in Southern Africa*, 15-16 November, 1995, Windhoek.

Delius P. 1996. *A Lion amongst the Cattle: reconstruction and resistance in the Northern Transvaal*. Johannesburg: Ravan Press.

Department of Land Affairs. 1997. *White Paper on South African Land Policy*. Pretoria.

Department of Provincial Affairs and Constitutional Development. 1998. *The White Paper on Local Government*. Pretoria.

Department of Provincial and Local Government. 2000. *Draft Discussion Document Towards a White Paper on Traditional Leadership and Institutions*. Pretoria.

Department of Water Affairs and Forestry. 1997. *South Africa's National Forestry Action Programme*. Pretoria.

De Villiers, B. 1997. *The Rights of Indigenous People: a quest for coexistence*. Pretoria: HSRC.

De Wet, C.J. 1987. *The Dynamic of Political Factionalism in a rural Ciskei Village from 1880-1950*. *African Studies* 46(1).

De Wet, C.J. and McAllister, P.A. 1983. *Rural Communities in Transition: A Study of the Socio-Economic and Agricultural Implications of Agricultural Betterment and Development*. Working Paper no. 16. Grahamstown: Department of Anthropology in collaboration with the Institute of Social and Economic Research, Rhodes University, November.

De Wet, C.J. and Whisson, M. (eds). 1997. *From Reserve to Region: apartheid and social change in the Keiskammahoeck District of (former) Ciskei: 1950-1990*. Occasional Paper Number Thirty Five: Grahamstown: Institute of Social and Economic Research, Rhodes University. Grahamstown: Grocott and Sherry.

- Dinerman, A. 2001. From 'Abaixo' to 'Chiefs of Production': Agrarian Change in Nampula Province, Mozambique, 1975-87. *The Journal of Peasant Studies*. Volume 28, Number 2, January.
- Dingiswayo, L. Undated. The Tshisa-tshisa. Unpublished paper.
- Dladla, S. 2000a. One tribe, one municipality. *Land & Rural Digest*. March/April.
- Dladla, S. 2000b. Slow fall of the house of chiefs. *Land & Rural Digest*. March/April.
- Dladla, S. 2000c. A party fit for kings. *Land and Rural Digest*. March/April.
- Downie, R.S. 1995. Authority, in Honderich T. (ed). *The Oxford Companion to Philosophy*. Oxford: Oxford University Press.
- Drew, A. 2000. *Discordant Comrades: Identities and Loyalties on the South African Left*. Sydney: Ashgate.
- Drew A. 1996. The Theory and Practice of the Agrarian Question in South African Socialism, 1928-60. *Journal of Peasant Studies*, 23 (2-3), January – April.
- Drew, A. 1991. *Social Mobilization and Racial Capitalism in South Africa, 1928-1950*. Unpublished Ph.D thesis, University of California, Los Angeles.
- Dubow, S. 1995. The Elaboration of Segregationist Ideology, in Beinart W. and Dubow S. (eds). *Segregation and Apartheid in Twentieth century South Africa*. London: Routledge.
- Dubow, S. 1989. *Racial Segregation and the origins of Apartheid in South Africa, 1919-1936*. Oxford: Oxford University Press.
- Edge, W.A. and Lekowe, M.H. (eds). 1998. *Botswana: Politics and Society*. Pretoria: J.L. van Schaik Publishers.
- Evans, I.T. 1997. *Bureaucracy and Race: Native Administration in South Africa*. California: University of California Press. (Downloaded from: <http://www.ucpress.edu/scan/books.html>).
- Fine, B. and Padayachee, V. 2001. A sustainable macroeconomic growth path for South Africa?, in Coetzee J.K., Graaff J., Hendricks F. and Wood G. *Development: theory, policy and Practice*. Oxford: Oxford University Press.
- Geschiere, P. 1993. Chiefs and Colonial Rule in Cameroon: inventing chieftaincy, French and British Style. *Africa: Journal of the International African Institute*, Vol. 63, No.2.

- Giddens, A . 1982. *Capitalism and modern social theory: an analysis of the writings of Marx, Durkheim and Max Weber*. Cambridge: Cambridge University Press.
- Gluckman, M. 1971. *The village headman in British Central Africa, in Order and Rebellion in Tribal Africa: collected essays*. London: Cohent West.
- Gramsci, A. 1971. *Selections from the Prison Notebooks* (edited and translated by Quintin Hoare and Geoffrey Nowell Smith). London: Lawrence and Wishart.
- Greenstein, R. 1997. Review Symposium. *African Sociological Review*, 1(2).
- Grossman, J. 1985. *Class Relations and the Politics of the Communist Party of South Africa, 1921-1950*. Unpublished PhD thesis, University of Warwick.
- Habermas, J. 1976. *Legitimation Crisis*. London: Heinemann.
- Hammond-Tooke, W.D. 1975. *Command and Consensus: the development of Transkei local government*. Cape Town: David Philip.
- Hardin, R. 1995. *Democracy*, in Honderich T. (ed). *The Oxford Companion to Philosophy*. Oxford: Oxford University Press.
- Hardin, R. 1995a. *Power*, in Honderich T. (ed). *The Oxford Companion to Philosophy*. Oxford: Oxford University Press.
- Hart, G. 2002. *Disabling Globalization: place of power in post-apartheid South Africa*. Pietermaritzburg: University of Natal Press.
- Haysom, N. 1983. *Ruling with the Whip: a report on the violation of human rights in the Ciskei*. Occasional Papers 5. Johannesburg: University of the Witwatersrand, Centre for Applied Legal Studies, October.
- Health Care Trust 1996 and 1997. *Quarterly and Annual Reports*, Cala, Eastern Cape.
- Hendricks, F.T. 1992. *Tribalism, Chiefs and Apartheid: the case of Poto's Pondoland*. *SA Sociological Review*, 5(1).
- Hendricks, F.T. 1991. *A Compromise between Capital and the Peasantry: explanations for migrant labour and proletarianisation*. Paper presented at the Conference on Marxism in South Africa, 6-8 September.
- Hendricks, F.T. 1990. *The Pillars of Apartheid: land tenure, rural planning and the chieftaincy*. Uppsalla: Acta University, Uppsalla, *Studia Sociologica Upsaliensa*.
- Hendricks, F. and Ntsebeza, L. 1999. *Chiefs and Rural Local Government in Post-Apartheid South Africa*. *African Journal of Political Science: New Series*, 4(1), June.

Henrard, K. 1999. The Interrelation between Individual Human Rights, Minority Rights and the Right to Self-determination for an adequate Minority Protection. Unpublished Doctor of Law degree, Leuven University.

Hindson, D. 1987. Pass Control and the Urban Proletariat. Johannesburg: Ravan Press.

Hirson, B. 1976. Rural Revolt in South Africa: 1937-1951. The Societies of Southern Africa in the 19<sup>th</sup> and 20<sup>th</sup> Centuries. Volume 8. Collected Seminar Papers No. 22.

Hobsbawm, E. and Ranger, T. 1987. The Invention of Tradition. Cambridge: Cambridge University Press.

Hofmeister, W. and Scholz, I. (eds). 1997. Traditional and Contemporary Forms of Local Participation and Self-Government in Africa. Johannesburg: Konrad-Adenauer-Stiftung.

Holomisa, P. 1997. Preface in De Villiers, B (ed). The Rights of Indigenous People: a quest for co-existence. Pretoria: Human Sciences Research Council.

Holt, H. 1969. The Tshezi of the Transkei: an ethnographic study. Unpublished PhD thesis, University of the Witwatersrand, Johannesburg.

Honderich, T. (ed). The Oxford Companion to Philosophy. Oxford: Oxford University Press.

Horrell, M. 1969. The African Reserves of South Africa. Johannesburg: South African Institute of Race Relations.

Houston, G.F. 1997. Traditional Leadership and the Restructuring of Rural Local Government. Paper presented to the Internal Conference on Traditional Leaders in Southern Africa, Umtata, 16-18 April.

Hunter, M. 1961. Reaction to Conquest: effects of contact with Europeans on the Pondo of South Africa. London: Oxford University Press.

Inkeles, A and Sasaki, M (eds.). 1996. Comparing Nations and Cultures: readings in a cross-disciplinary perspective. Englewood Cliffs, New Jersey: Prentice Hall.

Ismail, N. 1999. Integrating indigenous and contemporary local governance: issues surrounding traditional leadership and considerations for post-apartheid South Africa. Unpublished Doctor of Administration thesis, University of the Western Cape, Bellville.

Jack, A.N. 1985. The 1983-4 East London Bus Boycott: Unions and Community-Political Action. Unpublished Bachelor of Social Science Honours Thesis, Rhodes University, Grahamstown.

Jacobs, B. 1992. Heading for Disaster? Work in Progress, December.



Jordan, A.C. 1974. *Ingqumbo yeminyanya (The Wrath of the Ancestors)*. Lovedale: Lovedale Press.

Jordan, P. 1997. *The Evolution of So-Called African Customary Law*. Discussion document presented at the ANC Congress held in Mafikeng, December.

Jordan, P. 1984. "ZEMK' IKOMO MAGWALANDIN'I: The Life and Times of W.B. Rubusana (1858-1936)", Sechaba, January, also: [www.anc.org.za/ancdocs/history/people/rubusana.html](http://www.anc.org.za/ancdocs/history/people/rubusana.html)

Kalstrom, M. 1996. *Imagining Democracy: Political culture and democratization in Buganda*. *Africa: Journal of the International African Institute*, Vol 66, No.4.

Karis, T. and Carter, G. 1979. *From Protest to Challenge: A documentary history of African politics in South Africa*. Volumes 1-3.

Karis, T. and Gerhart, G. 1997. *From Protest to Challenge, 1964-1990*.

Kayser, R. 2002. *Land and Liberty: the Non-European Unity Movement and the Land Questions, 1933-1976*.

Kepe, T. 2001. *Waking up from the Dream: The pitfalls of 'fast track' development on the Wild Coast of South Africa*. Research Report No. 8. Bellville: Programme for Land and Agrarian Studies.

Kepe, T. 1999. *The Problem of Defining 'Community': challenges for the Land Reform programme in rural South Africa*. *Development Southern Africa* 16(3), Spring.

Kepe, T. 1997. *Environmental entitlements in Mkambati: Livelihoods, Social Institutions and Environmental Change on the Wild Coast of the Eastern Cape*. Research Report No. 1. Bellville: Programme for Land and Agrarian Studies.

Keyter, C. (1994). 'Profile of a neglected area: The Xalanga District of the Transkei-subregion, Eastern Cape.' Unpublished Survey Report.

Kingwill, R. 1993. *Quitrent Tenure*. NLC Tenure Document. Johannesburg: National Land Committee.

Klug, H. 1995. *Defining the Property Rights of Others: political powers, indigenous tenure and the construction of customary land law*. Working Paper No. 23. University of the Witwatersrand, Centre for Applied Legal Studies.

Koyana, D.S. 1998. *Administrative functions of traditional leaders*, in d'Engelbronner-Kolff, Hinz M.O. and Sindano J.L. (eds.). *Traditional Authority and Democracy in Southern Africa: proceedings from the workshop, Traditional Authorities in the Nineties*

– Democratic Aspects of Traditional Government in Southern Africa, 15-16 November, 1995, Windhoek.

Kymlich, W. 1995. Citizenship, in Honderich T. (ed). *The Oxford Companion to Philosophy*. Oxford: Oxford University Press.

Lacey, M. 1981. *Working for Boroka: Origins of the coercive labour system in South Africa*. Johannesburg: Ravan Press.

Lahiff, E. 2001. Land Reform in South Africa: is it meeting the challenge? Policy Brief No. 1: Debating land reform and rural development. Programme for Land and Agrarian Studies.

Lahiff, E. 2000. Land Tenure in South Africa's Communal Areas: a case study of the Arabie-Olifant's Scheme. *African Studies*, 59(1).

Lambert, J. 1995. Chieftainship in Early Colonial Natal, 1843-1879. *Journal of Southern African Studies*, 21(2).

Laurence, P. 1976. *The Transkei: South Africa's Politics of Partition*. Johannesburg: Ravan Press.

Levin, R. and Mkhabela, S. 1997. *The Chieftaincy, Land Allocation and Democracy*. Leven R. and Weiner D. (eds). *No More Tears: struggles for land in Mpumalanga*. Trenton: Africa World Press.

Libombo, A. 2000. Mozambique's bitter war between chiefs and liberation government. *Land & Rural Digest*. March/April.

Lipset, S.M. 1996. "The Social Requisites of Democracy Revisited", in Inkeles A and Sasaki M (eds.) *Comparing Nations and Cultures: readings in a cross-disciplinary perspective*. Englewood Cliffs, New Jersey: Prentice Hall.

Lodge, T. 1995. Unpublished presentation made to the Commission on Provincial Government: Workshop on Traditional Leaders and the New South African Constitution, 20-21 April.

Lodge, T. 1983. *Black Politics in South Africa since 1945*. Johannesburg: Ravan Press.

Lodge, T and Nasson, B 1991. *All Here, and Now: black politics in South Africa in the 1980s*. Cape Town: Ford Foundation/David Philip.

Luthuli, A. 1965. *Portrait of a Chief: Luthuli speaks*. Berlin.

Macmillan, W.M. 1949. *Africa Emergent: a survey of social, political and economic trends in British Africa*. Harmondsworth: Penguin Books.

Macquarrie, J.W. (Ed). 1958. *The Reminiscences of Sir Walter Stanford, Volume One 1850-1885*. Cape Town: The van Riebeeck Society.

Mafeje, A. 1992. *In Search of an Alternative: a collection of essays on revolutionary theory and politics*. Harare: Sapes Books.

Mafeje, A. 1963. *Leadership and Change: a study of two South African peasant communities*. Unpublished MA thesis, University of Cape Town, Cape Town.

Mager, A. 1995. Patriarchs, Politics and Ethnicity in the Making of the Ciskei, 1945-1959. *African Studies*, 54,1.

Maloka, T. 1996. Populism and the Politics of Chieftaincy and Nation-building in the New South Africa. *Journal of Contemporary African Studies* 14(2).

Maloka, T. 1995. Traditional Leaders and the Current Transition. *African Communist*, 2<sup>nd</sup> quarter, Spring.

Mamdani, M. 2001. *When Victims become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton: Princeton University Press.

Mamdani, M. 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Cape Town: David Phillip Publishers.

Mamdani, M. 1995. A Critique of the State and Civil Society Paradigm in Africanist Studies. In Mamdani M. and Wamba-dia-Wamba E. (eds). *African Studies in Social Movements and Democracy*. Codesria Book Series.

Mamdani, M. and Wamba-dia-Wamba, E. (eds). 1995. *African Studies in Social Movements and Democracy*. Codesria Book Series.

Mamimine, P. and Chinhoyi, C. 2001. The shifting role of traditional leadership in Zimbabwe: the discourse of irrelevance in CBNRM from a historical perspective. Summary of a presentation to conference on the role of traditional leaders in the implementation of CBNRM held in Maputo, Mozambique on 8-9 October in *Commons Southern Africa*, Vol. 3 Part 2, December.

Mandela, N. 1995. *Long Walk to Freedom: the autobiography of Nelson Mandela*. London: Abacus.

Manona, C. 1997. The Collapse of the 'Tribal Authority' System and the Rise of Civic Associations. In: De Wet C. and Whisson M. (eds), *From Reserves to Region: Apartheid and Social Change in the Kieskamahoeck District of (Former) Ciskei, 1950-1960*. Grahamstown: Institute of Social and Economic Research, Rhodes University.

Manona, C. 1996. Research Report on the Guba Land Claim. Commissioned report for the Eastern Cape Land Claims Commission, November.

Manona, C. 1990. The Big Lip of Sebe has fallen. *Indicator South Africa* 8(1), quarterly report.

Manor, J. 2001. Local government in South Africa: potential disaster despite genuine promise. Sussex: IDS.

Marais, H. 1998. *South Africa, Limits to Change: the political economy of transformation*. London: Zed Books Ltd.

Marshall, T. (1963). *Sociology at the Crossroads and other Essays*. London: Heinemann.

Marx, K and Engels, F. 1998. *The Communist Manifesto*. New York: Monthly Review Press.

Mayekiso, M. 1996. *Township Politics: civic struggles for a New South Africa*. New York: Monthly Review Press.

Mayer, P. (ed). 1980. *Black Villagers in an Industrialising Society*. Cape Town: Oxford University Press.

Mayer, P. and Mayer I. 1974. *Townsmen or Tribesmen*. Cape Town: Oxford University Press.

Mbeki, G. 1996. *Sunset at Midday: Latshon' ilang' emini!* Braamfontein: Nolwazi Educational Publishers.

Mbeki, G. 1984. *South Africa: the peasants' revolt*. London: International Defence and Aid Fund.

Mbenga, B. 1998. The acquisition of Land by Africans in the Western Transvaal, South Africa: the case of the BaFokeng of the Rustenburg District, 1902-1931. Paper presented to the African Studies Association of America, 29 October – 1 November.

McAllister, P.A. 1986. The Impact of Relocation on Social Relationships in a 'Betterment' Area in Transkei. *Development Southern Africa* 3(3).

McAllister, P. and Deliwe, D. 1995. Youth in rural Transkei: the demise of 'Traditional' Youth Associations and the development of new forms of association and activity – 1975 to 1993, in Van Zyl F. et. al. (eds). *Youth in the New South Africa*. Pretoria: Human Sciences Research Council.

McIntosh, A. 1990. Chieftainship and the future of Rural Local Government: a preliminary investigation. *Transformation*, 13.

- McIntosh, A., Sibanda, S., Vaughan, A. and Xaba, T. 1996. Traditional Authorities and Land Reform in South Africa. *Development Southern Africa* 13(3), June.
- McLoughin, A.G. 1936. The Transkeian System of Native Administration. Unpublished Master's thesis, Rhodes University, Grahamstown.
- Mda, Z. 2000. *The Heart of Redness*. Oxford: Oxford University Press.
- Mears, W.J.G. 1947. A Study in Native Administration: the Transkeian Territories, 1894-1943. Unpublished D. Litt. Thesis, University of South Africa, Pretoria.
- Meinties, G. 1998. *Manhood at a Price: socio-medical perspectives on Xhosa traditional circumcision*. Grahamstown: Institute of Social and Economic Research, Rhodes University.
- Meli, F. 1988. *South Africa belongs to us: a history of the ANC*. Harare: Zimbabwe Publishing House.
- Mgadla, P.T. 1998, in Edge W.A. and Lekowe M.H. (eds). *Botswana: Politics and Society*. Pretoria: J.L. van Schaik Publishers.
- Mingo, C. 2002. *The 2002 Land Affairs Budget: Is land reform on track?* Cape Town: Idasa. (Budget brief No. 89).
- Mkhondo, R. 1993. *Reporting South Africa*. London: James Currey Ltd.
- Mokgoro, Y. 1999. *Traditional Authority and Democracy in the Interim South African Constitution: the role of traditional leaders in local government in South Africa*. Seminar Report. Johannesburg: Konrad-Adenauer-Stiftung.
- Moll, T.C. 1983. *No Blade of Grass: rural production and state intervention in Transkei, 1925-1955*. Unpublished Honours degree thesis, University of Cape Town.
- Moloi, D. 2000. *Are you serious about us? Ask chiefs in the North*. *Land & Rural Digest*. March/April.
- Morris, M. 1987. *Social History and the Transition to Capitalism in the South African Countryside*. *Africa Perspective* 1(5, 6).
- Mqeke, R.B. 1997. *Basic Approachers to Problem Solving in Customary Law: a study of conciliation and consensus among the Cape Nguni*. Grahamstown: Grocott and Sherry.
- Murray, M. 1987. *South Africa: time of agony, time of destiny*. London: Verso.
- Mzala. 1988. *Gatsha Buthelezi: Chief with a Double-Agenda*. London: Zed Books.

- Nash, A. 1999. Mandela's Democracy. *Monthly Review* 11, Vol. 50, April.
- Nash, A. 1998. Nelson Mandela, the Tribal Model of Democracy and the New South Africa. Unpublished Paper.
- Nash, A. 1985. Death Squads in Broad Daylight? Two questions about the killing of Batandwa Ndondo. *South African Outlook*, 115(3).
- Nisbet, R.A. 1967. *The Sociological Tradition*. London: Hienemann.
- Ntantala, P. 1992. *A life's Mosaic: the autobiography of Phyllis Ntantala*. Bellville: Mayibuye Centre/ Cape Town: David Philip.
- Ntsebeza, L. 2002. Decentralisation and natural resource management in rural South Africa: Problems and prospects. Occasional Paper No. 22. Cape Town: Programme for Land and Agrarian Studies.
- Ntsebeza, L. 2002a. Cattle Production in Xhalanga district, in Ainslie, A. (ed). Cattle ownership and production in the communal areas of the Eastern Cape, South Africa. Research Report No. 10. Bellville: Programme for Land and Agrarian Studies.
- Ntsebeza, L. 2001. Traditional Authorities and rural development, in Coetzee, J, Graaff J, Hendricks, F and Wood, G (eds). *Development Theory, policy and practice*. Oxford University Press.
- Ntsebeza, L. 2000. Indirect rule may well continue. *Land and Rural Digest*. March/April.
- Ntsebeza, L. 1999. Land Tenure Reform, traditional authorities and rural local government in post-apartheid South Africa: case studies from the Eastern Cape. Research Report No. 3. Bellville: Programme for Land and Agrarian Studies.
- Ntsebeza, L. 1998. Rural Local Government in Post-Apartheid South Africa. *African Sociological Review*, 2(1).
- Ntsebeza, L. 1995. Social Survey of Thornhill. Unpublished report for the Border Rural Committee, January.
- Ntsebeza, L. 1995a. The Murder of Bathandwa Ndondo and its Significance, paper presented to a Memorail Lecture of Batandwa Ndondo, University of Transkei, Umtata, 5 December.
- Ntsebeza, L. 1993. Youth in Urban African Townships 1945-1992: a case study of the East London Townships. Unpublished MA thesis, University of Natal, Durban.

- Ntsebeza, L. 1988. Divisions and Unity in Struggle: the ANC, ISL and the CP, 1910-1928. Unpublished Honours dissertation, University of Cape Town.
- Nuggett, P. 1996. An Abandoned Project? The nuances of chieftaincy, development and history in Ghana's Volta Region. *Journal of Legal Pluralism and Unofficial Law*. Number 37-38 (Special Double Issue).
- Nyawuza, 1982. The Mozambican Revolution and the National Question: for the Nation to live, the tribe must die (letters to the editor). *The African Communist*, No. 91, Fourth Quarter.
- Nzimande, B. 1992. Let us Take the People with Us: a reply to Joe Slovo. *African Communist*, 131 (fourth quarter).
- Nzimande, B. and Sikhosana, M. 1991. Civics are part of the National Democratic Revolution. Mayibuye, June.
- Oomen, B. 2000. Tradition on the Move: chiefs, democracy and change in rural South Africa. Amsterdam: Netherlands Institute for Southern Africa.
- Oomen, B. 1996. Talking Tradition. The position and portrayal of traditional leaders in present-day South Africa. Unpublished M.A. thesis, University of Leiden.
- Osabu-Kle, D.T. 2000. Compatible Cultural Democracy: the key to development in Africa. Ontario: Broadview Press.
- Peires, J.B. 2000. Traditional Leaders in Purgatory Local Government in Tsolo, Qumbu and Port St Johns, 1990-2000. *African Studies*, 59, 1.
- Peires, J.B. 1999. Secrecy and violence in Tsolo. Paper presented to South African Historical Association, University of the Western Cape, 14 July.
- Peires, J.B. 1995. Ethnicity and Pseudo-ethnicity in the Ciskei, in Beinart W. and Dubow S. (eds). *Segregation and Apartheid in Twentieth century South Africa*. London: Routledge
- Peires J.B. 1992. The Implosion of Transkei and Ciskei. *African Affairs*, 91.
- Peires, J.B. 1989. *The Dead Will Arise: Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856-7*. Johannesburg: Ravan Press.
- Peires J.B. 1981. *The House of Phalo*. Johannesburg: Ravan Press.
- Pim, H. 1933. *A Transkei Enquiry*. Alice: Lovedale Press.

Pitcher, M.A. 1996. The Politics of the Countryside: Democracy and Economic Liberalisation in Northern Mozambique. Paper presented to the annual meeting of the African Studies Association, November 23-26.

Posel, D. 1991. The Making of Apartheid 1948-1961. Oxford: Clarendon Press.

Rathbone, R. 2000. Nkrumah and the Chiefs: the politics of chieftaincy in Ghana 1951-60. Oxford: James Currey.

Ray, D.I. 1996. Divided Sovereignty: traditional authority and the state in Ghana. *Journal of Legal Pluralism and Unofficial Law*. Number 37-38 (Special Double Issue).

Ray, D.I. and Van Rouveroy van Nieuwaal E. Adriaan B. 1996. The New Relevance of Traditional Authorities in Africa: the conference; major themes; reflections on chieftaincy in Africa; future directions.. *Journal of Legal Pluralism and Unofficial Law*. Number 37-38 (Special Double Issue).

Ribot, J.C. 2001. Local Actors, Powers and Accountability in African Decentralisations: a review of issues. Paper prepared for International Development Research Centre of Canada Assessment of Social Policy Reforms Initiative.

Ritchken, E. 1989. The KwaNdebele Struggle Against Independence. *South African Review* 5. Johannesburg: Ravan Press.

Ritchken, E. 1987. Burning the Herbs: youth politics and witches in Lebowa. *Work in Progress*, 48 (July).

Rogers, H. 1933. Native Administration in the Union of South Africa. Johannesburg.

Rose-Innes, J. 1936. The Glen Grey Act and the Native Question. Lovedale: Lovedale Press.

Roux, E. 1964. Time Longer than Rope: a history of the Black man's struggle for freedom in South Africa. Madison: University of Wisconsin Press.

Sachs, A. 1992. The future constitutional position of traditional leaders. Sachs, A (ed). *Advancing Human Rights in South Africa: contemporary South African debates*. Cape Town, OUP, 1992.

Saunders, C.C. 1978. The Annexation of the Transkeian Territories. Pretoria: The Government Printer.

Saunders, C. and Southey, N. 1998. *A Dictionary of South African History*. Cape Town: David Philip.

Seekings, J. 2000. The UDF: a history of the United Democratic Front in South Africa 1983-1991. Cape Town: David Phillip.



Segar, J. 1989. *Fruits of Apartheid: Experiencing 'Independence' in a Transkeian Village*. Bellville: Anthropos Publishers.

Simons, J. & Simons, R. 1983. *Class and Colour in South Africa: 1850-1950*. International Defence and Aid Fund for Southern Africa.

Skalnik, P. 1996. Authority versus Power: Democracy in Africa must include original African Institutions. *Journal of Legal Pluralism and Unofficial Law*. Number 37-38 (Special Double Issue).

Sklar, R.L. 1994. The Significance of Mixed Government in Southern African Studies: A Preliminary Assessment. Paper presented to the History Workshop Conference on 'Popular Precedents, Popular Practice and Popular Culture', University of the Witwatersrand, Johannesburg, July 13-15.

Smelser, N.J. 1984. *Sociology: alternative edition*. Englewood Cliffs, New Jersey: Prentice-Hall.

Southall, R. 1992. Introduction: Rethinking Transkei Politics. *Journal of Contemporary African Studies*, 11(2).

Southall, R. 1992a. Trade Union Development in the Transkei. *South African Labour Bulletin*, 16, 6.

Southall, R. 1983. *South Africa's Transkei: the political economy of an 'independent' Bantustan*. New York: Monthly Review Press.

Southall, R.J. 1977. The Beneficiaries of Transkeian 'Independence'. *Journal of Modern African Studies*, 15.

Sparks, A. 1994. *Tomorrow is Another Country*. Sandton: Struik.

Spectator 1982. The Mozambican Revolution and the National Question: For the Nation to Live the Tribe must Die. *The African Communist*, No. 89, Second Quarter.

Spiegel, A. 1992. A Trilogy of Tyranny and Tribulations: Village Politics and Administrative Intervention in Matatiele During the Early 1980s. *Journal of Contemporary African Studies* 11(2).

Spiegel, A.D. and McAllister, PA (eds). 1991. *Tradition and Transition in Southern Africa: Festschrift for Philip and Iona Mayer*. Johannesburg: Witwatersrand University Press.

Spiegel, A.D. and Boonzaier, E.A. 1988. Promoting Tradition: Images of the South African Past. In Boonzaier E. and Sharp J. (eds). South African Keywords. Cape Town: David Philip.

Spiereburg, M. 2002. Re-emergence of traditional authorities in the struggle for control over land in Dande, Northern Zimbabwe. Paper presented at the IASCP conference, Victoria Falls, Zimbabwe, 17-21 June.

Stapleton, T.J. 1998. 'Him Who Destroy All': Reassessing the Early Career of Faku, King of the Mpondo, c1818-1829. South African Historical Journal, 38, May.

Streek, B and Wicksteed, R 1981. Render Unto Kaiser: a Transkei Dossier. Johannesburg: Ravan Press.

Stultz, N.M. 1979. Transkei's Half Loaf: race separation in South Africa. New Haven: Yale University Press.

Swilling, M. 1991. Apartheid City in Transition. Cape Town: Oxford University Press.

Swilling, M. 1989. Beyond Ungovernability: township politics and local-level negotiations. Johannesburg: Centre for Policy Studies.

Swilling, M. 1988. State, Resistance and Change in South Africa. Johannesburg: Southern Book Publishers.

Switzer, L. 1993. Power and Resistance in an African Society: the Ciskei Xhosa and the Making of South Africa. Madison: The University of Wisconsin Press.

Tabata, I.B. 1952. The Boycott as Weapon of Struggle. Cape Town: All African Convention Committee.

Tabata, I.B. 1950. The All African Convention: the awakening of a people. Johannesburg: People Press.

Tambo, O. 1987. Preparing for Power: Oliver Tambo Speaks. London: Heinemann Educational Books.

Tapscott, C. 1997. The Institutionalisation of Rural Local Government in Post-Apartheid South Africa. In Hofmeister W. and Scholz I. (eds). Traditional and Contemporary Forms of Local Participation and Self-Government in Africa. Johannesburg: Konrad-Adenauer-Stiftung.

Tapscott, C. 1992. The Rise of 'Development' as a Policy Theory in South Africa 1978-1988: a critique. Unpublished PhD thesis, University of London.

Therborn, G. 1980. The Ideology of Power and the power of Ideology. New York: Verso.

Therkildsen, O. 1993. Legitimacy, Local Governments and Natural Resource Management in Sub-Saharan Africa, in Marcussen, H.S. (ed). Institutional Issues in Natural Resource Management. Occasional Paper No. 9.

Thomas, G, Sibanda, S and Claassens, A. 1998. Current Developments in South Africa's Land Tenure Policy. Proceedings of the International Conference on Land Tenure in the Developing World with a focus on Southern Africa. University of Cape Town, 27-29 January 1998.

Transvaal Rural Action Committee. 1988. KwaNdebele: the struggle against 'Independence', in Cobbett, W. and Cohen, R (eds). Popular Struggles in South Africa. London: James Currey.

Tsotsi, W. M.1989. Out of Court: the memoirs of a Black lawyer in Apartheid South Africa, 1950-1960. Unpublished manuscript.

Turner, S. 1999. Land Rights and Land Administration in the Herschel and Maluti Districts, Eastern Cape. Occasional Paper No. 10. Bellville: Programme for Land and Agrarian Studies.

Turner, S. & Meer, S. 1999. Conservation by the people in South Africa: findings from TRANSFORM monitoring and evaluation. Research Report No. 7. Bellville: Programme for Land and Agrarian Studies.

Vail, L. 1989. The Creation of Tribalism in Southern Africa. London: James Currey.

Van Donge, J.K. 1995. One people; one chief: African Chieftainship in the modern world: a case from Southern Malawi. Unpublished research paper.

Van Kessel, I. 2001. Legitimacy and generational conflict in the UDF: the struggles behind the struggle. Transformation, 46.

Van Kessel, I. 2000. 'Beyond our Wildest Dreams': the United Democratic Front and the transformation of South Africa. Charlottesville, VA: University Press of Virginia.

Van Kessel, I. 1995. 'Beyond our Wildest Dreams': the United Democratic Front and the transformation of South Africa. Unpublished Phd thesis, Leiden University.

Van Kessel, I. 1993. From Confusion to Lusaka: the youth revolt in Sekhukhuneland. Journal of Southern African Studies, 19,4.

Van Kessel, I. and Oomen, B. 1997. 'One Chief, One Vote': the revival of traditional authorities in post-apartheid South Africa. African Affairs. No. 96.

Van Rouveroy van Nieuwaal, E. Adriaan B. 1996. State and Chiefs: Are chiefs mere puppets? *Journal of Legal Pluralism and Unofficial Law*. Number 37-38 (Special Double Issue).

Von Trotha, T. 1996. From Administrative to Civil Chieftaincy: some problems and prospects of African chieftaincy. *Journal of Legal Pluralism and Unofficial Law*. Number 37-38 (Special Double Issue).

Vorster, L.P. 1991. Chiefs in a future South Africa. Paper delivered at the seminar for Transkei Traditional Leaders on the Place of Chiefs in a Future South Africa, University of Transkei.

Wagenaar, E.J.C. 1988. A history of the Thembu and their relationship with the Cape, 1850-1900. Unpublished PhD thesis, Rhodes University.

Walker, C. 1995. Women, 'Tradition' and Reconstruction. *South Asian Bulletin: Comparative Studies of South Asia, Africa and the Middle East* XV(1). Earlier published in the *Review of African Political Economy*, Number 61, Volume 21, September.

Walshe, P. 1987. *The Rise of African Nationalism in South Africa*. Craighall: Ad. Donker Publisher.

Weber, M. 1978. *Economy and Society: an outline of interpretive sociology* (volume one). Edited by Guether Roth and Claus Wittich. Berkeley: University of California Press.

Welsh D. 1973. *The Roots of Segregation: Native policy in Colonial Natal, 1845-1910*. Cape Town: Oxford University Press.

Westaway, A. 1997. Headmanship, Land Tenure and Betterment Planning in Keiskammahoek, c.1920-1980. De Wet C.J. and Whisson M. (eds). 1997. *From Reserve to Region: apartheid and social change in the Keiskammahoek District of (former) Ciskei: 1950-1990*. Occasional Paper Number Thirty Five: Grahamstown: Institute of Social and Economic Research, Rhodes University. Grahamstown: Grocott and Sherry.

Woker, Tanya & S. Clarke 1990. Human Rights in the Homelands. *South African Human Rights and Labour Law Year Book*, Vol 1.

Wolpe H. 1972. Capitalism and Cheap Labour Power in South Africa: from Segregation to Apartheid. *Economy and Society*, vol. 1, No. 4.

Wood, E.M. 1995. *Democracy Against Capitalism: renewing historical materialism*. Cambridge: Cambridge University Press.

Wotshela, L. 1996/7. A Study of Population Movement to Released Area 60, a Block of State Land in the Queenstown District. Report prepared for the Steering Committee of the Eastern Cape Land Reform Programme, December-January.

Wotshela, L. E. 2001. Homeland consolidation, resettlement and local politics in the Border and the Ciskei region of the Eastern Cape, South Africa, 1960 to 1996. Unpublished D.Phil. thesis, Oxford University.

Yawitch, J. 1982. Betterment: the myth of homeland agriculture. Johannesburg: SA Institute of Race Relations.

Yawitch, J. 1981. Betterment as State Policy in South Africa. In Cross C.R. and Haines R.J. (eds). *Towards Freehold? Options for Land and Development in South Africa's Black Rural Areas*. Johannesburg: Juta and Co.

Young, C. 1994. *The African Colonial State in Comparative Perspective*. New Haven: Yale University Press.

Zuma, T. 1990. The Role of Chiefs in the Struggle for Liberation. *The African Communist*, 121.

Zuma T. 1990a. Apartheid's Master Plan in Ruins: Revolt in the Bantustans. *The African Communist*, First Quarter.

Zungu S. 1997. Traditional Leaders' Capability and Disposition for Democracy: the example of South Africa. In Hofmeister W. and Scholz I. (eds). 1997. *Traditional and Contemporary Forms of Local Participation and Self-Government in Africa*. Johannesburg: Konrad-Adenauer-Stiftung.

## **NEWSPAPERS AND INTERNET:**

*Business Day*

*City Press*

*Daily Dispatch*

*Inkundla Ya Bantu*

*Mail and Guardian*

*Umsebenzi (The South African Worker – organ of the Communist Party (of South Africa)*

*Xhalanga Youth Club: The Voice of the Youth and Working Youth (undated).*

### **Internet Sources:**

<sup>1</sup> Mark Gevisser “The other Holomisa”,

<http://web.sn.apc.org/wmail/issues/960913/NEWS66.html>.

<sup>1</sup> <http://www.anc.org.za/anc/newsbrief/1995/news1005>