

Democracy Compromised

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VOLUME 5

Democracy Compromised

Chiefs and the politics of the land in South Africa

by

Lungisile Ntsebeza



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Cover photo *The office of the Ehlathini Tribal Authority in Xhalanga*
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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

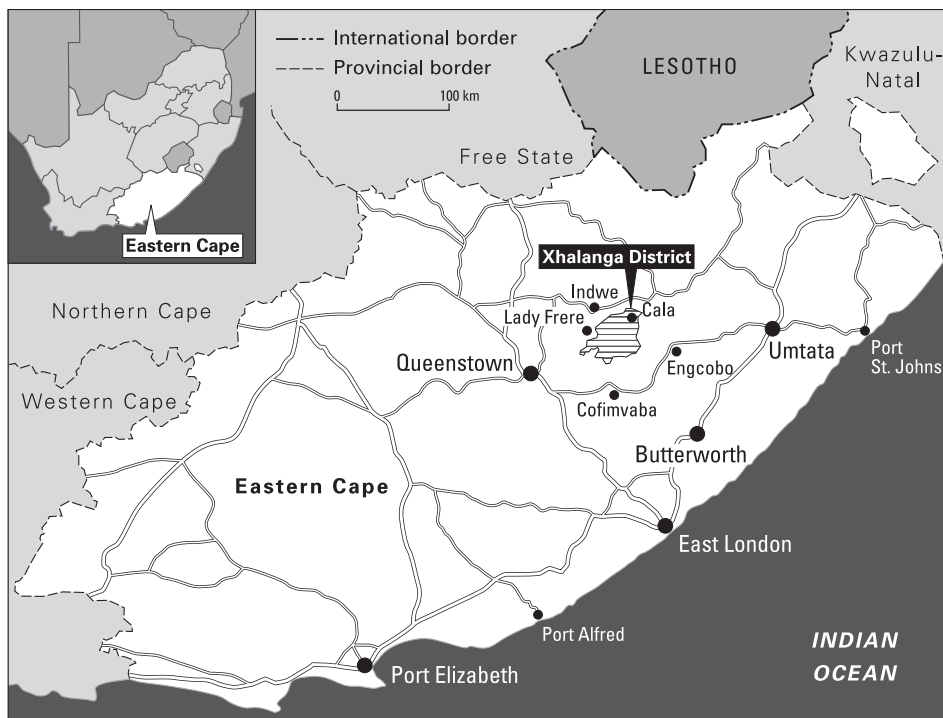
Foreword

Background to the study

This book is in many ways the product of over 10 years of an intellectual journey. 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 book will show, this area was one of those in which ‘land grabs’ took place in the early 1990s (Wotshela 2001; Beinart 1998).

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 book will show, the apartheid government had imposed the Tribal



Map 1 Map of the Eastern Cape showing the Queenstown area.

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. In this area, the Tribal Authorities office had ceased to operate by the time I started research in the area towards the end of 1994. At the time, the local government elections had not taken place. A local branch of the South African National Civic Organisations (SANCO) attempted to establish an alternative to the Tribal Authority, but had no official status. A question I kept on asking my colleagues at BRC was: “Who governs in Thornhill”? As this book will show, Thornhill was not alone, and this confusion would continue well into South Africa’s democracy.

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 this time, 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. In the end, I ended up writing a historically based doctoral thesis 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 focused on the sphere of rural local government in the Xhalinga district, where these issues are best illustrated.

This book, which is largely based on the doctoral thesis, is about traditional authorities in a democracy. It is written at a time when the ANC-led government passed two crucial pieces of legislation in 2003, the Traditional Leadership and Governance Framework and Communal Land Rights Acts, which, as will be seen in the pages and chapters that follow, define a clearer role for traditional authorities in land administration in particular. There are two closely related themes addressed in the book: the question of the survival of traditional authorities up to the post-colonial/apartheid era and the question of how traditional authorities derive their authority and legitimacy. Regarding the survival of traditional authorities, the book focuses on the linkage between chieftaincy and the land question, and how control of the land allocation process in particular is central to our understanding of the survival of traditional authorities. The issue of the legitimacy of traditional authorities especially in a democracy is investigated against the backdrop of the tension in the 1996 Constitution stated above, including the implication of the promulgation of the Traditional

Leadership and Governance Framework and the Communal Land Rights Acts on rural local governance.

The book thus offers a historical analysis of the embattled structures of rural local governance in South Africa, with specific reference to the role of traditional authorities in Xhalanga in the Eastern Cape. More specifically, the book gives a well-based illustration of how at least in the Xhalanga district chieftainship was contested from the establishment of this district in 1865 to the advent of democracy in South Africa. In many ways, the book is a study of the vicissitudes of chieftainship and its relationship to the land question and democracy with specific reference to the Xhalanga magisterial district. This investigation is located within the broader debate about the role of traditional authorities in post-1994 South African democracy, in particular and the African continent in general. The book argues that chieftaincy has always been contested and that it has throughout its history since the advent of colonialism been dependent on the support of the state that was moreover highly fickle and constantly changing. This book shows that in the particular case of Xhalanga, specific land issues such as the struggles of landholders against Apartheid's engineered "re-tribalisation" gave chieftainship in this area a specific trajectory. The book concludes by demonstrating how this determined resistance against chieftainship runs the risk of being undermined by the ANC-led government's decision to pass through Parliament in 2003 the two pieces of legislation referred to above, which effectively give traditional authorities unprecedented powers on the controversial issue of land allocation. It shows how important the land question, in all its different gradations, is for understanding the "resilience" of traditional authorities. In many ways, therefore, the book is about the nature and meaning of democracy in post-1994 South Africa with specific reference to rural residents living under the jurisdiction of traditional authorities.

The point I will make in this book 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 these claims.

Terminology and spelling

Two key terms need to be explained in this book: 'landholders' and 'traditional authorities'. 'Landholders', as used in the book, 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 book 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 book, Xhalanga, is in the Transkei region of the Eastern Cape (see Map 1). As is argued in the book, Xhalanga provides a good example of an area where chieftaincy did not manage to entrench itself, and where the survival of traditional authorities can be linked directly to their control of the land allocation process, rather than popular support. 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 Xhalanga, 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. British colonial policies towards traditional authorities at the time were, for reasons discussed in the book, ambiguous enough to allow missionaries and magistrates in areas such as Xhalanga to establish a “progressive” class of African farmers, often in opposition to chiefs, as opposed to promoting “indirect rule” through traditional authorities, as was the case in British Natal.

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 Luphaphasi. 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 isiXhosa, or a mixture of isiXhosa 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.

I must point out that I was less successful in getting the cooperation of traditional authorities, elected councillors and officials in Xhalanga and the Sakhisizwe municipality, as well as ANC politicians. The structure of traditional authorities struck me as hierarchical and power seems to be centralised. For example, chiefs that I tried to interview in Xhalanga and the tribal authority of amaTshezi in Mqanduli referred me either to chiefs Patekile Holomisa or Mwelo Nonkonyana, the leading figures in the Eastern Cape. Although I interviewed chief Nonkonyana in 1996, when I was in the very initial stages of my research on chieftainship and democracy, I was never subsequently successful in getting his cooperation. My efforts to interview chief Holomisa were not successful, and he never bothered to even acknowledge my written request for an interview. I have had a similar experience with elected councillors and municipal officials in Xhalanga and later Sakhisizwe. With regard to Sakhisizwe, I wrote two letters to the manager, Boshoff, and drew blank. On one occasion, I travelled all the way from Cape Town to Cala for a scheduled meeting with Amos Mlungwana, a development officer at Sakhisizwe and councillor Misumzi Silingela. To my surprise and disgust, I was told that they were in Graaff Reinet, attending a workshop. I have, on a number of occasions been unsuccessful in getting an interview with Ezra Sigwela and Mzimkhulu Makiwane, both ANC stalwarts from the Xhalanga area.

There seem to be at least two reasons for the above. First, as the book will show, the issue of the role of traditional authorities in South Africa's democracy is very sensitive. The ANC's hesitation in developing a clear policy and legislation is an indication of this. With regard to councillors and municipal officials, their poor delivery in terms of services and promoting development seem to make them extremely sensitive to being questioned. Linked to this is the fact that all these parties are aware of my research on traditional authorities, democracy and local government, including the independent and critical position I take

on the development of policy on democratising rural areas and the poor performance of councillors. I have also participated in conferences where I have shared a platform and openly disagreed with chief Holomisa. That I am not getting their cooperation thus did not surprise me. But what this means is that I have had to rely on documentary evidence and people's perceptions.

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.

For my doctoral thesis, I relied on these archival sources. However, this book has benefited from further archival work I conducted in Cala in May 2004. The main reason for visiting Cala was to get the records from the early 1960s, especially as these were never deposited either to the Umtata, Cape Town or National (Pretoria) archives. Until about 2002, after the position of the District Commissioner in magisterial districts was abolished, these archives were kept in the office of the local magistrate. But when I went to the Cala office, I was told that the archives were no longer kept in the magistrate's offices. Archives on land tenure issues were transferred to the local Department of Agriculture and Land Affairs, and those concerned with chiefs and headmen matters were transferred to a centralised Tribal Authority office housed at the former Arthur Tsengiwe Training College in Cala.

It was with relief to find that some of the records still exist and I was allowed to use them. A palpable difference worth mentioning between the records up to the early 1960s and records during the Bantustan period is the level of detail. White magistrates during the period up to the establishment of self-government and later independence were meticulous in documenting their daily activities. This level of recording and detail is missing in the files in Cala. My view is that if any sense will be made of this period, where in the past we would rely on, amongst others, archives, government officials of the self-government and Bantustan independence periods must be interviewed as a matter of urgency. A few of these officials have passed away; those who are still alive are aging.

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 book

The book is divided into the following chapters:

Chapter one provides the conceptual and theoretical framework of the study. It analyses the key concepts in this book: democracy and legitimacy, and how these relate to traditional authorities and their institution. Against this background, the chapter deals with debates about the survival of traditional authorities and their possible political role in post-colonial African democracy.

Chapter two focuses on the case study of the book and discusses the complex nature of the population in Xhalanga in the period 1865 to 1883. It highlights the major contradictions within the population in this period, particularly the division between the 'school people' most of whom did not have any chiefs, and the 'red people', who were under the jurisdiction of chiefs.

In chapter three, the focus is on the land question in Xhalanga. The land issue is discussed within the context of a changing colonial policy towards Africans, traditional authorities, land and local government. Initially committed to creating a class of African farmers, colonialists changed their mind when minerals were discovered and actively engaged on converting Africans into waged workers. The chapter looks at how landholders in Xhalanga waged resistance against the changing colonial policies and how they eventually succumbed to colonial pressure and were forced to accept the establishment of a local government that was modelled along the lines of the District Council established in terms of the notorious Glen Grey Act.

Chapter four 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 the Council operated. The chapter also shows 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. These issues are pursued against the backdrop of a militant mood in other parts of South Africa's countryside in the former Bantustans.

In chapter five, I 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 deals with his rise to power, particularly how he won the struggle against Paramount Chief Sabata for control of Emigrant Thembuland. Throughout, the chapter focuses 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.

Chapter six 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.

Chapter seven 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 last chapter of this book explores the policies of the ruling party, the ANC towards traditional authorities, in order to provide the context for understanding how it came about that the ANC-led government has endorsed the authority of traditional authorities, despite the latter's notoriety. Particular attention is given to the promulgation of two controversial pieces of legislation which effectively restore land administration functions to traditional authorities.

I conclude this book by focusing on the complexities of extending democracy to South Africa's countryside in post-1994 South Africa, including the implications for democracy in recognizing traditional authorities while, at the same time, having a system of elected councilors.

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Traditional authorities, democracy and the land question: Some conceptual and theoretical considerations

This is the reason why we still use chiefs. Rural councilors run in circles. This makes us a laughing stock and divides 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 councilors] 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.¹

Introduction

For almost 10 years since the advent of democracy in 1994, the ANC-led government has been grappling with the all important democratization process in rural areas falling under the jurisdiction of traditional authorities. The South

¹ Interview with Mr Jama, Cala, 9 September 2000.

African state has committed itself to the establishment of a democratic, representative and accountable form of governance throughout the country, including these rural areas.² This is by far a most challenging task. The post-1994 state has inherited a system of administration that was based on the concentration of all power in these rural areas in the hands of unaccountable traditional authorities (chiefs and headmen).³ For example, the functions of land administration and local government were all fused in the office of traditional authorities. Despite claims by the apartheid architects that this form of rule was based on pre-colonial African institutions, in reality, the “institution of traditional leadership”, in the form of apartheid created Tribal Authorities, was incorporated into the structures of government as an extended arm. Tribal Authorities were, in the mould of their apartheid creators, highly authoritarian and despotic. As a result they were, in the eyes of many South Africans discredited, hated and feared.

However, I argue in this book that this democratization process risks serious compromise. After years of ambivalence and prevarication, the government passed through parliament two Bills, the 2003 Traditional Leadership and Governance Framework Bill and the 2003 Communal Land Rights Act which make concessions to traditional authorities, effectively resuscitating the powers they enjoyed under the notorious Bantu Authorities Act of 1951 which was introduced by the apartheid regime. The Traditional Leadership and Governance Framework Act endorses Tribal Authorities which were set up in terms of the Bantu Authorities Act as a foundation for establishing what it refers to as Traditional Councils, while the Communal Land Rights Act recognises these Traditional Councils as having the authority to administer and allocate land in the rural areas. As with Tribal Authorities, the proposed post-1994 Traditional Councils are made up of a majority (60 per cent) of un-elected and un-accountable members comprising traditional authorities and their appointees.

The significance of the above concession is best appreciated when viewed against the backdrop of the history of struggles in rural areas under traditional authorities and specifically the link between chieftaincy and the land question. This relationship was not, I argue in this book, without its controversies and complexities. The question of the legitimacy of traditional authorities is very much associated with their position in and control of the land allocation process at the local village and Tribal Authority levels. The book demonstrates that rural struggles were, especially after the introduction of apartheid in 1948, in essence around the land issue and the role of traditional authorities in land matters

² See the 1996 South African Constitution on the Bill of Rights and Local Government.

³ See Mamdani (1996) and his notion of a “clenched fist” leading to a “decentralised despotism”.

broadly and the allocation of land in particular. For example, the struggles of the late 1950s and early 1960s were against the introduction of Tribal Authorities and their role in the resettlement of rural communities into closer settlements. Traditional authorities, as will be seen later in the book, worked hand in hand with the apartheid state in this exercise. When, after a period of heavy repression in the 1960s and 1970s, resistance re-emerged in the late 1980s and early 1990s in the rural areas, the target was often Tribal Authorities and the issue was the authoritarian and despotic nature of these authorities particularly with regard to land allocation.

Before the introduction of the two pieces of legislation referred to above, when policy and legislation were not clear about the role of traditional authorities in land and local government matters after 1994, control over land on the ground continued to be a thorny and an unresolved matter. Most rural residents, and indeed many South Africans, thought that land allocation, in keeping with the democratic principles proclaimed in the constitution, was to be one of the responsibilities of the newly elected councillors. After all, control over land was the cardinal issue in rural struggles up to the advent of democracy in 1994. The perception of most rural residents was that all the functions that were performed by traditional authorities and headmen, including land allocation, would be taken over by elected councillors. Yet, in the absence of new legislation, government officials continued to use, with minor adjustments, the apartheid procedure which recognised traditional authorities, and not elected councillors and residents associations, as having the powers to allocate land. In areas such as Xhalanga, the case study of this book, this created a lot of confusion and dilemma for rural residents, especially in those areas where civic structures under the auspices of the South African National Civic Organisation (SANCO) demarcated land and allocated plots to its supporters (see the quotation at the beginning of this chapter). This action was a clear demonstration of lack of confidence in and a challenge to the legitimacy of Tribal Authorities in land administration. However, those who were allocated plots by civic structures were not granted permits to occupy (PTOs) as the government officials did not recognize their process and regarded it as illegal, though seen as legitimate by rural residents.⁴

In a nutshell, this book argues that upholding a Constitution that enshrines democratic principles in the Bill of Rights, whilst acknowledging a political and developmental role, or roles, for un-elected and unaccountable traditional authorities, as the two pieces of legislation referred to above do, is inconsistent

⁴ PTOs were the legal documents that well issued and which confirmed rural residents' rights to occupy land. They were not freehold title, and carried very weak rights compared to freehold title.

and contradictory. This contradiction also raises questions about the legitimacy of traditional authorities and the possible resolution of the identity of rural inhabitants in the former Bantustans in post-1994 South Africa, 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. The book investigates these questions through a detailed analysis of the nature and history of governance in the rural areas of the former Bantustans,⁵ with specific reference to the roles, functions and powers of traditional authorities in Xhalinga, Eastern Cape. Central to the notion of governance in this respect is the thorny issue of land administration. This history begins with the colonial late nineteenth century, and covers the period extending to the advent of democracy in South Africa in 1994 and beyond. In the current chapter I will consider some of the key conceptual and theoretical debates around these questions.

The resilience of traditional authorities and their role in a democracy: The debate

The introduction of multi-party democracy and decentralisation in Africa in the early 1990s clearly brought the issue of traditional authorities, their history and 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). This development has led commentators such as Ismail (1999: 1) to boldly assert that “the institution has shown an amazing degree of resilience”.⁶ At the same time, the continued survival of traditional authorities has raised the question of their role in a democracy. These issues are explored below.

⁵ Bantustans/homelands/reserves are areas which colonialists put aside for African occupation as early as the nineteenth century. The size of this land comprised about 13% of the South African land. It is in the rural areas of these Bantustans that traditional authorities were given wide ranging powers. After the 1994 democratic elections, these areas were formally reincorporated in South Africa.

⁶ Others who have commented about this notion of “resilience”, though for different reasons, are Peires 2000, Tapscott (1997) and Hendricks (1992).

The resilience of traditional authorities debate

This section looks at the notion of the resilience and survival of traditional authorities both in the colonial and post-colonial periods. Under colonialism, there appears to be three broad responses to the question of the resilience of traditional authorities. 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. 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 (1996: 16) poses the problem thus: "How can a tiny and foreign minority rule over an indigenous majority?". Indirect rule, or rule by association, was part of the answer. Ribot (2001: 4) supports this notion with his suggestion that the system was created to manage Africans under administrative rule rather than to enfranchise them.⁷ He strengthens his argument by drawing from the French Governor Colonel, Louis de Trentinian, who argued in favour of retaining the tribal system in the French Soudan in order to relieve French commandants of "little affairs" after the French military conquest in 1896. The Colonel had this to say:

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 (1996: 23) uses the analogy of a "clenched fist" to delineate this concentration of power and "administrative coercion". 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 (ibid.: 53).

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

⁷ See also Alexandre (1970: 65-8).

marginalize and abolish it. For Ismail (1999: 7), indirect rule, “in some cases” was “an eloquent testimony” to how colonial powers recognised the strength of “indigenous rulers”. Ismail seems to suggest that in the cases that he refers to, colonialists were forced to negotiate with traditional authorities. Specifically, he was in disagreement with Chief Patekile Holomisa.⁸ 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).

Others argue that traditional authorities survived to the present because not all of them were collaborators. 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. But they argue that a minority opposed apartheid. Alexander (1995) and Bourdillon (1987) (cited in Spierenburg 2002) have adopted a similar position with regard to Zimbabwe. 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. On the other hand, they argue that some traditional authorities supported the freedom fighters, assuming party positions in some instances (Spierenburg 2002: 3-4).

A more challenging question that is linked to the above 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 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.

In her doctoral thesis, Oomen (2002: 14) has attempted to answer this question about what she refers to as “a surprise re-entry” of traditional authorities. Oomen argues that South Africa became a democratic state at a

⁸ Chief Patekile Holomisa is the president of CONTRALESA, arguably the main association of traditional authorities in South Africa.

crucial time in history when the world had, since the 1960s, become “post-modern”.⁹ She describes three key features of a post-modern world: “the fragmentation of the nation-state, the embracing of culture, the applauding of group rights” (ibid.: 6). According to her, it is not possible to understand the resurgence of traditional authorities in South Africa without an understanding of these global developments. The notion of the nation-state, so central to the liberation struggles against colonialism in Africa was, Oomen contends, by the 1990s, in shambles, “as the state came to be considered as just another actor in an increasingly complex and interwoven global order” (ibid.: 8). It is these changes in the global context, especially the weakened position of the nation-state that have, Oomen avers, forced the ANC to adopt a seemingly contradictory position of lambasting chieftainship in the liberation struggle period and embracing the institution when the ANC was involved in the political negotiations of the early 1990s and later became the leading political party in government since the 1994 elections. Thus, Oomen takes a wider view of the issue of the re-emergence and survival of traditional authorities that links the local, national and even the global.

While not necessarily and overtly situating their analysis within a global context, other scholars on this topic in Africa have related the resurgence of traditional authorities to the failure of post-colonial governments in Africa to present a better alternative to the rule of traditional authorities. However, they do not necessarily attribute this to a “weak” nation-state within the national context. In fact, they seem to suggest the opposite. For example, with regard to 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).¹⁰ 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). For Mamdani (1996) that African states, in his opinion, de-racialised after independence, but did not detribalise and democratize, has led to them retaining and embracing traditional authorities, along similar lines to those followed by their colonial predecessors.¹¹ On her part, Spierenburg emphasizes the development dimension, arguing that in Zimbabwe, councillors lacked

⁹ Oomen uses this term, although she points out that she would prefer “a better or at least less worn-out term” which she could not find.

¹⁰ See also Oomen (2002) and Van Trotha (1996). Van Trotha refers to the post-colonial African state as post-colonial despotism.

¹¹ See below for an elaboration of Mamdani’s position.

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).

Other analyses seem to suggest politically expedient reasons as to why traditional authorities remain some kind of a force in post-colonial Africa. According to Ismail (1999: 3), the institution of traditional leaders “cannot be abolished overnight without causing some political disequilibrium among the indigenous people, especially in rural areas”. Drawing from his Francophone experience, Ribot takes a similar position, suggesting that, “while chiefs are weak, one cannot achieve anything without consulting them”.¹² 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).

Ray and van Rouveroy van Nieuwaal (1996: 25) 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 change, and to “subtly but profanely swap his traditional garment for a European outfit, or vice-versa”. 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 (2001: 77) asks the question: “Who legitimizes the authority of Chiefs?”. 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” (ibid.). Spierenburg (2002: 9) 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”.

My position in this debate regarding the colonial and apartheid periods is similar to Mamdani’s, namely, that traditional authorities survived to the extent to which they were part of the colonial scheme of indirect rule. I would thus

¹² E-mail communication with Jesse Ribot, 10 May 2002. Ribot has spent a number of years doing research in Franco-Africa.

disagree with Ismail in his assertion that traditional authorities have survived despite colonialism and apartheid. I would argue the opposite: that traditional authorities existed because of colonialism and apartheid in particular. I also question Bank and Southall's suggestion that traditional authorities survived because a minority of them opposed apartheid. While, as I show in a later chapter, it may have been possible for traditional authorities to distance themselves from colonial government policies, under apartheid this avenue was effectively closed. There was no room for fence sitters under apartheid. Those traditional authorities who supported liberation movements did so, I would argue, as members of those political organizations. They were thus primarily accountable to those organisations.

I find Oomen's approach of situating the discussion within a global context very useful. What she says about South Africa is true of all African countries – the global context within which these states operate cannot be ignored and should be taken into account in our analyses, whether national or local. This global context, I would add, should not be restricted to post-colonial period alone. Globalisation is not a recent phenomenon arising in the 1960s. It is as old as capitalism and its expansion in its colonial and imperial forms throughout the world (Magdoff 2003; Wood 1999). The similarities, not ignoring the specificities, in the African experiences can only be attributed to the leveling effects of globalisation. All African countries went through similar experiences under colonialism. They still do, under the current form of globalisation.

More fundamentally, I lay emphasis on the economic and political dimensions of globalisation in my analysis of rural governance, rather than culture and group rights as Oomen does. Moreover, I do not assume that the world that has emerged since the 1960s is post-modern. This notion, I argue, should be problematised rather than taken for granted. What Oomen refers to as the post-modern world I would depict, as others have done, as neo-liberalism, a particular version of global capitalism which emerged, as Oomen correctly states, in the 1960s. As much as it can be said that neoliberalism was anti-Soviet-style communism, it must not be forgotten that neoliberalism also challenged another form of global capitalism which dominated the post-Second World War period. A central feature of this form of capitalism, modeled along the theories of Keynes, was "state intervention in market economies with the aim of achieving growth and employment levels decided on the basis of social policy" (Peet 2003: 8). Neo-liberalism is opposed to this kind of state planning and proclaims the superiority of unregulated markets and a drastically reduced role for the state in development. It is in this sense that I understand and use the notion of a weak state in this book. As Peet (2003) argues, forces sympathetic to neoliberalism, including the Bretton Wood institutions (World Bank, International Monetary Fund and the World Trade Organisation), render nation-states

weak by minimizing their role in economic and development matters and imposing development models that these institutions arrive at undemocratically. But I would argue that at a national level, nation-states are politically strong especially as they still control the instruments of coercion in the form of the army, the police, the bureaucracy, to mention a few. Understanding the nation-state in this context helps us make sense of the seemingly helplessness of the state in delivering services and development in rural areas, while strong enough to be authoritarian and despotic, as highlighted by some scholars above.

At the level of the local, I emphasise in this book that traditional authorities derive their authority from their control of the land allocation process, rather than their popularity amongst their subjects. 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, at the same time justifying a cheap labour policy based on migrancy (Moll 1983: 2; Wolpe 1972). It is in these reserves that traditional authorities were co-opted as an extended arm of the colonial powers, and given uncontested powers at the local level to make recommendations in the process of the allocation of land. The need for land, as the quotation at the beginning of this chapter so eloquently shows, thus compelled rural residents willy-nilly to cooperate with traditional authorities, especially as Africans were not allowed to access land outside these reserves.

The analyses of Ribot and of Spierenburg provide us with a perspective that helps us understand how control of resources in general, including the land allocation process, put traditional authorities in such a powerful position. As noted, Ribot has made some interesting observations in his survey that despite their weakness, being unrepresentative and unaccountable, "one cannot achieve anything without consulting them". Spierenburg has made similar remarks about the legitimacy of traditional authorities in Zimbabwe. The argument of this book is that it is their control of the land allocation process that makes them so indispensable.

To sum up, the notion of the "resilience" of the institution of traditional authorities is, in this book, subjected to scrutiny. Indeed, the question of how traditional authorities derive their authority is central in this study. In more specific terms, the challenge is to explain how, regardless of their collaborative role during the colonial and apartheid periods, traditional authorities continue to survive into and play some role in the post-colonial African world. The issue is whether the continued existence of traditional authorities reflects their legiti-

macy in the eyes of their subjects, or whether it is a result of other factors, including, as is argued in the book, control over land allocation. This study goes beyond Weber's 'ideal types' of authority and his assertion 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). The book concerns itself with questions of democracy, human rights and justice, coupled with whether it is possible to achieve these under the authority of traditional authorities. Unlike Oomen (2002), who emphasizes diversity and difference typical of post-modernism, the book, without denying the importance of diversity and difference, revolves around the notion of building a South African nation and the establishment of a common citizenship for all South Africans. My departure point is that rather than limiting the debate to finding the best solutions under neoliberal globalisation, it should be extended to pursue other forms of globalisation, both capitalist (Stiglitz 2002) and non-capitalist (Magdoff 2003; Wood 1999).¹³ It is with this in mind that we should consider, in the next section, the other key theme of this book: whether democracy and common citizenship in post-1994 South Africa is possible in rural areas under traditional authorities – and if so, what type of democracy and citizenry?

Traditional authorities, democracy and citizenship

Integrally linked to the question of the survival of traditional authorities is the question of their role in a post-colonial African democracy. The term democracy is notoriously ambiguous. This book will not attempt to enter into a comprehensive discussion of the term. The book takes as its point of departure the liberal representative notion of democracy, which is endorsed in the South African constitution. I argue that the need to give the ruled the opportunity to choose and elect their leaders, which is so central in a liberal democracy, is a necessary, but by no means a sufficient condition for a democratic order. Elected representative should at all times be accountable to their constituencies by involving them in decision making. In other words, democracy in this book incorporates both representative and participatory elements. It is against this background that the role of traditional authorities in a democracy is assessed.

As already noted, a fundamental contradiction exists in the South African constitution in attempts to accommodate a role for the institution of traditional leadership and its incumbents in a liberal democracy based on multi-party principles and representative government. Notions of multi-party democracy and decentralisation are in direct contradiction to the operations of traditional

¹³ It should be clear from the above that I do not subscribe to the view, dominant in the heyday of the neoliberal triumph after the collapse of the Soviet Empire in the late 1980s and early 1990s, that there is no alternative (TINA) to neoliberalism.

authorities. In so far as the institution is made up of hereditary leaders, the possibility of people choosing or electing 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. However, a review of the relevant literature suggests three 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. Lastly, some scholars argue that the institution is fundamentally democratic.

The common 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”. Very briefly, Mamdani’s (1996) thesis is that the colonial state in Africa was “bifurcated”, with different modes of rule for urban “citizens” and rural “subjects”. 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 (1996: 22-4) asserts, exercised “force to an unusual degree.” In this way, colonial despotism was highly decentralised. In this project, Mamdani argues, the “chief” was cardinal, especially in the local state, the Native Authority.

Mamdani (1996: 34) argues that the colonial legacy was reproduced after independence. 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”.

What is not clear in Mamdani’s thesis is what he means by democracy and citizen. Is he using these terms in a liberal representative sense? As indicated, this book is explicit about the model of democracy used, namely, representative

and participatory. Further, Mamdani refers to the Native Authority as a “decentralized despotism” and also use the term “bifurcated state”. While this book agrees with Mamdani that Native Authorities were despotic, mimicking their colonial masters, it is questionable whether they were decentralized, and that the colonial state could be viewed as bifurcated. Decentralisation implies some degree of devolution of powers and autonomy. The evidence on which this book is based suggests that Tribal Authorities, while despotic, were not decentralized in the sense that they were autonomous and had significant powers devolved to them. Magistrates, who were representatives of the colonial state at a district level, assumed tight control over Tribal Authorities.

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 (1994), who uses the term “mixed government”. 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” (ibid.: 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 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 (1996: 408, 425-427) strongly argue that traditional authorities be denied a role in state constitutional matters.

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 (Ray 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 (*ibid*: 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 legitimize 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 (*ibid.*). 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 post-colonial state with traditional authority is marked by ambiguity at the least” (*ibid.*: 185), and that there is often “a continuity in state policy over the need to control the determination of the status of chiefs” (*ibid.*: 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” (*ibid.*).¹⁴

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 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” (*ibid.*: 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

¹⁴ 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.

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 (Mamdani 1996: 38-48). Ray's reference to the "pre-colonial" may easily undermine this diversity and complexity.

Ray and van Rouveroy van Nieuwaal (1996: 32) 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". 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).¹⁵

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" (Van Trotha 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" (ibid.: 102). There is a stronger sense of history in Van Trotha that is not evident in Ray, for example. In the Mamdani (1996) vein, 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.

¹⁵ Ray and van Rouveroy 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 van Rouveroy van Nieuwaal 1996: 2).

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 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 (Van Trotha 1996: 102).

The integrated model

The argument in favour of co-existence has come under attack from proponents of a thesis, which seeks to integrate aspects of traditional rule into 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.¹⁶ 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” (Ismail 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” (ibid.: 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” (ibid.: 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. (Ismail 1999: 15)

He argues for the “incorporation of traditional leaders in local governance”.

Skalnik (1996: 119) 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

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

which these institutions rest”.¹⁷ 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” (*ibid.*: 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 van 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” (Nugent 1996: 222-3).¹⁸

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-takes-all” system. The limitations of representative government are also implied in Ismail thesis. More recently, Mamimine and Chinhoyi (2001, pages unnumbered) 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?”. 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 identi-

¹⁷ See also Karlstrom 1996.

¹⁸ See also Ray and van Rouveroy van Nieuwaal (1996: 14).

fied 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 (ibid.) refer to as “hybrid institutions”, taking what is good from both the West and pre-colonial Africa (see also Osabu-Kle 2000: 100).

Assessment of the integration model

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.¹⁹ 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

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

‘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-economic inequality but leaves it fundamentally intact” (Wood 1995: 213).²⁰ More recently, Abrahamsen (2000: 75-6) 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.

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.²¹ 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.

²⁰ For an earlier argument, see Marshall (1963).

²¹ 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.

This book takes the view that 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. However, 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 (*iimbizo*, *pitso*) where critical decisions that affected all villagers, including women and the youth, were taken (see Lodge 1995: 1; Hunter 1961: 395).

Additionally, 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 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. At the same time, reducing democracy only to periodic elections is not enough. In this regard, the participatory principles identified with traditional democracy would be an appropriate complement.

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. 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, bringing along with them the participatory element embedded in traditional democracy. In other words, I argue that the participatory and representative elements of democracy are vital in the post-colonial democratic transition. This form of democracy is proposed not only for the rural areas falling under traditional authorities, but a principle to be adopted in the whole of society, urban and rural.

Conclusion

To re-iterate, this book is about traditional authorities in a democracy. It deals with this question at two closely related levels. On the one hand, the book

considers the question of the survival of traditional authorities up to the post-colonial/apartheid era. The key issue here is whether they have survived as a result of their popularity or because of their control of resources, including the allocation of land. On the other hand, the book examines the tension between traditional authority and democracy. These questions and issues are pursued against the backdrop of colonialism and apartheid in South Africa, the advent of democracy in South Africa in 1994 and the upholding in 1996 of a Constitution which enshrines democratic principles in the Bill of Rights, whilst at the same time recognizing an un-elected and unaccountable “institution of traditional leaders”. Not only is the institution of traditional leaders recognized in the Constitution, the promulgation of the Traditional Leadership and Governance Framework Act and the Communal Land Rights Act have given traditional authorities unprecedented powers in land administration. This chapter has reviewed debates around the above questions about the survival of traditional authorities and their role in a democracy. 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”. 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. It is above all, I have argued, in the control of the land administration process that traditional authorities have ensured that rural residents, whether they liked traditional authorities or not, were compelled to cooperate with them. In other words, rural residents could not ignore traditional authorities under penalty of not getting land and other resources.

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. This chapter, though, has questioned Mamdani conception of citizen and democracy. Is he using these concepts in a liberal representative sense? 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 challenged. 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 Abrahamson suggest, it is by no means a sufficient condition.

The position taken in this book is that both 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. They can bring to the project of post-colonial democracy the participatory element in decision making that traditional systems are renowned about. This conception of democracy, I argue, is proposed not only for rural societies, but for the country as whole, urban and rural. The rest of the book will focus on a detailed historical analysis of the role of traditional authorities in one magisterial district in the Eastern Cape, Xhalanga. The primary intention is not to generalize, but to highlight and provide an illustration of the above complexities. Furthermore, the case study of Xhalanga, as with Oomen, although with a different approach and emphasis as indicated above, is not just another “turn to the local”, but will be conducted within the broader national and global context that it is part of.

The Xhalanga District and its people: 1865-1883

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.¹

Introduction

The case study of Xhalanga is a good illustration of the complexities and diversities concerning chieftainship, rural local governance 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 an established and strong tradition of chieftainship existed at the time of colonial intrusion in the mid-to late nineteenth century, chieftainship in Xhalanga

¹ Magistrate Cumming's report in, G.33 – 1879: 91.

never entrenched itself. British colonialists imposed chieftainship in the district in 1865. However, when Xhalanga and Shoutheyville fell under the formal authority of the colony in 1875, magistrates, who were local representatives of the colonialists, actively undermined the institution. This was in line with the approach colonialists took in the Cape. Colonialists eventually abolished chieftainship in Xhalanga in 1881 when they dethroned the two chiefs in the area following the latter's participation 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, and were referred to as the 'school people'. The majority of amaMfengu were landholders who, over and above having access to household plots, also held fields for cultivation. The landholders were themselves the product of the ambiguity in colonial policy of first imposing chiefs and later undermining them in favour of promoting a class of African farmers that was "virtually independent of the chiefs", as the quotation at the beginning of this chapter shows. Under these circumstances, it is not surprising that re-imposing chieftainship in this area was going to meet with some fierce resistance, as will be seen in the chapters that follow.

The case study comprises a number of chapters covering the period from the establishment of Xhalanga and Southeyville in 1865 to the advent of democracy in 1994 and after. This chapter discusses the complex nature of the population in Xhalanga in the period 1865 to 1883. The significance of 1883 is that it was in this year that, in the aftermath of the Gun War, new boundaries for Xhalanga were drawn, and titles based on individual tenure were issued to Africans, irrespective of their tribal affiliations. Earlier, in 1881, the two chiefs who participated in the Gun War were dethroned. The chapter will highlight the major contradictions within the population in this period, in particular the fact that a significant part of the populations, amaMfengu and the 'coloureds' did not subscribe to chieftainship. Tied to this, the chapter will discuss the policy of the colonial state with regard to chieftainship in Xhalanga. As indicated in the previous chapter, the case of Xhalanga will be viewed within the broader context of what was happening in other parts of what is now South Africa.

The establishment of Xhalanga

An understanding of how Xhalanga was established is critical in a discussion of chieftainship, land and rural local governance in the district and in the wider discussion of the role of traditional authorities in a democracy. Xhalanga was

one of two districts that formed Emigrant Thembuland, the other being Southeyville. The term “Emigrant Thembuland” was used to describe the area of land that was allocated to four chiefs who left Glen Grey in 1865. The people who moved from Glen Grey in 1865 were descendants of abaThembu who moved northwards in the 1830s as a result of the Tshaka-led *Mfecane*² in the 1820s and subsequent wars with amaBhaca and amaMpondo.³ Prior to this, abaThembu had occupied the piece of land between the Bashee and Umzimvubu Rivers.⁴ The Cape colonial government eventually settled abaThembu who moved 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, in the aftermath of the “cattle-killing suicide” of 1857,⁵ the governor of the Cape, Sir George Grey, dispossessed amaGcaleka, under their leader Sarhili (Kreli), of their land, which included the area that became Emigrant Thembuland, Fingoland, the Idutywa Reserves, Gcalekaland and a portion of Thembuland.⁶ Sarhili fled with his people towards the coast to the present Gcalekaland (Mafeje 1963: 35).

The colonial government saw in the fleeing of Sarhili an opportunity to solve its problem of getting rid of abaThembu who occupied land in the so-called Tambokie location on the west of the Indwe River. Colonialist wanted this land for European occupation. By this time, the colonial government had taken a decision that the Kei River should be the boundary of British sovereignty, thus putting an end to ideas of white settlement east of this river (Saunders 1978: 13). Rather than keeping the land dispossessed from Sarhili ‘vacant’ for an indefinite period, colonialist gave the northern portion to abaThembu and the central portion to amaNgqika from British Kaffraria (ibid.: 13-4). As indicated, the colonial plan was that the piece of land vacated by abaThembu would be surveyed for white occupation. Sarhili’s vacant land would then be used to

² Mafeje (1963: 34) translates the term as ‘free-booters’ or ‘marauders’.

³ 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).

⁴ 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 (Mafeje 1963: 31).

⁵ See Peires 1989 on this tragedy.

⁶ Sarhili was the son of Hintsa.

relocate abaThembu from the 'Tambokie Location'.⁷ 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.⁸ At the time the offer was made, Mtirara was already dead. Tsotsi (1989: 68-9) points out that Matanzima was a very junior chief. According to Mafeje (1963: 36), 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. Gecelo had been a regent for the amaGcina heir, Mpangele. At the time the offer was made, Mpangele had recently displaced him. Gecelo thus migrated in order to retain his power and be an independent chief. The third chief, Stokwe, son of 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 amaGcina, and established himself as a chief on his own account (Mafeje 1963: 37). Only Ndarala seems to have been a legitimate chief.

The area then called Xhalanga was geographically not what the district was from 1883 to 2000. In terms of the colonial division of Emigrant Thembuland into Xhalanga and Southeyville in 1865, only one chief, Gecelo, fell under the then Xhalanga, while the rest, including Stokwe, were in Southeyville. Apart from these two districts of Xhalanga and Southeyville, there was Cala village, mainly occupied by whites (traders and farmers). When boundaries were redrawn after the Gun War, a portion of Gecelo's Xhalanga, as will be seen below, was allotted to European farmers. The remaining portion was merged with the Cala district and a portion of Southeyville, the area that fell under Stokwe. These three portions formed the new Xhalanga magisterial district. The seat of the magistracy became the village town of Cala, with Mr. Charles Levey as the first magistrate (Theal 1919: 149). The remainder of the district of Southeyville, the areas under chiefs Matanzima and Ndarala, became known as Saint Mark's, with Mr. R.W. Stanford as magistrate (*ibid.*: 150-1).

⁷ A note from a Magistrate in Cala, Smith, provides further evidence that Emigrant Thembuland belonged to amaGcaleka – see Xhalanga District Record Book.

⁸ "The heir to the chieftainship, known as the Great Son was" as Peires (1981: 29) 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".

The population of Xhalanga up to 1883: Some major dynamics

The population of Gecelo's Xhalanga and Stokwe's part of Southeyville was from the outset not homogenous. As will be seen below, the population was divided between 'red' and 'school' people. A major factor was that in order to boost their stature, the chiefs allowed and invited a considerable number of amaMfengu to occupy their land (Theal 1919: 144). The reason for this was that when these chiefs took up the offer to move to the vacant piece of land that became Emigrant Thembuland, they left behind a substantial number of members of their clans. Their areas in Emigrant Thembuland were thus thinly populated. I'll come back to this point.

A distinguishing aspect of amaMfengu is that they were, by the first half of the nineteenth century, without chiefs. By 1835, some amaMfengu lived among amaGcaleka east of the Kei River. Missionaries claimed that amaMfengu in these areas were being ill-treated (Saunders 1978: 2). In May 1835, some 17 000 amaMfengu followed Rev. John Ayliff across the Kei and eventually settled in the Ngqushwa (Peddie) area under colonial governance. This was, as Saunders noted, the beginning of the governing of Africans as colonial subjects (*ibid.*: 2). However, it is clear from the case of Xhalanga that by 1865, when Emigrant Thembuland was established, amaMfengu were scattered in various parts of Cape (see below).

Apart from not owing allegiance to chiefs, amaMfengu were generally regarded as 'school' people (variously labeled in the indigenous language, isiXhosa, *abantu besikolo* /*amakhumsha*/ *izifundiswa* /*amaqgobhoka*). This social group was a product of colonial influence. In general, Africans in the rural areas were, by the mid-nineteenth century divided mainly between 'school' people on the one hand, and the 'red' people (*amaqaba*), on the other hand.⁹ AmaXhosa and abaThembu were often identified with the 'red' people and chiefly subjects. Missionaries were instrumental in the creation of these divisions. The division hinged on the partial acceptance by the 'school' people and rejection by the 'red' people of some Western influences and values. I emphasise 'partial' for the simple reason that 'school' people accepted some Western values and practices, in particular, Western education, Christianity and the Western style of dressing (Mayer 1980; 1974). At the same time, although the 'red' people resisted Western influence, they could not do so entirely. As Theal has noted, some "adopted the use of iron pots, of blankets, or even the

⁹ *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 *amaqgobhoka* when referring to 'school' people to suggest that the latter 'opened a hole' to let Whites in (see Mayer 1980: 8).

clothing of the white people, and frequently of ploughs". With a typical colonial mentality, Theal (1919: 27) added: "They all desired to have guns, but every savage does that".

The moral of the above is that while 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 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*.¹⁰

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? (Ntantala 1992: ix)¹¹

Having said this, I argue in this book 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. We shall see in later chapters how these divisions and prejudices persisted in Xhalanga, and how the wily chief K.D. Matanzima exploited them when Tribal Authorities were introduced in the apartheid era.

¹⁰ Phyllis Ntantala is also the mother of Pallo Jordan, the ANC activist, Member of Parliament and intellectual.

¹¹ For a recent variation of the tension see Mda (2000).

The division between ‘school’ and ‘red’ people already existed amongst amaGcina when they occupied Xhalanga.¹² The category of ‘school people’ was further bolstered by the arrival of amaMfengu in Xhalanga.¹³ Gecelo pointed out in his testimony to the Thembuland Commission that the first Mfengu in Xhalanga, Jonas Umtonjeni¹⁴ arrived around 1872, about seven years after abaThembu settled in Xhalanga.¹⁵ 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, by the late 1870s, 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.¹⁶

¹² 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.

¹³ According to Mafeje (1963: 41), “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*’”. According to Peires (1981: 88), *ukumfenguza* means “to wander about seeking service”. 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 (ibid.: 88-89).

¹⁴ It is possible that the proper name is Thonjeni.

¹⁵ 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.

¹⁶ G. 33 – 1879: 91.

Although Cumming's pre-occupation was to draw a contrast between the few 'civilized natives' and the majority 'red' people, the above quotation introduces the notion of class differentiation in Xhalanga. In this context, class refers to a distinction between those who had access to land with some form of legal document and those who did not. The 'school' people, as Cummings pointed out, were granted farms, with "the right of occupation ... secured to them so long as they remained in the country", while the bulk of the 'red' people were not granted any farms. 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 (1988: 112-3) comments on in his seminal work, *The Rise and Fall of the Peasantry in South Africa*. 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.¹⁷ 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."¹⁸

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."¹⁹ 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.

¹⁷ G. 66 – '83: 23-30.

¹⁸ G. 66 – '83: 52.

¹⁹ G. 33 – 1879: 92.

He concluded by pointing out that he hoped “to have additional schools established”.²⁰ 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. This would change with time. By 1903, Resident Magistrate Bell reported that “Native Schools in the town” did not only exist, but were “well attended and well managed”, too.²¹

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, 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”.²² 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”.²³ 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).

Chieftainship in Xhalanga:

The colonial push to undermine Gecelo and Stokwe

It seems clear from the above that colonial intrusion undermined chieftainship in Xhalanga, at least indirectly. We have seen above that with its introduction, colonialism divided rural societies between mainly ‘red’ and ‘school’ people. In

²⁰ G. 33 – 1879: 92.

²¹ CMT, 3/188.

²² 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).

²³ Proceedings of the Thembuland Settlement Commission – 1883: 48.

the case of Xhalanga, there was an intersection between 'school' people and land in the sense that most of the landholders were 'school' people. AmaMfengu formed the bulk of the 'school' people. It is amaMfengu and the 'school' people from abaThembu who undermined the authority of chiefs. We shall see in the next chapter that this group, in particular the landholders, aspired to the same rights as their white counterparts. Their aspiration was primarily to be politically and economically incorporated into the wider colonial, 'civilized' society.

Attempts by the school people, and the landholders in particular to undermine the authority of chieftainship in Gecelo's Xhalanga and Stokwe's Southeyville bring us back to the conceptual and theoretical issues raised in the previous chapter about the authority and legitimacy of traditional authorities. I argue in this book that the authority and survival of traditional authorities is integrally linked to their control of land, particularly land allocation, more than popular support, which, in any case, is difficult to establish given the hereditary nature of chieftainship. Without this power, the authority of traditional authorities would be greatly undermined and the apparent support some scholars and researchers attribute to them would even be more difficult to prove. In many ways, the case study of Xhalanga supports the argument of this book.

School people were not alone in undermining the chieftainship in Xhalanga and Stokwe's Southeyville. The magistrates, as we have seen in the quotations from magistrate Cumming, were also vocal about their disrespect for the institution. The attitude of the magistrates was in many ways a reflection of the ambiguities in the Cape colonial government policy on chieftainship. 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'²⁴ and 'segregationist'²⁵ policies (Costa 2000). A system of indirect rule was attempted in the Natal colony under Shepstone. In the Cape colony, though,

²⁴ 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).

²⁵ 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).

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 (1984: 32), Shepstone attempted to manipulate the traditional social system of amaZulu to revive a past where amaZulu held unquestionable allegiance to their tribal authority. 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 influence of Shepstone in Natal compelled Welsh (1973: 201) to comment: "For thirty years Shepstone and 'native policy' had been virtually synonymous in Natal."

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).²⁶ Traditional authorities were in the forefront of most of these wars. Under these circumstances, the colonial response was to marginalise and to suppress them.²⁷ Unlike the Natal Colony, Africans in the Cape Colony were not as unified and highly centralised as amaZulu. In the Cape there were a number of distinct and independent groups, including abaThembu,

²⁶ See also Wagenaar (1988); Mbeki (1984: 33).

²⁷ Tabata does not make reference to this shift by colonialists to undermine chiefs. He tends to argue that there was a continuity.

amaMfengu and amaMpondo. It is these divisions that, as is the case with Xhalanga, the British in the Cape exploited to undermine traditional authorities and further divide and rule Africans. As will be seen, 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.

Emigrant Thembuland was established at a time when the frontier wars were still taking place in the Cape. But it appears that despite an emerging policy intended to undermine traditional authorities in the Cape, the Governor of the Cape, Sir Philip Wodehouse, assured the chiefs who left Glen Grey 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). The colonial secretary, Warner, also confirmed the British undertaking. In his testimony to the Commission on Native Laws, 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 (Sarhili) 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.²⁸

It is important to note that both officials qualified, without elaborating, the notion of chiefly independence, one suggesting an “advisory capacity” while Warner was more forthright that independence would not mean autonomy. At the same time, the apparent ambiguity in British policy towards the chiefs was indicative of the fact that when Emigrant Thembuland was established in 1865, the chiefs were politically independent and the colony had no formal authority of over them.

The political independence of the chiefs did not last long. When the Cape was granted responsible government in 1872, the Cape took steps to annex the Transkeian territories (Saunders 1978). Annexation took place in a series of stages. In each case, the Cape established an administration. By 1875, the Cape government had, without consulting the chiefs, extended its influence and

²⁸ “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.

divided Emigrant Thembuland into Southeyville and Xhalanga (Theal 1919: 143). In that year, the king of abaThembu, Ngangelizwe, submitted to colonial rule. The colonialists must have interpreted this to mean that Ngangelizwe's subordinate chiefs had also submitted, something which, as will be seen below, was clearly not the case. However, 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 "recrudescence of the power and influence of witch-doctors", leading to the "smelling out" and killing of those accused of witchcraft.²⁹ 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).³⁰ The four chiefs of Emigrant Thembuland, Gecelo, Stokwe, Matanzima and Ndarala were only informed of this decision much later, on 16 September 1878 (Theal 1919: 143). According to Theal, the government official who conveyed the message and sought the consent of the chiefs, William Ayliff reported that the chiefs appeared to be satisfied, although, as events were to show, not so, in reality (ibid.: 144).

That the chiefs were not happy with the decision became clear when Major Elliot, the chief magistrate paid his first visit to Emigrant Thembuland in December 1878. According to Theal (1919: 144), Major Elliot "found the chiefs discontented and half defiant". The chiefs reminded the magistrate about the colonial assurance that their independence would not be compromised. They pointed out that they did not want to be under the authority of magistrates. The response of Major Elliot was that the chiefs had no cause to complain, given that they also did not honour their side of the bargain, that the chiefs left with some of their subjects, but left others behind. This meant that the colonialists could not fulfil their plan of securing the land in the Tambokie location for white occupation. While these events might have taken place, what Stanford and Elliot do not mention is that 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. In the same year, 1878, Charles Levey, who had previously borne the title of Tembu's agent, was appointed magistrate of Southeyville, and William G. Cumming assumed duty as magistrate of Xhalanga (Theal 1919: 143). As the boundaries of Xhalanga and Southeyville had not been

²⁹ 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.

³⁰ Gecelo and Stokwe were each fined fifty head of cattle for going to war on "Government land" (Wagenaar 1988: 151).

redrawn, this meant that Stokwe would fall under the magistracy of Levey, and Gecelo under Cumming.

The appointment of Cumming and Levey 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 the chiefs 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”.³¹ Levey, too, was committed to the colonial strategy of marginalizing chiefs and embarking on a civilizing mission. Wagenaar (1988: 154) 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’. 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.³²

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

³¹ Xhalanga District Report, G.33 – 1879.

³² G. 33 – 1879: 89.

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".³³ 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'.

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".³⁴ 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 Renga³⁵ of Seplan". They traced the two chiefs to Stokwe's Valley. Manki Renga informed them "that the Chief Stockwe (*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 compro-

³³ G. 33 – 1879: 89.

³⁴ CMT 3/186.

³⁵ Presumably Mankayi Renqe.

mises with the colonial representatives. For example, he was, as will be seen below, 'encouraged' by Warner and Cumming to offer land to amaMfengu, even when his own people resented such a move (Wagenaar 1988: 277).

It is however important to note that the inferior role of chiefs vis-à-vis colonialists as represented locally by magistrates was not a peculiarity of Emigrant Thembuland. 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.³⁶ As will be seen in the following chapters, 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.

Arguably the major difference between Emigrant Thembuland and rural communities in places such as Phondoland and Tshezi, was that in Xhalanga and Stokwe's Southeyville the communities were, as we have seen, very divided and chieftainship was undermined by both the state and the school people, whereas in the other areas, chieftainship was strong. For example, Beinart (1995: 18) has noted that paramount chiefs continued to be influential and even appointed headmen, "often from leading branches of chiefly lineages, where chiefs had led rebellions". However, even in such cases, the ultimate authority lied with the colonial state and defiant chiefs could be displaced³⁷. In other words, whilst the political and social structures of African communities in the rural areas were retained, they were highly distorted. 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 (1994: 107) has noted: "Often there were competing claimants to authority, on whose rivalries the colonial state could play, and

³⁶ 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.

³⁷ See also Hendricks (1990); Beinart and Bundy (1987); Stultz (1979).

among whom it might select a contender willing to accept the diminished but still real power that colonial alliance could secure”.³⁸

The official end of the Gecelo and Stokwe chieftainship

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.³⁹

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, and two other British officials were killed in Qumbu on 23 October 1880. This, according to Theal (1919: 147), signalled the beginning of insurrection in Thembuland. It is worth noting though that only parts of

³⁸ See Stapleton’s account of a “succession dispute” involving “two Bomvana chiefs” in the Transkei (1998: 56).

³⁹ G. 33 – 1879: 92.

Thembuland were involved in the War. The paramount chief of abaThembu, for example, was not involved in the insurrection. The chiefs that went to war were Dalasile of amaQwati in Engcobo, Gecelo in Xhalanga and Stokwe in Southeyville (ibid.: 148). After the killings in Qumbu, other magistrates, for example Stanford at Engcobo and Cumming in Xhalanga, were forced to flee.

The involvement of Gecelo and Stokwe in the insurrection was not surprising. As seen above, they first of all lost the autonomy that was promised them when they left for Emigrant Thembuland. Secondly, the two chiefs were undermined and humiliated by the various magistrates they fell under. Stokwe, in particular received harsh treatment from Levey, including the initial reduction and withdrawal of his stipend in 1880. In other words, Gecelo and Stokwe were witnessing a gradual loss of their chiefly power from around the mid-1870s. Added to this was the introduction in 1879 of the hut tax in the united territories of Emigrant Thembuland and Thembuland proper (Theal 1919: 144). This meant that chiefs were to become tax collectors on behalf of the colonial state.

It is worth analyzing the roles of the two chiefs in Emigrant Thembuland. 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 Ira⁴⁰ group (Macquarrie 1958: 104). In the final analysis, Gecelo reluctantly participated in the war. It would seem that Sifuba was the main pillar of the resistance. Stokwe led his forces in the Lady Frere and Indwe areas. Stanford described him as “one of the most active and courageous of the rebel chiefs” (ibid.: 126).

After various skirmishes,⁴¹ 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.⁴²

⁴⁰ 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.

⁴¹ See the reminiscences of Stanford for details (Macquarrie 1958, Volume One).

⁴² Interview, Askeaton, 25 January 2001.

Magistrate W.T. Brownlee's account of the death of Stokwe, which is published in Brownlee's "Reminiscences" is largely drawn from two letters written to the Daily Dispatch, an East London based newspaper in the Eastern Cape. A Mrs. Greenlands, who lived in Lady Frere, the capital of the Glen Grey district, narrated the story. According to her, "rebels" attacked Lady Frere on 2 November 1880. She recounted that the "hill in front of 'Cacadu' (Lady Frere) had become red with natives" (quoted in Brownlee 1975: 121). Gun firing, according to her, was on all day, resulting in "only one European" killed.⁴³ In her words: "His body was brought in later and put on our dining room table, where the doctor sewed up the wound where the natives had ripped him open with assegais after he had been shot" (ibid.: 122). Her account of the circumstances leading to the death of Stokwe is that after the attack, "the chiefs with their impis went off towards Askeaton, where they fought among themselves and Chief Stokwe was killed. The spot is now called "Stokwe's Basin". According to her, the issue was that one chief did not obey instructions on how they should attack Lady Frere (ibid.: 123).

To this day, the story of Stokwe's death and his grave are not fully known. With regard to his grave, all Mazibuko could say in the interview was that 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 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'"⁴⁴ (the hairy son of Ndlela)" (Macquarrie 1958: 140).

On his part, 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).⁴⁵ Gecelo also disclosed that he was present at the engagement in which Stokwe was wounded (ibid.: 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 Gun War, colonialists declared the part of Emigrant Thembuland that went to war a conquered territory. In its session of 1882, the Cape

⁴³ Mrs. Greenlands wrote that the "little hill behind Lady Frere is called Blair's Kop in memory of him".

⁴⁴ 'Ndlela' was the name of Stokwe's father.

⁴⁵ See also Wagenaar 1988: 173.

parliament discussed the Gun War and decided to refer to a select committee the question as to the future of the conquered territory. The committee subsequently submitted a report in which it recommended, amongst others, that Gecelo be dispossessed of his portion of Xhalanga and that this portion be allotted to white farmers. The committee also sought the consent of the imperial government in the granting of individual titles, in the remaining portion of Xhalanga and Stokwe's Southeyville. These titles would be granted to Africans, irrespective of tribal background (Theal 1919: 149). Lastly, the committee further recommended that a commission of inquiry be appointed to look into the matter. Parliament accepted the committee's report, including the appointment of the commission of inquiry.

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".⁴⁶ In 1883, the Commission issued a report with recommendations. Details the Commission recommendations will be discussed in the next chapter. For purposes of this chapter, let me indicate that it is this Commission that redrew the boundaries of Emigrant Thembuland and established a new Xhalanga district that existed from 1883 to 2000. As indicated, a portion of Gecelo's Xhalanga was allotted to white farmers, while the remaining portion was merged with the Cala district, together with the portion of Southeyville which was controlled by Stokwe. It is out of these three portions that Xhalanga, the case study of this book, was composed. The village town of Cala became the magistracy, and Charles Levey the first magistrate. This also meant that Gecelo and Stokwe would fall under one magistrate.

Chieftainship in Xhalanga suffered a severe blow. Colonialists decided to abolish the institution. 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"⁴⁷, 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":

⁴⁶ G. 66 – '83. The commission consisted of Messrs J. Hemming, civil commissioner and resident magistrate of Queenstown, J.J. Irvine and J.L. Bradfield, members of the house of assembly, and C.J. Bekker, justice of the peace for the division of Wodehouse, appointed on the 17th August, and Messrs. J.J. Janse van Rensburg and J. Joubert, members of the house of assembly, appointed on the 22nd September 1882 (Theal 1919: 149).

⁴⁷ G. 66 – '83: 54.

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.⁴⁸

This then marked the official end to chieftainship in Xhalanga, at least until its re-imposition in the 1950s under Bantu Authorities.

Conclusion

Unlike in kwaZulu, Phondoland and Tshezi, chieftainship was never really established in Xhalanga. This chapter has argued that there are two main reasons behind this failure. First, there were major divisions and contradictions within the population from the outset and, secondly, the colonial state, after some hesitations, initially marginalized the institution before abolishing it. There was also the fact that the credentials of the chiefs were questionable, having been junior chiefs in the Tambokie location.

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 being seen as an emerging class of African farmers, developing along white lines. 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.

This chapter has demonstrated how the heterogeneous and contradictory nature of the population led to the undermining of the two chiefs, Gecelo and Stokwe, by the school people, and landholders in particular. As has been seen, the landholders were not responsible to the chiefs and enjoyed colonial support in so far as they were targeted in the civilising mission of establishing model of black farmers. This relationship between chiefs and land in Xhalanga seems to support the overall argument of this book that traditional authorities draw their authority from their control, which in many ways became unaccountable since colonialism, of land, rather than popular support, and that as soon as they lose this control, their power and legitimacy becomes questionable.

⁴⁸ G. 66 – ’83: 54-55.

The chapter has furthered argued that chieftainship in Xhalanga was further weakened by the colonial state, represented by magistrates. Initially hesitant about its stand on traditional authorities, in the sense that when the chiefs were lured to Emigrant Thembuland, colonialists made promises that the chiefs would be granted qualified independence. However, when the state took the decision to annex the Transkeian Territories, the Cape Colonial government's position to destroy the power of chiefs and chieftainship following the experiences of the "frontier" wars with traditional authorities in the Eastern Cape in the nineteenth century was vigorously pursued. Magistrates, as has been graphically shown, humiliated and undermined Gecelo and Stokwe. The Gun War in 1880-81 gave colonialists, following a Commission of inquiry, an opportunity to formally abolish chieftainship in the Xhalanga. The Commission, as shown, also redrew the boundaries and set up a new Xhalanga magisterial district. People who were under Gecelo and Stokwe now fell in this district, under one magistrate, unlike before when Gecelo and Stokwe were under the administration of two magistrates. The recreation of Xhalanga thus set the context for the land and local governance questions that are the concerns of this book.

The land question and local governance in Xhalanga: 1883-1924

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.¹

Introduction

The recommendations of the Thembuland Commission in 1883 were made at a time when the Cape colonial policy towards Africans in rural areas was to create a class of African farmers along white lines. These Africans, as Cumming's report in 1879, and the quotation cited at the beginning of the previous chapter in particular show, were, in his words, "loyal in the true sense of the term". It was very clear from the pronouncements of the magistrates in Xhalanga and Stokwe's Southeyville that they, representing British colonialism in these areas, were firmly committed to the civilizing mission towards Africans. Chieftainship, certainly in the British Cape, was not going to be central in the colonial strategy of rule and in land. In many ways, the Thembuland Commission reflected this kind of thinking.

¹ CMT, 3/873. Telegram sent on 27 January 1911 from Chief Magistrate to the Department of Native Affairs in Cape Town.

By the end of the 19th century, however, the colonial policy towards Africans had changed. The discovery of minerals, and gold in particular in the then Boer-controlled South African Republic in 1886, was one of the main reasons for the policy shift. The priorities of colonialists changed from establishing a class of African farmers to converting Africans into wage labourers, mainly in the mines at the time. One of the main figures behind this change was Cecil John Rhodes, who was an arch capitalist and having a keen interest in the mineral industry. He also became the Prime Minister of the Cape and was responsible for the introduction of a crucial piece of legislation that dealt a fatal blow to African aspirations of being farmers along white lines. The law in question was the Glen Grey Act of 1894. One of the aims of the Act was to restrict the landholding of Africans to one plot per 'man' of a limited size, that would provide a subsistence existence for Africans in rural areas, but limited enough to force male members of African rural families to labour in the mines. Linked to this was a model of rural local government, the District Council, which effectively established a separate form of government for Africans. These developments had a serious impact on the aspirant farmers in the Xhalanga district.

In this chapter, I will discuss in some detail, the Thembuland Commission, in particular how it resolved the question of boundaries and the land question regarding Africans in Xhalanga, including chief Gecelo and the family of the late Stokwe. The chapter will then consider the land question in Xhalanga within the context of a changing colonial policy towards Africans, traditional authorities, land and local government. The chapter looks at local government and land dynamics and the processes leading to the establishment of the Xhalanga District Council in 1924. It focuses on the opposition to the notion of establishing the Xhalanga District Council, along the lines of the Glen Grey Act of 1894. It investigates the forces behind this opposition, and the setbacks that the opposition suffered. I show 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. Lastly, the position of chiefs in Xhalanga is also considered. This is all done within the overarching argument in this book that chieftainship, land and rural local governance, including 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 and the relationship between traditional authorities, land and democracy.

The land question in emigrant Thembuland up to 1883

Given the focus of the Thembuland Commission on the land question in Xhalanga, it is important to discuss the genesis and nature of the land issue in Emigrant Thembuland up to the establishment of the Commission. Before the arrival of amaMfengu in Emigrant Thembuland in 1872, land was under the control of the chief and he was responsible for its allocation.² The inhabitants were allocated land without any formal 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, E. Warner, allocated small farms.³ Beacons were pointed out to them. According to Gecelo, he thought it wise to clearly demarcate the boundaries of the land given to amaMfengu in order “to save quarrelling” between his people and amaMfengu.⁴ Gecelo claimed that Levey, who succeeded Warner as British Agent, and the then assistant magistrate Cumming were kept informed about these transactions.⁵ Gecelo was adamant that demarcating small farms did not mean that the landholders could sell them. According to him: “It was still my ground, and even the Magistrate said the ground belonged to me”.⁶ In the event iMfengu 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”.⁷

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, and his attempts to establish a class of African farmers, 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

² 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 22-30.

³ CMT, 3/873.

⁴ G. 66 – ’83: 23.

⁵ E. Warner was the son of Joseph Warner; after he resigned as “Tambookie Agent”, he continued to work in Emigrant Thembuland as a missionary (see footnote 114 – Saunders 1978: 16).

⁶ 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.

⁷ 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*.

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.⁸

It is interesting to note how Levey's testimony dovetails with Cumming's report of 1879 cited in the previous chapter. It is clear from these two accounts that establishing a class of African farmers was high on their agenda. Both were also keen to draw a division amongst Africans, including divisions between chiefs and the landholders. By 1879, Cumming saw these landholders as being "virtually independent of the chiefs", and loyal.

The recommendations of the Thembuland commission on the land question

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 the 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" (landholders) 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, the landholders 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.⁹ The Commission argued that it was in the interests of "the European" and "the

⁸ G. 66 – '83: 48-9. These certificates did not have the status of a freehold title.

⁹ G. 66 – '83: 2-3. Note, too, that former headman Mazibuko pointed out in his interview that amaQwati were relocated to Nququ after the Gun War.

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.¹⁰ As already noted in the previous chapter, 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 1882.¹¹

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 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.¹²

The Commission’s recommendations are a good example of the ambiguity in the Cape colonial policy towards ‘the natives’. 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”.¹³ 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

¹⁰ 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.

¹¹ CMT, 2/14: 4; G. 3 – 1884: 119-120; G. 2 – 1885: 125.

¹² G. 66 – ’83: 2.

¹³ G. 66 – ’83: 13-5.

the recommendations of the Commission was thus symptomatic of a wider tension in the Cape colonial government policy. I have already noted that unlike in Natal, colonialists in the Cape did not resort to indirect rule through traditional authorities for the simple reason that the latter 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 Thembuland was established. People who were in occupation of land before the war, and 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.¹⁴

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 eMbenge. 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.¹⁵ Former headman Mazibuko, though, does not mention these tensions between Emma and

¹⁴ CMT, 3/873.

¹⁵ 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. I unfortunately had not, at the time of conducting the interview with Mazibuko, read Mrs. Greenland's account of the death of chief Stokwe.

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 not as educated as she was.¹⁶

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.

The Glen Grey Act and rural local government: A context

The Glen Grey Act was introduced in 1894. This *Act* was promulgated during the Premiership of Cecil John Rhodes and in the same year that Phondoland was annexed. There were two closely related aspects of the Glen Grey Act: establishment of a rural form of local government based on a District Council model, and limiting African holding on land. 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”.¹⁷ 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). We will see, however that the British maintained an ambiguous position of simultaneously undermining traditional authorities, whilst preserving a role for them.

A review of the Cape colonial policies at the time of the introduction of the Glen Grey Act 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. 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 qualified for the franchise. The property qualification

¹⁶ Interview, Askeaton, 25 January 2001.

¹⁷ It will be seen when dealing with the case study of the Xhalanga district that there were also calls for some kind of ‘self-government’ under the watchful eye of the magistrate.

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). The landholders in Xhalanga belonged to this category of an elite.

It is the issue of the African franchise that seems to have been decisive in Rhodes' decision to pilot the Glen Grey Act. As Lacey (1981: 55) has shown, "white fears of being swamped at the polls' by Africans" had grown by the 1880s. The Prime Minister at the time, Sprigg, had attempted to address white fears by passing 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 (*ibid.*: 55). The biggest blow, though, was the introduction of the Glen Grey Act. By declaring that land allocated under individual title in terms of this Act be deemed, for purposes of parliamentary registration, to be under communal tenure, holders of land under the Glen Grey Act were "automatically cut out of the national voting system" (*ibid.*: 56). 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, as earlier noted, the capitalist sector had been boosted by the discovery of minerals. 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 (*ibid.*: 16) 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". 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. It is worth noting that 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” (ibid.: 13). They preferred a ‘master/servant’ relationship between farmers and workers (ibid.: 18).

Initially, 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 per “man”.¹⁸ 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 first 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 book 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.

The Act was tested in the Glen Grey District.¹⁹ The Glen Grey Council was made up of twelve members. The Governor nominated half of these members, while three of each were elected by members of the Locations Boards of Glen

¹⁸ One morgen is 0.8 ha.

¹⁹ Until 1975, the Glen Grey district fell outside the Transkei and was part of the Ciskei.

Grey and Lady Frere.²⁰ 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).²¹ 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. 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 Transkei, the magistrates of the southern Transkei districts with councils and eight African members, two of each nominated from the districts. 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. 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.

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.

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

²⁰ The Location Boards were themselves made up of appointed members.

²¹ See also Tabata (1950: 107).

'location' level. At this level, the notion of elected representatives did not feature at all. Power was concentrated in the hands of un-elected and compliant traditional authorities and headmen. No other structure existed at this local level of the location. Headmen and traditional authorities were accountable to the all-powerful magistrate operating at magisterial district level. For example, the magistrate had the final say in cases where rural people appealed against sentences which were imposed by chiefs and headmen. The same magistrate presided over the District Council and participated in the *iBhunga* in Umtata.

Indeed, the chief and resident magistrates played a dominant role in the administration of Africans.²² They were as much concerned with the administration of justice as with local administration. Peires (2000: 101) 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".²³ 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 in the previous chapter, some chiefs, especially in Phondoland, were appointed as headmen. However, as traditional authorities, they did not play any significant role in the colonial system of rural administration. But chieftaincy was not abolished. Traditional authorities remained as titular heads of their people, but their powers 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 free²⁴ to by-pass the courts of tradi-

²² The Transkei area was divided into districts that fell under the three Chief Magistrates of Transkei Proper (Butterworth), Tembuland (Umtata) and East Griqualand (Kokstad). 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). A total of 27 districts were established.

²³ 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.

²⁴ Given complications of lodging appeals, this was, for the majority of illiterate and semi-literate rural people, more in theory, than in practice.

tional authorities if they so wished (Hammond-Tooke 1968: 457). Mears' (1947: 80) 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 actively employed in the administrative organization. Headmen accordingly are more intimately associated with the administration of the Transkei than are the chiefs.²⁵

However, the extent to which the “fundamental” policy of breaking down the powers of the chiefs became reality was dubious. This had been the case in Xhalanga, but it is important to note that situations varied.

The Glen Grey Act and its impact in Xhalanga

Establishing a District Council in Xhalanga proved to be much more complicated than its colonial planners could have anticipated. Its formation was delayed for over two decades. 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”.²⁶ 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, they were not rebellious or radical, 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 landholders. The headmen who sometimes formed part of the delegations were also landholders.

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 inter-linked. I argue that it is the second reason that seems to have been the main reason why landholders in Xhalanga were so vociferous against the District Council.

²⁵ See also Peires (2000: 101).

²⁶ CMT, 3/188.

Glen Grey Act and its political implications

Prior to indications that the District Council model would be extended to Xhalanga, the landholders in Xhalanga had a qualified franchise by virtue of their landholding. The form of local government that existed in the district was, as in other districts, the headman system, which was upwardly accountable to magistrates. This system transformed one in which chiefs Gecelo (Xhalanga) and Stokwe (Southeyville) ruled the two districts. Each had under his control sub-, petty, or lesser chiefs (*iinkosana*).²⁷ 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 3rd August 1904, in which he applied for a pension, that he “was appointed by the late Mr J.C. Warner²⁸ as Headman to lead the Tembus when they emigrated from Glen Grey to Emigrant Tembuland”.²⁹ His location, Tiwane Nqose, was named after him.³⁰ 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.

The headman system was entrenched when Xhalanga came under the control of the Cape colonial government in 1878. 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 31st 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 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.³¹

²⁷ See the Thembuland Commission record. G. 66 – ’83: 35.

²⁸ Warner was Resident Commissioner.

²⁹ 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.

³⁰ 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 Emnxe location/administrative area.

³¹ G. 3 – 1884: 120.

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”.³² 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. Thus, while some headmen were drawn from chiefly lineage, others did not have such connection.

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.³³ 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 1902.³⁴ Headman Renqe, a member of the deputation, subsequently referred to this meeting when he reminded the Cala magistrate, in a letter dated 23rd 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”.³⁵ 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

³² G. 3 – 1884: 120.

³³ CMT, 3/188.

³⁴ Roux (1964: 71) 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.

³⁵ 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).

Africans a window of opportunity to resist the colonial onslaught, 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.

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".³⁶ 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 Emnxe 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.³⁷

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'".³⁸ This led magistrate Bell to conclude that the "people have evidently been advised by agitators".³⁹ 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. He told the committee:

³⁶ 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.

³⁷ CMT, 3/188.

³⁸ CMT, 3/188.

³⁹ CMT, 3/188.

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).⁴⁰

It appears as if the elite in Xhalanga, the landholders, also argued that as “civilized natives”, they were in favour of the Divisional Council, a form of local government for whites.⁴¹

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). At the same time, there has been very little from the sources I consulted, to show that landholders in Xhalanga were passionate in their rejection of the District Council on political grounds in the sense that they would lose their voting rights. Their main pre-occupation, it seems, was security their land tenure rights.

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

It is not surprising that it is the landholders who were the bitter opponents of the Glen Grey Act. Apart from the possibility of losing the vote, there was a lot at stake. The Thembuland Commission, let it be recalled, recommended that “loyalists” be granted land not exceeding 15 morgen, excluding grazing rights to the commonage. Indeed, landholders such as Solomon Khalipha and Mankayi Renqe were rewarded with large portions of land for supporting the colonialists.⁴² Yet, in terms of the provision of the Glen Grey Act, one “man” was entitled to “one plot” of between four and five morgen. Clearly, this would

⁴⁰ 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.

⁴¹ CMT, 3/591.

⁴² Mankayi Renqe, like Solomon Khalipha, 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 Khalipha had, a ranger in Lumphaphasi has recently recalled “*yayimile loondoda*” (that man was rich). (Interview with Mr Dyantyi, Lumphaphasi, 9 September 1999)

put the Xhalanga landholders at a disadvantage and blow the aspirations of being farmers competing favourably with their white counterparts. By restricting one man to one plot, the Glen Grey Act made it impossible for African farmers to accumulate land. In addition, accepting the District Council, and indirectly, the Glen Grey Act would mean that the landholders would not get the freehold title that the Thembuland Commission promised them.

The issue of freehold title came up for discussion in 1902, the same year the issue of the District Council was re-introduced following the end of the Anglo-Boer war in the same year. In his letter dated 23rd October 1902, Renke clearly stated: “what is before us and the Government is a clear Title deed of Xhalanga be issued us”.⁴³ 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*⁴⁴ (see also Bundy 1987: 155).

Embokotwa was the name of an area that fell under the jurisdiction of chief Gecelo prior to the demarcation of boundaries in 1883.⁴⁵ 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 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. Unfortunately for them, 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). But

⁴³ CMT, 3/188.

⁴⁴ NA, 696.

⁴⁵ 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 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.

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 22nd 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.⁴⁶ 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 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”.⁴⁷ 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,⁴⁸ 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

⁴⁶ CMT, 3/188. The “Native representatives” could have been the landholders who were not headmen.

⁴⁷ 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”.

⁴⁸ Interview with his grandson, B.S.C. Mkumatela at Mbenge, 9 January 2000.

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".⁴⁹ Some, such as Henry Ngcwabe, 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 colony and they are not dangerous things and the people who have them are happy. In these titles the necessary provisions were laid down.⁵⁰

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".⁵¹

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

⁴⁹ CMT, 3/188.

⁵⁰ CMT, 3/188.

⁵¹ CMT, 3/188.

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 Xalanga 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.⁵²

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, and also to be independent of chiefs. 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.⁵³ Once again, the courtroom is recorded as having been “crowded” by “headmen and people of the Xalanga District”.⁵⁴ 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”.⁵⁵ 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”.⁵⁶ 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

⁵² CMT, 3/873.

⁵³ Unfortunately the minutes of this meeting are undated.

⁵⁴ CMT, 3/188.

⁵⁵ CMT, 3/188.

⁵⁶ CMT, 3/188.

after a period of paying rent, a period of up to twenty years, white farmers at Mbokotwa would own the land under freehold title.

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”.⁵⁷ 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.⁵⁸

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.⁵⁹

⁵⁷ CMT, 3/188.

⁵⁸ CMT, 3/188.

⁵⁹ 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".⁶⁰ 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).⁶¹

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 1883.⁶² 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".⁶³

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,

⁶⁰ CMT, 3/873. Letter written by Secretary of the Department of Native Affairs to Schreiner, dated 8 July 191.

⁶¹ CMT, 3/873.

⁶² It is not clear whether the undertaking to transfer title after 21 years was written or verbal.

⁶³ CMT, 3/873.

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 (1981: 17), Rose-Innes' "positive evidence" on the Glen Grey Act "undoubtedly swayed the commissioners". 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".⁶⁴ 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 Gubenxa".⁶⁵ 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 Xhalanga 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 Xhalanga in common with Embokotwa and other European

⁶⁴ CMT, 3/873.

⁶⁵ CMT, 3/591.

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.⁶⁶

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.⁶⁷

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 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.⁶⁸

Clearly, the Chief Magistrate did not want to accept that the Xhalanga landholders were against segregation, in both its political and economic forms.

⁶⁶ CMT, 3/873.

⁶⁷ 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.

⁶⁸ CMT, 3/591.

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 1899-1902.⁶⁹ They were often referred to as “loose people”⁷⁰ (*amalose*). One of the areas where these people settled was the commonage of Cala Reserve.⁷¹

⁶⁹ The post-1994 terminology refers to this as the South African War.

⁷⁰ CMT, 3/188.

⁷¹ CMT, 3/873.

Cala Reserve was established as a result of a recommendation by the Thembuland Commission that land be put aside for the establishment of water-works 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.⁷² The Cala Municipality, however, gave up the administration of Cala Reserve on the grounds that the municipal area was too large.⁷³ 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 occupation.⁷⁴ Many of the allotments were initially purchased by “Europeans” but had “mostly been bought out again by Natives”.⁷⁵ 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’”.⁷⁶

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”.⁷⁷ 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

⁷² Xalanga District Record Book, Magistrate’s Office, Cala.

⁷³ CMT, 3/188.

⁷⁴ 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.

⁷⁵ CMT, 3/188. Letter to the Resident Magistrate, Cala, dated 22 November 1902, under the heading “Loose Natives on Emnxhe Commonage”.

⁷⁶ CMT, 3/188. Letter to the Chief Magistrate dated 24 December 1902.

⁷⁷ CMT, 3/188. Letter to the Chief Magistrate dated 24 December 1902.

to see that no newcomers are admitted to the locations of the Xhalanga district. He would warn headmen accordingly, and would in every possible way protect the rights of holders of certificates of occupation”.⁷⁸ Whether these instructions were issued or not, is not clear. What is clear is that by 1910, the government was 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”.⁷⁹ 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.⁸⁰

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

⁷⁸ 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.

⁷⁹ CMT, 3/591. Chief Magistrate to a deputation representing Xhalanga District, April 1910.

⁸⁰ CMT, 3/873.

twenty years, convertible to freehold title. The main difference with the titles pertained to the forfeiture of the granted allotments. 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 'loose' 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 Xalanga",⁸¹ 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 have an opportunity to talk about the matter. We would like to have a meeting amongst ourselves to discuss the Proclamation.⁸²

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".

⁸¹ CMT, 3/873. Letter from the Chief Magistrate to the Secretary for Native Affairs dated 12th May, 1911.

⁸² CMT, 3/873.

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 Xhalanga Native farmers, headmen and landowners representing the Native Landholders of the Xhalanga 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.⁸³ 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 Xhalanga, 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”.⁸⁴ 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 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.⁸⁵ The Xhalanga representatives “assure(d) the Government that the introduction of this Act⁸⁶ 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

⁸³ 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).

⁸⁴ CMT, 3/873.

⁸⁵ The deputation seems to have been making some concession here that ‘Schedule A’ titles were acceptable.

⁸⁶ Meaning the *Proclamation*.

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".⁸⁷ 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".⁸⁸ 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".

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".⁸⁹

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

⁸⁷ CMT, 3/873.

⁸⁸ CMT, 3/873.

⁸⁹ 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.

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 submitted⁹⁰ by them".⁹¹ 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".⁹² 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 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".⁹³

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".⁹⁴ 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

⁹⁰ This referred to the memorandum submitted by the November 1911 deputation to Umtata that was accompanied by Dr Rubusana.

⁹¹ CMT, 3/873.

⁹² CMT, 3/873.

⁹³ CMT, 3/873.

⁹⁴ CMT, 3/873.

other Native districts and given only the form of local bodies designed, and so carefully designed, for the Natives at large.⁹⁵

It is interesting to note that in 1902, Magistrate Bell had written that Renqe was one of the most influential men in this district.⁹⁶ 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 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”.⁹⁷

It is possible to argue that divisions that were beginning to emerge among the people of Xhalanga deepened the hardening attitude of the government. Up to 1912, the people of Xhalanga displayed a united effort. The only dissenting voice was that of Malangeni Gecelo, as revealed in a letter dated 17th 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.⁹⁸

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

⁹⁵ 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.

⁹⁶ See above.

⁹⁷ Umtata archives, 3/27/3/15, headman: Cala Reserve.

⁹⁸ NA, 696.

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 chiefs⁹⁹ have spoken correctly. We had recently a meeting here partly convened by the Magistrate. Our discussion at that meeting was short and resulted in our unanimous wish for the Embokotwa title”.¹⁰⁰ 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.¹⁰¹ 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”.¹⁰² 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.¹⁰³

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

⁹⁹ Presumably Gecelo and Stokwe.

¹⁰⁰ CMT, 3/188.

¹⁰¹ 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 Ayliff Soga mentioned in the text.

¹⁰² CMT, 3/873.

¹⁰³ CMT, 3/873.

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 opposition to the Proclamation and survey”.¹⁰⁴ These cracks, it seems, indicated that the landholders did not have a strategy for handling a government which was increasingly becoming aggressive in its dealings with Africans.

The painful birth of the District Council in Xhalanga

Xhalanga was, in terms of Government Notice No. 301 of 1917, eventually subdivided 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 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)

How successful the imposition of the District Council in Xhalanga was, will be the subject of the next chapters.

¹⁰⁴ CMT, 3/873.

Conclusion

There is little doubt that the Glen Grey Act greatly dashed the hopes of landholders in Xhalanga to be accepted as equals with whites, both politically (in terms of the franchise) and economically (growing to the position of being farmers with full freehold title as their white counterparts). Despite the recommendations of the Thembuland Commission, the Xhalanga landholders lost their struggle for freehold title. This was largely as a result of shifts in the colonial policy after the discovery of minerals. This event changed the focus of colonialists towards African from that of creating a farm of African farmers to a need for cheap African labourers. The Glen Grey Act set the basis for achieving this goal.

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. Traditional authorities, although not abolished, were not central in the district council and in rural governance at the local, location level. At this level, headmen were the main link between the people and magistrates. But the headmen, particularly in Xhalanga, were not drawn from a chiefly background. The headmen in Xhalanga were often landholders, too, who were opposed to re-tribalisation as the quotation at the beginning of this chapter shows.

Rural local governance in Xhalanga in the era of the District Council: The struggle continues

“..., 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”¹

Introduction

With the advent of the District Council in Xhalanga, as elsewhere in the Transkei, two rural local governance structures existed: the District Council at a district level and headmen, at an administrative, location level. The magistrate dominated both structures. 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. It is worth noting that by the 1930s and 1940s, headmen were increasingly drawn into the government structures.

¹ Cala Magistrate noting a ruling of the Chief Magistrate in July 1930 regarding chief Gecelo.

Throughout the period of the District Council, the dethroned Chiefs in Xhalanga continued to play a marginal role in both levels of rural local governance. 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 descendents 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. Without any control on land, except at Mbenge for Gecelo, it is not surprising that even their subjects largely ignored these chiefs. Hammond-Tooke (1975) has argued that despite being marginalized by the colonial state, chiefs enjoyed a degree of legitimacy amongst their subjects. In the circumstances, the case study of Xhalanga seems to be an exception.

Two events that would influence developments from the 1950s under the apartheid regime are worth mentioning and discussing: the Betterment Scheme and the emergence of Matanzima in the politics of Xhalanga. The introduction of the Betterment Scheme in Xhalanga brought to an end the lull of criticism that characterised the late 1920s and 1930s in Xhalanga. By the 1940s, there was, once again, a groundswell of opposition against both the District Council and headmen. The opposition to the District Council included even those landholders who thought that the District Council was promoting development in the area. 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. Opponents of the District Council and headmen included retired migrant workers. Some had been members of political organizations. They were often the sons of landholders who retired from the cities to take over from their fathers.

The other development was the entry 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. As will be seen, there was more to his involvement in educational issues than met the eye.

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 the Council operated, especially in relation to the headmen

system. This will be followed by a focus on the complexities of chieftainship in Xhalanga, in particular the position of the dethroned Xhalanga Chiefs, and how loss of control over land weakened their position among their subjects. I will then look at the introduction of the Betterment Scheme in Xhalanga and its implications on credibility of the District Council and heamen. The chapter will conclude with a discussion of the involvement of Chief K.D. Matanzima in Xhalanga. These issues will be pursued against the backdrop of a 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. Xhalanga rural residents, having been forced to compromise, had argued that they were in favour of a district council that was modelled along the provisions of the 1920 *Native Affairs Act*. Section 16(1) of the Act 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.² 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. 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

² 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.

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.³ 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 Government “for giving us this Council” pointing out they intended “to make good use of it”.⁴ Despite these divisions, elections took place.⁵

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”.⁶ 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.⁷

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

³ 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.

⁴ 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.

⁵ Three people were elected, Ayliff and Alexander Gecelo (both from Mbenge farm) and Henry Kasana (from Kasana farm).

⁶ 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers of Upper and Lower Lufuta, Tsengiwe and Nyalasa Locations.

⁷ Arthur Tsengiwe, John Nkohl and Seti Makiwane were “duly elected”.

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.⁸

The fourth meeting was held at Askeaton in Indwana Location, the site of opposition to the *Glen Grey Act* in early 1900s.⁹ 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 Thembuland 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".¹⁰

At Garry Owen in Upper Cala¹¹ Location, where the fifth meeting was held on 5 March 1925,¹² it emerged that there was an appeal made to the government

⁸ 1/XAA, 5/1/57. Minutes of meeting of General Rate Payers of Mtingwevu, Manzimahle and Langanci Locations.

⁹ Mankayi Renqe came from this location.

¹⁰ 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.

¹¹ 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.

¹² 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.

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 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.¹³ 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.¹⁴ 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.

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”

¹³ 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.

¹⁴ 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.

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”.¹⁵ As was customary,¹⁶ 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”.¹⁷ 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 labelled 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 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”.¹⁸ The other case arose when Sete Makiwane, also a pensioner, died on 7 February 1927. He was

¹⁵ 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.

¹⁶ See previous chapter.

¹⁷ 1/XAA, 5/1/57.

¹⁸ 1/XAA, 57.

replaced by Jonah Ngcwabe of Lupapasi,¹⁹ 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.²⁰ 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 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.²¹ 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.²² 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”.²³

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

¹⁹ Cala District Record.

²⁰ See the Magistrate’s statement at the Garry Owen meeting on 5 March 1925.

²¹ 1/XAA, 97. Minutes of Council meeting held at Cala on 21 November 1944.

²² The farm of Gecelo was, for reasons that will be shown below, an exception.

²³ 1/XAA, 97. Letter dated 20 December 1927 from Magistrate to Chief Magistrate. The meeting was held on 27 November 1927.

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 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".²⁴

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.²⁵ 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".²⁶ 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".²⁷

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 Council²⁸ as having introduced "agricultural officers and people were introduced to voting". Its focus, according to him, was on agriculture and organising "agricultural shows".²⁹ The only thing that another informant, H.M.

²⁴ 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.

²⁵ 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.

²⁶ Umtata archives, file 3/27/3/18, headman, Tsengiwe location, letter to resident Magistrate.

²⁷ 1/XAA, 5/1/92. Letter dated 12 November 1925 to the chief Magistrate.

²⁸ He used the term "*iBhunga*".

²⁹ Interview conducted in Cala, 5 January 2000.

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”.³⁰ 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 District Council, headmen and the land question

The vexed issue of land in Xhalanga also cropped up in the District Council’s discussions. There are two issues that were clarified: land tenure and allocation. Firstly, 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”.³¹ Nxazonke was clearly resuscitating the debate on freehold title deeds discussed in earlier chapters. In “elucidat(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”.³²

On the allocation of state (legally) owned land in communal areas, the District Council resolved towards the end of 1946 that “the Headman and his *ibandla*³³ or Council” should consider applications and make recommendations to the Magistrate.³⁴

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. For example, he was a member of the Xhalanga District Council. Early on, people such as headman Duncan Makhohliso of Cala Reserve attempted to renegotiate his

³⁰ Interview, Queenstown, 24 January 2001.

³¹ 1/XAA, 5/1/60. Minutes of the quarterly meeting that was held on 29 December 1944.

³² 1/XAA, 5/1/60. Minutes of the Quarterly Meeting of Headmen held in the Court Room, Cala on 29 December 1944.

³³ Councillors.

³⁴ 1/XAA, 97. Minutes of District Council meeting held at Cala on 21 November 1946.

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.”³⁵ I pray you, Sir, to consider this matter. I stop here. I don’t know the Government – I know him”.³⁶

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.³⁷

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:

You ‘Europeans’ now want a Chief, so you are in a difficulty. I am glad to hear you speak well of Malangeni 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 princi-

³⁵ Malangeni was the son of Kruxeshe Gecelo. The latter led his people to Xhalanga in 1865 – see “family tree” compiled by Bonani Gecelo dated 18/2/1986. Archives kept in the ‘Traditional Council’ offices in Cala, File 10/18/2 – 2: KwaGcina Tribal Authority, Chiefs and Headmen file)

³⁶ CMT, 3/591.

³⁷ CMT, 3/591.

ple different from tribal occupation. The idea was to bring you up to European standards.³⁸

The Magistrate here continued to give the impression that the state was committed to assimilation, when the meeting took place on the eve of the inauguration of the Union of South Africa in 1910, which was established along clear segregationist lines.

Whether Malangeni Gecelo enjoyed support amongst his subjects is questionable. As already stated, his father, Kruxeshe, survived the Gun War by surrendering, later giving evidence to the Thembuland 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, son of Malangeni 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.³⁹ Although it is not clear what ultimately happened to the complainant, the point is that people residing at Mbenge were vulnerable. This would 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

³⁸ CMT, 3/591 Minutes of a meeting held at Umtata on the 8th April, 1910, between the Chief Magistrate of the Transkei Territories and a deputation representing the District of Xhalanga.

³⁹ Umtata archives, file 3/27/3/20. Letter from Magistrate to Chief Magistrate dated 27 June 1930.

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.⁴⁰

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 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.⁴¹

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.

⁴⁰ Umtata archives, file 3/27/3/20, Headman Mbenge Farm. Letter dated 27 June 1930.

⁴¹ Umtata archives, file 3/27/3/20, letter dated 5 July 1930.

Alexander Gecelo temporarily replaced him.⁴² 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 1936.⁴³ 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 Gecelo on 27 December 1926, that there were "280 general taxpayers residing thereon".⁴⁴

The above once again reinforces the argument of this book that chiefs and indeed unelected and unaccountable headmen such as Gecelo gained their authority by virtue of control of land. For example, outside Mbenge, 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".⁴⁵

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, the 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

⁴² Umtata archives, file 3/27/3/20, Headman Mbenge Farm.

⁴³ Umtata archives, file 3/27/3/20, Headman Mbenge, letter dated from acting Magistrate to Chief Magistrate.

⁴⁴ Umtata archives, file 3/27/2/20, headman: Mbenge Farm.

⁴⁵ Interview conducted in Cala, 5 January 2000.

respected their chief, but the chief could not even preside over their cases”.⁴⁶ Once again, loss of land meant that the authority and legitimacy of the chief would not be guaranteed.

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 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.⁴⁷ 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.⁴⁸

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’.⁴⁹ 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. However, as will be seen below, the intervention of Chief K.D. Matanzima in the affairs of Xhalanga in the 1940s kept the issue of chieftainship in the area live.

⁴⁶ Interview, Askeaton, 25 January 2001. See also: Interview with headman Fani, Cala Reserve, 15 March 2000.

⁴⁷ Interview with former headman Mazibuko, Askeaton, 25 January 2001.

⁴⁸ Interviews and conversations with various rural inhabitants, both men and women.

⁴⁹ Interview in Cala, 5 January 2000.

The betterment/rehabilitation scheme in Xhalanga

The introduction of the Betterment and later Rehabilitation Scheme radically altered things in the countryside in South Africa generally. The Betterment Scheme entailed conservation measures initiatives which 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. Interesting for this book is that 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” (ibid.: 78-9).

The involvement of the District Council in the formulation and implementation of the Betterment/Rehabilitation Scheme permanently damaged whatever credibility it was building. It is worth noting that the Scheme was introduced against the broader context of deteriorating conditions in the rural areas in the ‘reserves’ largely due to overcrowding. Only in 1865, when 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.⁵⁰ 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.⁵¹

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".

It is important to note that soil preservation measures were implemented at Cala Reserve, Emnxé and Seplan as early as 1935, well before the 1939 Proclamation was issued. The Magistrate at the time, J.H. Steenkamp was critical of how the measures were implemented, arguing 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".⁵²

It was important for the colonial state that land degradation in the reserves be 'stabilised'. Scholars such as Lacey (1981) have argued 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 settle-

⁵⁰ This refers to the period between the defeat of Sarhili in 1958 and the resettlement of abaThembu in 1865.

⁵¹ The other areas covered by this description were the Fingoland districts of Butterworth, Ngamakwe, Tsomo and St Marks.

⁵² 1/XAA, 5/1/61. Letter dated 16 October 1935.

ment, 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.⁵³

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”.⁵⁴ 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, held at Cala on 8 October 1940, “that it is their duty to report the existence of subversive rumours amongst them”.⁵⁵ 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.⁵⁶

By the mid-1940s, the government had accepted that the Betterment Scheme had largely failed. According to Evans (*ibid.*: 216), 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”. A new programme, the Rehabilitation Scheme was announced in 1944 by the

⁵³ 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: 57-8.

⁵⁴ 1/XAA, 5/1/60. Letter to Chief Magistrate, dated 23 November 1942,

⁵⁵ 1/XAA, 5/1/60.

⁵⁶ According to Evans (1997: 217), 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”.

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 “closer 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.⁵⁷ 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 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”.⁵⁸ 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

⁵⁷ For an interesting analysis of the Secretary of Native Affairs’ proposal to the Ciskeian General Council, see Evans (1997: 218).

⁵⁸ No. 3/252/27. Minutes dated 27 July 1945.

pursuing the freehold title route was Gecelo, a chief. It appears as if he did not hold the 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 were still satisfied with present control under magistrates".⁵⁹ 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,⁶⁰ but the number was later reduced to three.⁶¹ 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".⁶²

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".⁶³ He attributed the lack of interest to two reasons: the concern that "badly eroded land that has been

⁵⁹ 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.

⁶⁰ 1/XAA, 5/1/60.

⁶¹ 1/XAA, 5/1/92.

⁶² 1/XAA, 5/1/60.

⁶³ The three delegates were messrs. A. Ramokuena, S. Mrwetyana and M. Solundwana.

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 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”.⁶⁴ 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.

Given that the measures were to be implemented at the local, administrative area, headmen could not avoid being involved in the process. In this sense, the District Council and headmen could not be separated. 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.⁶⁵ 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.⁶⁶

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 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

⁶⁴ 1/XAA, 5/1/92.

⁶⁵ 1/XAA, 5/1/60.

⁶⁶ 1/XAA, 97. Minutes of District Council meeting held at Cala on 21 November 1946.

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".⁶⁷ 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".⁶⁸ 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".⁶⁹ 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 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".⁷⁰

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

⁶⁷ 1/XAA, 5/1/92. Letter to the Chief Magistrate, dated 7 March 1947.

⁶⁸ 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.

⁶⁹ Umtata archives, file number 3/27/3/7, headman: Hota-Mbeula.

⁷⁰ Umtata archives, file number 3/27/3/7, headman: Hota-Mbeula.

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".⁷¹ 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 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.⁷² 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".⁷³

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

⁷¹ 1/XAA, 5/1/92. Letter dated 7 March 1947.

⁷² 1/XAA, 5/1/92.

⁷³ 1/XAA, 5/1/92. Letter dated 25 March 1947.

rehabilitation plans had been devised”.⁷⁴ 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”.⁷⁵

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, 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. 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 1952.⁷⁶ 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 ‘friends 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.⁷⁷ One of the key activists in Xhalanga in the late

⁷⁴ 1/XAA, 5/1/60. Minutes of meeting of headmen and people held at Cala on the 28 March 1947.

⁷⁵ 1/XAA, 5/1/92. Letter dated 7 March 1947.

⁷⁶ For accounts of these political developments see, amongst others, Tabata (1950); Roux (1964); Simons and Simons (1983); Lodge (1983).

⁷⁷ Pretoria archives, BAD (Department of Native Affairs), 67/331, Rex vs Bunting and two others.

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 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.⁷⁸ 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).⁷⁹ Throughout the period of the existence of the District Council, "the (Emnxe-Ehlathini) taxpayers consistently refused to vote at District Council elections".⁸⁰ 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

⁷⁸ 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.

⁷⁹ Umtata archives, Headman file, eMnxe location, file 3/27/3/4, Part II. The motivation was dated 12 September 1933.

⁸⁰ CMT, 3/1484. Confidential letter from the Chief Magistrate to the Secretary for Native Affairs, dated 19 September 1958.

Dichaba Duna Manzana reported: “(M)any in this location are bitterly opposed to it”.⁸¹ 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.⁸²

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.⁸³ 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.⁸⁴

Emnxé 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 Emnxé that opposition to

⁸¹ 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.

⁸² CMT, 3/1484. Affidavit dated 30 September 1958.

⁸³ This was, according to him, “about three years ago”, which suggests that this meeting took place around 1955.

⁸⁴ CMT, 3/1484. Affidavit dated 30 September 1958.

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'".⁸⁵ One of the 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".⁸⁶ In addition, Emnxe is close to the town of Cala. In the 1950s, Emnxe is reputed to have been "the centre of political education".⁸⁷

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

⁸⁵ Interview conducted in Cala, 5 January 2000. "Functions" refer to the social activities of the 'school' youth, usually held on Saturday evenings (own experience).

⁸⁶ Interview, 9 January 2000.

⁸⁷ Interview with Tsengiwe, Queenstown, 24 January 2001. Tsengiwe, though, could not elaborate.

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 (1949) has described as an "intercalary" authority. We have seen how, especially when the Betterment Scheme was introduced, headmen, initially at least, 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 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".⁸⁸ Headman Fani of Cala Reserve emphasised another dimension of the Rehabilitation Scheme. The new settlement scheme (*ntlalontsha*), 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".⁸⁹ 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 govern-

⁸⁸ Interview conducted in Cala, 5 January 2000.

⁸⁹ Interview, Cala Reserve, 15 March 2000.

ment 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 Emnxe 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.

As noted, the chiefs of Xhalanga were marginal to developments in the district. The emergence of Chief Matanzima, as already suggested, was destined to change the face of chieftainship in the area.

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 1938.⁹⁰ 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. Preto-

⁹⁰ 1/XAA, 5/1/60. Minutes of proceedings of the Quarterly Meeting of Headmen held in the Court Room, Cala, on 29 December 1944.

rius, 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 also one of those who are opposed to Whites. He is now using this conflict as propaganda against us).⁹¹

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*”).⁹²

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.⁹³ The General Council later recommended that the school be built on the Council Depot farm at Emnxe. On 19 June 1945, Magistrate Mundell reported that he had not received any response from the government.⁹⁴

⁹¹ 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.

⁹² D.R.C. archives, Cape Town. Letter from J. Pretorius, Sending Pastorie, Cala, dated 25 September 1944, to Ds. G. de C. Murray.

⁹³ 1/XAA, 5/1/60. Minutes of proceedings of the Quarterly Meeting of Headmen held in the Court Room, Cala, on 29 December 1944.

⁹⁴ On the same day, councillor Mac J. Tyaliti, seconded by coucillors Qamata, proposed that the Magistrate be given a new name ‘Zitulele’. The proposal was ac-

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.⁹⁵ In response, the Wesleyan church-led opposition to the D.R.C. opened, also in 1945, Askeaton Secondary School in Askeaton.⁹⁶ 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*.⁹⁷

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.⁹⁸ 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.⁹⁹

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

cepted and Qamata was asked to explain the meaning of the name, after which Mundell "suitably replied".

⁹⁵ D.R.C. archives, Cape Town. "Prospectus – D.R.C. Native Secondary School", dated 22 January 1945.

⁹⁶ D.R.C. archives, Cape Town. Letter from Pretorius to de C. Murray dated 24 January 1945.

⁹⁷ 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.

⁹⁸ Interview, eMnxe, 9 January 2000.

⁹⁹ 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.

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 seven 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 asixhenxe*).”¹⁰⁰ The priest, Nyikinyibhoxo, according to Mandlangisa, was part of the delegation and was to introduce the men to Matanzima.¹⁰¹ 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.¹⁰² Retired educationist Mkumatela, a friend of the Matanzima’s, also recalled that Reverend Pamla, too, was active in the lobby.¹⁰³

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”.¹⁰⁴ 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 in September 1946 “not to discuss the matter (of the school) any longer”, the two schools went their separate ways.¹⁰⁵ 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.

¹⁰⁰ Interview, eMnxe, 9 January 2000.

¹⁰¹ Knowing that the people of Xhalanga did not accept chiefs, Mandlangisa claimed Jafta warned and trained his delegation to salute Matanzima: “Ah! Daliwonga!”

¹⁰² Interview, eMnxe, 1 April 2000.

¹⁰³ 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.

¹⁰⁴ D.R.C. archives, Cape Town.

¹⁰⁵ 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.¹⁰⁶ 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”.¹⁰⁷ 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”.¹⁰⁸ 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*)”.¹⁰⁹ 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’.¹¹⁰ 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 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,

¹⁰⁶ 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 Ndondo 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.

¹⁰⁷ Interview, Queenstown, 24 January 2001.

¹⁰⁸ Interview, Mbenge, 9 January 2000.

¹⁰⁹ 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.

¹¹⁰ The same constitution conferred the title ‘Chief’ on Gecelo, when it proposed that he and Matanzima be members of the proposed School Board.

that he would be the Paramount Chief of Emigrant Tembuland.¹¹¹ 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: "Paramount 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 amaHala¹¹². In the battle for control of Emigrant Tembuland between Paramount Chief Dalindyebo 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).¹¹³ According to him, Henry Nkunkuma was close to Matanzima.¹¹⁴ It is worth noting, though, that Qamata was at the time also a member of the school committee of the D.R.C. School.

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.¹¹⁵ 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

¹¹¹ Interview with W.M. Tsotsi, Durban, 9 February 2000.

¹¹² Umtata archives, 66/27, Bantu Authorities. Letter dated 19 March 1957, from Chief Magistrate to the Secretary for Native Affairs.

¹¹³ 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).

¹¹⁴ Interview, Cala Reserve, 15 March 2000.

¹¹⁵ Xhalanga District Record.

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.¹¹⁶

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”.¹¹⁷ 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)”.¹¹⁸ Former headman Kupe took exactly the same position, linking the question of chieftainship with land: “AmaMfengu also knew that there were no titles in an area under a chief”.¹¹⁹

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 articled clerk in Umtata. It is as an articled 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

¹¹⁶ There is further information about the Non European Unity Movement in Chapter 7 below.

¹¹⁷ Interview, Queenstown, 24 January 2001.

¹¹⁸ Interview in Cala, 5 January 2000.

¹¹⁹ Interview, eMnxé, 1 April 2000.

K.D. Matanzima supported and made contributions to the AAC, although he never, due to 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”.¹²⁰ 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

The chiefs of Xhalanga continued to be marginalized throughout the period of the District Council. Although Gecelo was a member of the District Council when it was established, he was marginal in its activities. The District Council initially focused on development issues such as agricultural activities, while headmen were responsible for making recommendations in the land allocation process. The chiefs, as the chapter has demonstrated, were marginalized in both structures. Gecelo’s level of influence amongst his people was, I have argued, largely as a result of his control of land, his farm at Mbenge. This made residents both his subjects and tenants. 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. These conditions 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 ‘school people’, and in particular, the chiefless amaMfengu. If they recognised chieftainship this was only insofar as chiefs had jurisdiction over their farms.

With regard to the District Council and headmen, the chapter shown that the acceptance of the District Council was short-lived. By the 1930s, the Xhalanga District Council had been discredited even in the eyes of those who would have supported it, including some headmen. In fact, we have seen that even Chief Gecelo was critical of the District Council in the 1930s. However, headmen were soon drawn into the colonial administrative structures and were involved in the implementation of some of the policies of the District Council. The intro-

¹²⁰ Durban, 9 February 2000.

duction of the Betterment Scheme, especially the stock culling measures, made the District Council and headmen especially unpopular. These measures had the potential of drawing support against the Council from a large number of rural inhabitants, including landless stockowners. But it is landholders, as the chapter shows, who led the resistance. Some of these measures focused on soil erosion measures and land demarcation, something that directly affected them.

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 re-active, 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 result of the demise of the Cape liberal project and its dubious promise of incorporating 'civilised natives' into the colonial edifice.

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. But I have argued in this chapter that Matanzima's interests in the Xhalanga debates went far beyond educational matters. 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 and chieftainship a golden opportunity to entrench themselves amongst rural residents.

Tribal Authorities and the revival of chieftainship in Xhalanga

(W)e beg with respect to inform you that the Chief Magistrate of the Transkeian Territories visited the Xhalanga District to introduce the Bantu Authorities Act ... at the Plantation Ward. The Xhalanga 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 ... 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 Xhalanga people. 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.¹

Introduction

The introduction of the Bantu Authorities Act of 1951, which established Tribal Authorities, intensified the militant resistance displayed against the District Council in Xhalanga from the 1940s. At the heart of the resistance in Xhalanga were two related issues: opposition to the conservation measures and the (re)imposition of chiefs in the district. The Act gave chiefs and headmen uncontested powers at the local Tribal Authority area to execute government

¹ Letter from the Xhalanga Residents Association to the Secretary of Bantu Affairs dated 23 December 1957.

policies, including the controversial power to make recommendations to the magistrate in the allocation of land process. By so doing, it dealt a terrible blow to both the struggle against the conservation measures, and the opposition to chiefs in the area. With regard to the latter, the Bantu Authorities Act opened up another opportunity for Chief K.D. Matanzima to further entrench himself in the Xhalanga district.² Furthermore, Matanzima also used the *Act* to revive the chieftainships of Gecelo and Stokwe in the district. Matanzima's grand plan was to divide the district of Xhalanga into two sections, with each section falling under one of the two Chiefs. Meetings that were organised by the government officials, including the Chief Magistrate were often disrupted. This includes a meeting which was meant to introduce Matanzima as a Paramount Chief of Emigrant Thembuland and install chiefs Gecelo and Stokwe as the chiefs of Xhalanga. As will be seen below, this meeting was disrupted and ended in chaos.

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.³ 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.

The establishment of tribal authorities and retribalisation in Xhalanga

The establishment of Tribal Authorities and attempts to revive chieftainship in Xhalanga in particular should be read in view of the argument here that this institution never, even before the colonialists abolished it in the early 1880s, 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 infor-

² For consistency, and to avoid confusion, the term "Tribal Authorities" will be used throughout. It refers to both Bantu and Community Authorities.

³ Xhalanga was one of the districts comprising Emigrant Thembuland.

mant, “there in name”.⁴ 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.

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.⁵ Paramount Chief Sabata, about whom we are going to hear more in the pages that follow, was 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’”.⁶ 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 the Crowd that they did not want him

⁴ Interview with H.M. Tsengiwe, Queenstown, 24 January 2001.

⁵ 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).

⁶ CMT, 3/1484. Letter to the Secretary for Native Affairs, dated 14 August 1958 (only two days after the event).

as their Chief, nor did they want any Chief”.⁷ 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.’”⁸ 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,⁹ these ‘boers’ say I must install you as Paramount Chief of Emigrant Thembuland. I am not aware that there is Emigrant Thembuland”.¹⁰

Matanzima’s account created the impression that those who disrupted the meeting wanted to humiliate Paramount Chief Sabata.¹¹ 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”.¹² 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”,¹³ Ntwana pointed out in an interview that Sabata was aware of the planned disruption. Ntwana, though, did not mention that Sabata spoke with any of the “trouble makers”.

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*)”.¹⁴ Interviews¹⁵ and

⁷ CMT, 3/1484, affidavit of 3 September 1958.

⁸ 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”.

⁹ K.D. Matanzima’s name.

¹⁰ Interview with Joe Majija, Umtata, 16 March 2001.

¹¹ Attempts to interview Matanzima have not been successful. His relatives say he is senile.

¹² CMT, 3/1484. Letter to The Native Commissioner in Cala, dated 27 August 1958.

¹³ CMT, 3/1484. Letter to the Chief Magistrate, dated 8 September 1958.

¹⁴ Interview, Mochudi, Botswana, 24 March 2000.

¹⁵ H.M. Tsengiwe (Queenstown), Mlotha (Cala) and Mrs Mfenyana (Cape Town).

Msengana's affidavit¹⁶ 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.¹⁷ 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".¹⁸ 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:

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.¹⁹

A local constable, Barnabas Samuel Buhle Mdodana, 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

¹⁶ CMT, 3/1484.

¹⁷ 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.

¹⁸ CMT 3/1484.

¹⁹ Interview in Umtata, 16 March 2001.

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'.²⁰

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 Nkosiyané 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".²¹ 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*)".²² In other words, chieftainship was accepted in 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, as will be seen, 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.

Contextual background

The establishment of Tribal Authorities, which legitimated traditional 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.

²⁰ CMT, 3/1484.

²¹ Interview, Mochudi, 24 March 2000.

²² Interview, Queenstown, 24 January 2001.

Posel (1991: 12) 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”. 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 (1987: 344) puts it, “meant encouraging workers to bring their families with them”. As Hendricks (1990: 125) 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.

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).²³ 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.

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 1949.²⁴ 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).

²³ See also Hindson 1987.

²⁴ Evans (1997: 255) has suggested that the Tomlinson Report was submitted late in 1954 “after five years of genuinely hard and impressive scholarly research”. Hence the deduction that the Commission was set up in 1949.

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 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 (1990: 128) pointed out, was re-tribalisation, rather than "creating a full-time farming class". 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 (1997: 260) 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"²⁵. According to Hendricks (1990: 122), "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 coercive device bringing African chiefs and headmen into the local machinery of government".

How this piece of social engineering manifested itself in Xhalanga will be explored in this and subsequent chapters.

²⁵ 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 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)

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, 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?"²⁶ 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'.

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.²⁷ 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".²⁸ However, Magistrate Evans avoided a discussion of the issue by ruling that Skosana was out of order.

²⁶ Umtata Archives, file 16/1/2. Bantu/Tribal Authorities. Note that with the introduction of apartheid, the terminology changed from "Native" to "Bantu".

²⁷ It is not clear from the records whose suggestion this was, but this would have been in keeping with the apartheid thinking.

²⁸ 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”.²⁹ 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.³⁰ In response, the Magistrate informed the participants that Bantu Authorities were “not connected in any way with the Trust or stabilization”.³¹ 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.³²

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”.³³ 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

²⁹ Umtata Archives, file 66/27. Bantu Authorities. Letter dated 19 March 1957.

³⁰ It is precisely this fear that Skosana raised in the January meeting and was ruled out of order by the Magistrate.

³¹ “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.

³² Umtata archives, file 66/27/1D. Bantu/Tribal Authorities. Minutes of meeting held on 8 February 1956.

³³ Note that in the book, Lodge wrongly cites the year of the *Act* as 1953.

imposed from above and no longer depended on popular sanction (ibid.: 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 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.”³⁴

³⁴ Umtata Archives, file 66/27. Bantu Authorities. Letter dated 19 March 1957 from Chief Magistrate to Secretary for Native Affairs.

Qamata's statements show that despite segregation and apartheid, the people of Xhalanga were still longing for an integrated society.

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 Emnxé, 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.³⁵

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 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.³⁶ This was the position regarding Tribal Authorities in Xhalanga until the publication of Proclamation 180.

The involvement of traditional authorities in Tribal Authorities thoroughly discredited even those who may have enjoyed some degree of legitimacy by virtue of their marginalisation. According to Hammond-Tooke (1975), these traditional authorities gained legitimacy among their people for the simple reason that they were not identified with government policies.³⁷ Traditional authorities that are often cited as having retained their legitimacy include the

³⁵ Umtata Archives, file 66/27. Bantu Authorities. Letter dated 19 March 1957 from Chief Magistrate to Secretary for Native Affairs.

³⁶ 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.

³⁷ 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.

Paramount Chiefs Sabata Dalindyebo and Morwamoche Sekhukhune in the Northern Transvaal (Delius 1996; Lodge 1983). Van Kessel and Oomen (1997: 563) have even made an unsubstantiated claim that Sabata “headed the revolt in Tembuland”. However, the case study of Xhalanga shows how the Bantu Authorities Act made it difficult for traditional authorities, including Sabata, to avoid being associated with the system.

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”.³⁸ 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 1956,³⁹ 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 ... were unanimous that Bantu Authorities not be established and that the location does not form part of a community authority”.⁴⁰

In Manzimahle, a meeting that was organised at headman Tofile’s residence “to help in explaining things (Tribal Authorities) to the people” was disrupted.⁴¹ The leader of the anti-Tribal Authorities group, Sineke Edward Tyaliti, was one of the signatories to the 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

³⁸ Umtata archives, file 66/27/1D. Letter to the Chief Magistrate, dated 1 October 1956.

³⁹ Umtata archives, file 66/27/1D.

⁴⁰ Umtata archives, file 66/27/1D. Letter from the Magistrate to the Chief Magistrate, dated 1 October 1956.

⁴¹ CMT 3/1484. Affidavit by Robert Msengana (date not clear, but should be around September 1958).

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".⁴² 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".⁴³

However, these protests, as elsewhere, did not stop the government from going ahead with its plans.⁴⁴ The urgency to set up Tribal Authorities was heightened by the fact that District Councils were to be terminated on 31 December 1957.⁴⁵ 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).⁴⁶ The next step was the election of councillors, whose appointment involved the head of the Tribal Authority, Magistrate and, most critically, the general taxpayers.

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 Authorities without any knowledge of

⁴² This refers to the decision of the Recess Committee of the United Transkeian Territories General Council in Umtata accepting Bantu Authorities. See Chapter 3.

⁴³ CMT 3/1484. Affidavit (date not shown).

⁴⁴ For example, Sekhukhuneland, Pondoland and Tembuland (see Chapter 3).

⁴⁵ NTS, 9037, 269/362(3)A – 271/362.

⁴⁶ *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".

them.⁴⁷ Indeed, Evans (1997: 271) has stated: “The most frequently cited objection was that chiefs and headmen had accepted the new system without adequately consulting their people”. 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”.⁴⁸

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

Map 2 Map of the Xhalanga District showing the four tribal authorities



⁴⁷ CMT, 3/1484. Affidavit, William Namba.

⁴⁸ CMT, 3/1484. Affidavit, William Namba. Namba claimed that after the meeting where the election took place, Ntwana threatened him.

(Mvinjelwa) left the meeting “as I saw that I was going to be assaulted”.⁴⁹ 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 Emnxe, 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”.⁵⁰ 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 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”.⁵¹ 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”.⁵² 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”.⁵³ Over a year later, the Resident Magistrate confirmed this incident. In his recollection, the meeting “was

⁴⁹ CMT, 3/1484.

⁵⁰ CMT, 3/1484.

⁵¹ 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.

⁵² CMT, 3/1484.

⁵³ CMT, 3/1484. Affidavit dated 8 September 1958.

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".⁵⁴ 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 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.⁵⁵ 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".⁵⁶ 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

⁵⁴ CMT, 3/1484. Letter to the Chief Magistrate, dated 6 October 1958.

⁵⁵ Interview with headman Fani, Cala Reserve, 15 March 2000; and former headman Mazibuko, 25 January 2001.

⁵⁶ Umtata archives, file 66/27/1D. Letter from the Magistrate to the Chief Magistrate, dated 30 June 1956.

was.⁵⁷ 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.⁵⁸ It is worth noting, though, that the Chief Magistrate's objection was on the process 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 1957.⁵⁹ 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 hang themselves" (quoted in Evans 1997: 271).⁶⁰ 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 position 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.⁶¹ (emphasis in the original)

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)

⁵⁷ Umtata archives, file 66/27.

⁵⁸ Umtata archives, file 66/27/1D.

⁵⁹ CMT, 3/1484. Notes by Native Commissioner on Michael Nyovane, 6 October 1958.

⁶⁰ Evans incorrectly referred to Mrwetyana as a Chief.

⁶¹ CMT, 3/1484. Notes by Native Commissioner on Michael Nyovane, 6 October 1958.

has stated that a meeting was held in Cala Reserve⁶² and was attended by about fifteen men.⁶³ 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.⁶⁴

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”.⁶⁵ Chief K.D. Matanzima’s version was that “acting on the specific instructions of the Chief Magistrate of the Transkeian Territories” he held a meeting “of the male residents of the Ehlatini Authority Area for

⁶² 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.

⁶³ 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.

⁶⁴ 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.

⁶⁵ CMT, 3/1484. Affidavit (date not shown).

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.⁶⁶

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.⁶⁷ Tsotsi (1989: 93) 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. A letter that was written on the same date, 23 December 1957, by the Xhalanga Residents Association (signed by Eleazor Masoka⁶⁸ “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 Xhalanga District to introduce the Bantu Authorities Act ... at the Plantation Ward. The Xhalanga 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 Xhalanga people. 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.

⁶⁶ CMT, 3/1484. Letter to the Native Commissioner dated 27 August 1958, re: RIOT-IOUS BEHAVIOUR: INSTALLATION OF CHIEFS IN XHALANGA DISTRICT.

⁶⁷ This must have been in reference to the meeting of 13 November 1957 referred to above.

⁶⁸ Masoka was the representative from eMnxe who stated in 1925 that their location would not nominate candidates for the District Council.

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."⁶⁹ 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.⁷⁰ 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.

Chieftainship in Xhalanga re-imposed

It has been argued that re-tribalisation was at the heart of the apartheid strategy of controlling Africans. In this strategy, Matanzima was 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 Thembu-land. This will be followed with a discussion of how Matanzima used his power to impose 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

⁶⁹ CMT, 3/1484. Affidavit dated 6 September 1958.

⁷⁰ With the appointment of Jamangile Stokwe as a sub-Chief in August 1958, Stokwe became head of the District Authority.

Thembuland.⁷¹ 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 11th 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.⁷²

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.⁷³ 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

⁷¹ 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).

⁷² NTS, 9037, 269/362(3)A – 271/362.

⁷³ 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.

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 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 Emigrant Thembuland, 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”.⁷⁴ 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.⁷⁵

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 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.⁷⁶

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”.⁷⁷ Participants at the meeting contested the uneven powers the Paramount Chiefs of Phondoland and Thembuland had:

⁷⁴ Umtata archives, file 66/27. Letter dated 19 March 1957.

⁷⁵ Umtata archives, file 66/27/1D, letter to the Chief Magistrate dated 5 April 1956.

⁷⁶ 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).

⁷⁷ NTS, 9037, 269/362(3)A – 271/362.

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.⁷⁸

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.⁷⁹ The secretary of Paramount Chief Sabata, Jackson Nkosiyanane, 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”.⁸⁰ 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.⁸¹

In another communication, the Chief Magistrate reported on Sabata:

⁷⁸ NTS, 9037, 269/362(3)A – 271/362.

⁷⁹ All references to this meeting are drawn from NTS, 9037, 269/362(3)A – 271/362.

⁸⁰ Nkosiyanane was clearly referring to the situation in Phondoland.

⁸¹ NTS, 9037, 269/362(3)A – 271/362. Letter from the Chief Magistrate to the Secretary for Native Affairs, dated 15 November 1957.

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 amusing himself and leaving all serious business to his secretary. The latter plays him like a harp for his own ends.⁸²

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".⁸³

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.⁸⁴

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 Nkosiyané, Secretary

⁸² NTS, 9037,269/362(3)A – 271/362. Letter from the Chief Magistrate to the Secretary for Native Affairs, dated 12 December 1957.

⁸³ 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.

⁸⁴ NTS, 9037, 269/362(3)A – 271/362. Letter to the Secretary of Native Affairs, dated 15 November 1957.

to the Paramount Chief, Bangilizwe Joyi, Twalimfene Joyi and McGregor Mgolombane.⁸⁵

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 (1989: 59), 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.⁸⁶ To add insult to injury, Sabata installed Matanzima by placing the traditional robe of office around Matanzima's shoulders.⁸⁷

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, ruthlessness in his collaboration with the government in the implementation of Tribal Authorities.

⁸⁵ The deportation orders were lifted on 25 November 1963. NTS, 9037,269/362(3)A – 271/362.

⁸⁶ NTS, 9037, 269/362(3)A – 271/362.

⁸⁷ 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.

The re-imposition of 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”.⁸⁸ 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, 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*).⁸⁹

The above quotation appears to confirm one of the central arguments of this book 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)”.⁹⁰

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

⁸⁸ 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.

⁸⁹ Interview, Askeaton, 25 January 2001.

⁹⁰ 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).

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 and he is said to be sickly and a drunkard”.⁹¹ 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.⁹² 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 Xalanga 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”.⁹³ 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.

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

⁹¹ 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.

⁹² This farm, as with others granted by the 1883 Tembuland Commission, was held under quitrent title issued under Schedule A of the 1911 *Proclamation*.

⁹³ He did not, in the letter, indicate how the Magistrate undertook the research.

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.⁹⁴ 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".⁹⁵ Matanzima ignored the fact that the people of Xhalanga had already rejected 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".⁹⁶

⁹⁴ Umtata archives, file 3/27/3/20, Headman: Mbenge Farm. Letter to Cala Magistrate, dated 12 March 1957.

⁹⁵ Umtata archives, file 3/27/3/20, Headman: Mbenge Farm. Letter to the Chief Magistrate, dated 11 July 1958.

⁹⁶ Umtata archives, file 3/27/3/20, Headman: Mbenge Farm. Handwritten notes on the letter from the Magistrate, dated 5 July 1958.

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.⁹⁷ 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".⁹⁸ 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 "strategy was the chiefs should compromise and accept the division into four Tribal Authorities and fight for more from a position of power (*sebesemagunyeni*)".⁹⁹

The government on the offensive: Arrests and deportations

I have shown at the beginning of this chapter that the consolidation of chiefly power in Xhalanga was bumpy. The event of 12 August 1958 involving Chief K.D. Matanzima, at Matanzima Secondary School was a case in point. 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

⁹⁷ Interview with headman Fani, Cala Reserve, 15 March 2000.

⁹⁸ 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.

⁹⁹ Interview with former headman Mazibuko, Askeaton, 25 January 2001.

“working in Xalanga” urging them to secure convictions in terms of Section 2(9) of the Native Administration Act.¹⁰⁰

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 howling”.¹⁰¹ 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 1943.¹⁰² 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 wilfully 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 12th day of August 1958 and at or near Emnxe location in the district of Xalanga, 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’*.¹⁰³

¹⁰⁰ 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.

¹⁰¹ CMT, 3/1484. Letter to the Secretary of Native Affairs, dated 14 August 1958.

¹⁰² 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.

¹⁰³ Mlota confirmed this insult, attributing it to Manzana, who was one of the accused.

Tina bantu baseCala sakumbulala lo Kaizer Matanzima apha e Cala.’ meaning in the English language: ‘we do not want a chief here, voertsek, 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, “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 (1989: 101), “earned him the applause of the crowded courtroom as well as a conviction by the Magistrate”. The accused 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.¹⁰⁴ We have noted above that this method was used in Thembuland against Nkosiyané 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”.¹⁰⁵

¹⁰⁴ Opponents of government policies were often referred to in government circles as ‘agitators’.

¹⁰⁵ 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 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 have these men, whose names they gave me, deported”.¹⁰⁶ 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”.¹⁰⁷ 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 Manzimahle and Emnxe Locations”.¹⁰⁸ 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”.¹⁰⁹ 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

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).

¹⁰⁶ CMT, 3/1484. Letter to the Secretary of Native Affairs, dated 14 August 1958.

¹⁰⁷ CMT, 3/1484. Letter to “The Native Commissioner” in Cala, dated 27 August 1958.

¹⁰⁸ Matanzima mentions his informants in the letter.

¹⁰⁹ By Mau Mau, Matanzima is presumably referring to the Kenyan Liberation Movement that was led by Jomo Kenyatta in the 1950s.

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.

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".¹¹⁰

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".¹¹¹ The Magistrate noted, though, that Msengana was not "a real agitator", that "the real agitators"¹¹² 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".¹¹³

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 these men I have mentioned".¹¹⁴ The constable Barnabas Buhle Mdoana made a similar recommendation regarding Ntwana: "I say without fear of contradiction that the chief source of

¹¹⁰ CMT 3/1484.

¹¹¹ Letter from the Magistrate, Cala to the Chief Magistrate, dated 8 September 1958.

¹¹² 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.

¹¹³ CMT, 3/1484.

¹¹⁴ CMT, 3/1484. Affidavit dated 30 September 1958.

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.¹¹⁵

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 ... the 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 and thus frustrating the object thereof, which was only averted by your decision to postpone the proceedings”.¹¹⁶

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

¹¹⁵ 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”).

¹¹⁶ CMT, 3/1484. Post-script of letter from the Magistrate, Cala to the Chief Magistrate, Umtata, dated 15 September 1958.

Paramount Chief Sabata.¹¹⁷ 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”.¹¹⁸ 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 Development¹¹⁹ had come to accept that “sufficient 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.

¹¹⁷ Note, again, how Sabata was implicated in these machinations.

¹¹⁸ In a way, the Chief Magistrate saved Sabata from being further embarrassed.

¹¹⁹ Note that by December 1958, the former Department of Native Affairs had changed its name to the Department of Bantu Administration and Development.

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.¹²⁰

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.

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”.¹²¹ 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”.¹²²

The possibility of an inquiry regarding the deportations was dealt a severe blow by the 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.¹²³ 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”

¹²⁰ CMT, 3/1484. Letter dated 9 December 1958.

¹²¹ CMT, 3/1484. Letter from Kahn to the Native Commissioner, Cala, dated 8 September 1958.

¹²² Letter dated 15 September 1958.

¹²³ CMT, 3/1484. Letter dated 19 December 1958.

that members of the Security Branch would give evidence “at such an inquiry as such as 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 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.¹²⁴ Magistrate Zietsman of Butterworth was subsequently appointed to lead the evidence.¹²⁵

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”.¹²⁶ 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:

¹²⁴ CMT, 3/1484. Letter dated 28 January 1959 to the Chief Magistrate.

¹²⁵ CMT, 3/1484. Letter from the Chief Magistrate, dated 4 February 1959.

¹²⁶ CMT, 3/1484.

“All the people who accept rehabilitation are going to die in this way.¹²⁷ ... Men who were before you are no more alive, but are dead”.¹²⁸

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, “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”.¹²⁹

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”.¹³⁰

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”.¹³¹ The latter was accused of attempting to use a herbalist to poison headman Zwelinzima (Paul

¹²⁷ This presumably referred to the death of headman Manzana of eMnxé, who suddenly died on the night of 30 June 1958. A widely held view was that he was poisoned for being a government supporter.

¹²⁸ CMT, 3/1484.

¹²⁹ CMT, 3/1484. Letter dated 16 April 1959.

¹³⁰ CMT, 3/1484. Letter dated 22 June 1959.

¹³¹ CMT, 3/1484. Letter to the Secretary for Bantu Administration and Development, dated 1 August 1959.

Tofile) of Manzimahle. He was also accused of killing six of “that person’s (Zwelinzima’s) cattle and now wanted to kill that person as well”.¹³² 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.¹³³ Despite this, the Chief Magistrate recommended that Tyaliti be deported.¹³⁴

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.¹³⁵

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.

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”.¹³⁶

¹³² CMT, 3/1484. Affidavit by Kaliti Ntulweni, a herbalist, dated 11 April 1959.

¹³³ CMT, 3/1484. Letter from the Chief Magistrate to the Secretary for Bantu Administration and Development, dated 1 August 1959.

¹³⁴ CMT, 3/1484. Letter dated 22 June 1959.

¹³⁵ CMT, 3/1484. Letter dated 4 November 1959 from Cala Magistrate to the Chief Magistrate.

¹³⁶ CMT, 3/1484. Application to the Bantu Affairs Commissioner, Xhalanga, dated 18 January 1960.

Although cleared by the Station Commander, Cala,¹³⁷ 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”.¹³⁸ 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 1959.¹³⁹ 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.¹⁴⁰ 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”.¹⁴¹ 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.¹⁴² Fearing arrest, Ntwana, together with another resident of Emnxe, Ben Tyeku, skipped to former Basutoland, now Lesotho.¹⁴³ The Magistrate of Cala confirmed to the Chief Magistrate that Ntwana fled to former Basutoland, “in the belief that the Emergency Regulations would be applied to Xhalanga District” and thus with the intent of escaping “detention under these regulations”.¹⁴⁴

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

¹³⁷ CMT, 3/1484. Letter to the Receiver of Revenue, Cala, dated 15 February 1960.

¹³⁸ CMT, 3/1484. Letter dated 2 March 1960. Three days after this letter, the Chief Magistrate turned down the application.

¹³⁹ See below under “The role of political organisations in the Xhalanga unrests”.

¹⁴⁰ CMT, 3/1484. Letter to the Chief Magistrate, dated 1 April 1960. Headman Robert Msengana was cited at the informant.

¹⁴¹ CMT, 3/1484. Letter to the Magistrate, Cala, dated 8 April 1960.

¹⁴² 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 happened to the non-european Unity Movement*. Interestingly, they did not regard these as sufficient evidence.

¹⁴³ Ntwana confirmed in the interview that he left in June 1960.

¹⁴⁴ CMT, 3/1484. Letter dated 27 July 1960.

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 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 insis-

tence 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.

‘Tshisa, tshisa’ (burn, burn): The struggle against Tribal Authorities intensifies

I have discussed the headmanship of Emnxe Location with Arthur Mvinjelwa, Head of the Egolombeni 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.¹

Introduction

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.² State reaction was brutal. In many ways, the growing militancy of the

¹ Letter from the Cala magistrate to the Chief Magistrate, dated 29 February 1959.

² The phrase ‘*tshisa-tshisa*’ indicates the burning of huts of both pro- and anti-government figures in the district. 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).

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.

The role that political organisations played in this period deserves attention. 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.

I trace in this chapter the process of resistance against Tribal Authorities and how the state crushed it. Chief K.D. Matanzima's role in the state's response to opposition will be highlighted. The chapter focuses, in some detail, on the role of political organisations in the resistance in particular the policies of the AAC and ANC on rural areas in the reserves, and how they conceived of the land question and the nature of rural society, and how this translated into practice.³ I conclude this chapter by situating the Xhalanga resistance within the wider struggles against tribal authorities and the state's clampdown.

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 Emnxé, 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 Emnxé, 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

³ These two organisations are the ones that are mentioned in documents and interviews.

K.D. Matanzima” and without any “direct consultation between the Community Authority and the residents”, appointed former councillor, Solomon Mrwetyana as the acting headman of Emnxe.⁴ 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.⁵ 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.⁶ The Xhalanga system differed from areas such as Phondoland, where headmen were appointed from amongst the relatives of chiefs.⁷ 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.⁸ 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.

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

⁴ Umtata archives, file 3/27/3/11, headman: Mnxe, 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.

⁵ 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.

⁶ The only exception, as earlier noted, was at Mbenge farm/location, with its peculiar circumstances as discussed in the previous two chapters.

⁷ 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’.

⁸ Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter from the Magistrate to the Chief Magistrate, dated 8 September 1958.

Tyeku, spokesperson of an Emnxe delegation, informed the Magistrate that the people of Emnxe wanted the Magistrate “to come out and appoint a headmen”.⁹ 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”.¹⁰

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.¹¹

An informant had recalled that there was widespread rumour at Emnxe that, fearing attack, Mrwetyana slept with a revolver under his pillow.¹²

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 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,

⁹ 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.

¹⁰ Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Minutes of a meeting held on 27 February 1959.

¹¹ Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter to the Chief Magistrate, dated 29 February 1959.

¹² Interview with H.M. Tsengiwe, Queenstown, 24 January 2001.

Mabanga Mboyiya and Ben Tyeku, who were part of the delegation to his office be considered for deportation.¹³

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 1959.¹⁴

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”.¹⁵ 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, a number of people “are pleased in having Mrwetyana ... because of his moderate and progressive ideas”.¹⁶

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 Emnxe, 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”.¹⁷ Tribal Authorities and their incumbents were not only instruments of direct repression, but also providers of essential services and social needs such

¹³ 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.

¹⁴ 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.

¹⁵ 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.

¹⁶ Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter to the Chief Magistrate dated 16 March 1959.

¹⁷ Umtata archives, file 3/27/3/11, headman: Mnxe, part II. Letter to the Chief Magistrate, dated 16 March 1959.

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 Xhalanga, 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.¹⁸

‘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”.¹⁹ 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.²⁰ 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”.²¹ 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),

¹⁸ Interviews from Mlotha, Ntwana, Mlonzi and Mbulawa.

¹⁹ CMT, 3/1484. Affidavit by Johnson Ngqayana of Manzimahle, dated 20 May 1960. Ngqayana stated that he received the information from Tikana.

²⁰ CMT, 3/1484. Letter from the Cala Magistrate to the Chief Magistrate, dated 19 August 1960.

²¹ 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”.

abaThembu".²² Other incidents of burning the huts of government supporters took place from 14 to 16 August 1960.²³

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 18th August, later, in the same letter, he condoned the attacks on the grounds that "the law-abiding element was preparing to retaliate".²⁴ 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".²⁵ Of Ngam-

²² Interview, Emnxe, 1 April 2000.

²³ 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 Emnxe 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 Emnxe in Matanzima's court at Qamata.

²⁴ CMT, 3/1484. Letter from the Cala Magistrate to the Chief Magistrate, dated 19 August 1960.

²⁵ CMT, 3/1484. Letter from the Cala Magistrate to the Chief Magistrate, dated 19 August 1960.

lana, 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 last paragraph of page 2 of Wilson Mbuqe’s statement. This burning would therefore also appear to be an act of retaliation”.²⁶

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 Matanzima’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”.²⁷ 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.²⁸

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, and I went to give commands as to what people should do.²⁹ After the meeting,

²⁶ 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.

²⁷ Attempts to trace this son were not successful, as they no longer stay in Xhalanga.

²⁸ 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.

²⁹ Note the use of giving “commands”, as opposed to democratic discussions and consultation.

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.³⁰

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.³¹ But her grandchildren remembered that they, too, slept in the mountains.³²

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, 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".³³ 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

³⁰ Interview, Mochudi, Botswana, 24 March 2000.

³¹ Mandlangisa explained that her house was regarded as safe, as there was a belief that she had a revolver.

³² Conversation with Zoleka Ntsebeza, who was 5 years old in 1960.

³³ 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.

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.”³⁴ 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”.³⁵

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”.³⁶ As at July 1960, only Tyaliti had been deported in Xhalanga, although, as we have seen, Matanzima and 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 Emnxe as giving “cause for anxiety”. Along with other Magistrates before him, he depicted Emnxe 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 Emnxe 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

³⁴ CMT, 3/1484. Attached to a letter from the Cala Magistrate to the Chief Magistrate, dated 18 May 1961.

³⁵ Interview in Cala, 5 January 2000.

³⁶ Interview with Sobantu Mlonzi, Cala, 8 January 1999.

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.³⁷

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 for 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,

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 28th 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.³⁸

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

³⁷ CMT, 3/1484. Letter to the Chief Magistrate, dated 19 August 1960.

³⁸ CMT, 3/1484. Letter dated 19 August 1960.

to a stop”.³⁹ 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”.⁴⁰ 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 Emnxe 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”.⁴¹ Affidavits were also collected from some of the government’s supporters whose huts were burnt. These affidavits resembled those above in tone and content.⁴²

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 1960.⁴³ This swift action seems to have encouraged Magistrate Marsberg to ask for more. A few days after the order was signed, he tried 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”.⁴⁴

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

³⁹ 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.

⁴⁰ CMT, 3/1484. Affidavit dated 19 August 1960.

⁴¹ CMT, 3/1484. Affidavit dated 29 August 1960.

⁴² CMT, 3/1484. See affidavit dated 29/8/60 by Douglas Meneli and Kolaniso.

⁴³ CMT, 3/1484.

⁴⁴ CMT, 3/1484. Letter to Chief Magistrate, dated 18 September 1960.

instruct acting Headman Mrwetyana, of Emnxe Location, ... that under no circumstances should he ever set foot at Tikana's kraal during his absence".⁴⁵

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.

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 1991: 633). It has not been possible for me to establish why Matanzima used this term in particular.⁴⁶ 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

⁴⁵ CMT, 3/1533.

⁴⁶ Chief K.D. Matanzima died on 15 June 2003. Attempts to interview him while he was still alive were not successful. Those close to him were protective on the grounds that he was too old to be interviewed.

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 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.⁴⁷ 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).⁴⁸

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”.⁴⁹ 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 problem of landlessness, as will be

⁴⁷ Interview, Queenstown, 24 January, 2001. See also interview with B.S.C. Mkumatela, eMbenge, January 2000.

⁴⁸ Interview, Emnxe, 1 April 2000.

⁴⁹ 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 is referring to is a quitrent title issued under Schedule A and B as discussed in Chapter 4. It is not a freehold title.

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".⁵⁰ 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".⁵¹ 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".⁵² 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".

However, 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 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.⁵³ 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,

⁵⁰ Interview, Emnxe, 1 April 2000.

⁵¹ Interview, Cala reserve, 15 March 2000.

⁵² *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).

⁵³ Interview, Queenstown, 24 January 2001.

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".⁵⁴ 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".⁵⁵

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 to be conducive to holding an election. A candidate, William Ngamlana, complained in separate letters to the Magistrate and to the Attorney's Office, Grahamstown, about "a very strange election of the Headman done by Chief K.D. Matanzima".⁵⁶ It would appear that Matanzima characteristically brought with him "a crowd of armed men on horseback".⁵⁷ In the end, the Magistrate dismissed Ngamlana's appeal as "not clear".⁵⁸ This was irrespective of the fact that the same Magistrate indicated to the Chief Magistrate "that in all probability, no

⁵⁴ CMT, 3/1484. Letter to Chief Magistrate, dated 22 September 1960.

⁵⁵ CMT, 3/1484. Letter dated 22 September 1960.

⁵⁶ 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.

⁵⁷ 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".

⁵⁸ Umtata archives, file 3/27/3/11. Letter dated 9 February 1961.

vote was taken” in appointing the headman.⁵⁹ 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.

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.⁶⁰ 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”

⁵⁹ Umtata archives, file 3/27/3/11. Letter dated 6 February 1961.

⁶⁰ 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.

the Ntwanas.⁶¹ 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”.⁶² 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.⁶³ 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.⁶⁴

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, “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”.⁶⁵ 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

⁶¹ 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.

⁶² CMT 3/1484. Letter from Cala Bantu Affairs Commissioner to Chief Magistrate, dated 23 January 1961.

⁶³ CMT 3/1484.

⁶⁴ 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.

⁶⁵ Interview with Mrs. Asnath Ntwana, Emnxe, 1 April 2000.

and this will undoubtedly have an adverse effect on the progress of Bantu Authorities in this District".⁶⁶

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".⁶⁷ Another applicant, Tofile, the headman of Manzimahle, gave an unsubstantiated claim to the Cala Magistrate, that the deported Edward Tyaliti had 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".⁶⁸ 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

⁶⁶ CMT 3/1484. Letter dated 29 September 1960.

⁶⁷ 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".

⁶⁸ Others applied, for example, S.N. Mguli, of Emnxe Location.

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 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".⁶⁹ 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".⁷⁰

The role of political organisations in rural resistance

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 (1964: 288) 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". 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

⁶⁹ CMT, 3/1042.

⁷⁰ Interview in Cala, 5 January 2000.

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 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).⁷¹ According to Drew (2000: 213), these tensions had other consequences – they “catalysed a generational shift in black politics that would have ramifications for both the AAC and the ANC”. 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. Young disgruntled intellectuals in the ANC set up the Youth League. According to Simons and Simons (1983: 546), 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”. 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 “socialistic”, 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 (1998: 10) has noted, against the backdrop of intensified segregation following the promulgation of the ‘Hertzog’ Bills, which excluded even the educated Africans from a common South 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

⁷¹ For a detailed account of the tensions between the ANC and AAC in the late 1930s, see Drew (2000: 204-213).

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).⁷²

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” (*ibid.*: 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 1943.⁷³ 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 (*ibid.*: 464). In the same year, the Non-European Unity Movement (NEUM) was formed as a united front of ‘non-white’ organisations. The NEUM based its unity on a principled acceptance of non-collaboration and its Ten Point Programme. This programme linked the land question with South Africa’s other socio-economic and political problems (*ibid.*: 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 1943.⁷⁴ 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

⁷² See also Nash (1999: 10).

⁷³ The Workers’ Party was a union of Trotskyists in Cape Town and Johannesburg (Drew 2000: 145).

⁷⁴ Note that this was the same year that the ANC Youth League and the NEUM were formed.

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' (1983: 546) allegations against Tabata that he, together with Kies and Gool "dissipated their energies on denunciations of militants outside their ranks and turned 'non-collaboration' into a synonym for inactivity", 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, 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" (ibid.: 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 (1992: 37) 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. 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".⁷⁵ Chief K.D. Matanzima, too, associated the disturbances with the AAC:

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".⁷⁶

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".⁷⁷ 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."⁷⁸ The AAC issued a pamphlet on revolt at Mnxe".⁷⁹

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.⁸⁰ The friendship between them was, according to

⁷⁵ CMT, 3/1484. Letter to the Secretary for Native Affairs, Pretoria.

⁷⁶ 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.

⁷⁷ Interview, Durban, 9 February 2000.

⁷⁸ Society of Young Africans, established by I.B. Tabata, as the youth wing of the AAC. Interview with Sobantu Mlonzi, Cala, 8 January 1999.

⁷⁹ Interview, Queenstown, 24 January 2001.

⁸⁰ Interview with W. Tsotsi, Durban, February 2000.

Tsotsi, “abruptly broken and replaced by a mutual distrust” when Matanzima accepted Tribal Authorities in the mid-1950s. In his letter to Matanzima, dated 13 January 1955, Tsotsi (1989: 85-6) 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”. 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”.⁸¹ 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”.⁸²

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 Congress there. It was individuals, Makhiwane and myself”.⁸³ Although not certain about the year, Tsengiwe thought that Ntwana “could have been ANC”.⁸⁴ 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

⁸¹ CMT, 3/1484. Affidavit dated 8 September 1958.

⁸² CMT, 3/1484.

⁸³ Interview, Mochudi, Botswana, 25 March 2000.

⁸⁴ Interview, Queenstown, 24 January 2001.

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.⁸⁵

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 AAC in officials records in 1958, Ntwana re-emerged in these records towards the end of 1959 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 ANC 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".⁸⁶

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 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).⁸⁷ This suggests that the AAC, aside from the support of teachers, did not have a mass base. Joe Majija, the clerk at nearby Arthur

⁸⁵ 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.

⁸⁶ CMT. 3/1484. Letter from the Office of the Security Branch to the Magistrate, Cala, dated 16 February 1960.

⁸⁷ 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.

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 “teachers⁸⁸ 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”.⁸⁹ According to Sigwela, the AAC failed to win mass support largely because they used “high floating English language” and were “polemical”.⁹⁰

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.⁹¹ 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, 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.⁹²

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 the effects of a split within the organisation which occurred in 1958. The split assumed racial dimensions, between the so-called ‘coloureds’ following Kies and Jaffe, and ‘Africans’ following Tabata.⁹³ 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

⁸⁸ He mentioned V.Nonkonyana, Majija (now a Reverend) and H.M. Tsengiwe.

⁸⁹ Interview with Majija, Umtata, 16 March 2001.

⁹⁰ Interview in Cala, 10 January 2000.

⁹¹ Mlonzi was referring to the resistance of the Xhalanga landholders against the conservation measures.

⁹² 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.

⁹³ See Drew (1991) on this ‘split’.

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 1940s.⁹⁴ We have seen that according to this policy, the land question was at 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 (*ibid.*: 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 (1991: 461-2) 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. More fundamentally, Drew (2000: 146) 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.”

⁹⁴ The Workers’ Party was divided on this issue and the policy referred to here is the majority position (see Drew 2000: 145).

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 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 (ibid.: 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 (ibid.: 478). In the final analysis, the Workers' Party sidetracked the demand for arms, leading to a split in 1958 at the December Conference (ibid.: 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" (ibid.: 77). For this reason, it was possible for ordinary people to relate to it.

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.⁹⁵ 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".⁹⁶ According to Mlonzi, "the ANC was strong at least in the Cala area, because Ntwana was ANC".⁹⁷

Despite the role the AAC and ANC played in Xhalanga as described above, there was general agreement among interviewees, including Tsotsi, that the "peasants"⁹⁸ 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".⁹⁹ 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 organisations. That is why the struggle continued even when Ntwana and others had left."¹⁰⁰

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

⁹⁵ Interview, 10 January 2000.

⁹⁶ Mbulawa and Ntwana confirmed this in my interviews with them in Botswana.

⁹⁷ Although not certain, Mlonzi thought this would be around 1959.

⁹⁸ Tsotsi, Mlonzi and Ntwana used the term 'peasants' to describe those to whom I refer as 'landholders' in this study.

⁹⁹ This was presumably the conference the police referred to above.

¹⁰⁰ Interview, Pitsane, 25 March 2000.

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”.¹⁰¹ 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 Mlonzi, one person shouted: *Umfundisi uMlonzi akangongcothoza?* (Is Reverend Mlonzi not a spy?). It was romantic.¹⁰²

The use of English suggests that SOYA members were an elite, and remote from their audience.¹⁰³ 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*.

¹⁰¹ Interview, Mochudi, Botswana, 24 March 2000.

¹⁰² Interview, Cala, 8 January 1999.

¹⁰³ According to Mlonzi, English was the language used in their SOYA study groups.

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”.¹⁰⁴ 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 there 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 one group in particular – the landholders. This, 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.¹⁰⁵ 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

¹⁰⁴ CMT, 3/1484. Affidavit dated 18/8/60.

¹⁰⁵ 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.

referred to above. We will recall, for example, that 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”, and headman Enoch Mfobo claimed that “motor cars from Cape Town started coming into the Location”.¹⁰⁶

By the time the Transkei became a self-governing territory in 1963, resistance in Xhalinga, 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 “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”.¹⁰⁷ 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”.¹⁰⁸ 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.

¹⁰⁶ CMT, 3/1484.

¹⁰⁷ CMT, 3/1484. Affidavit dated 17/8/1960.

¹⁰⁸ CMT, 3/1484. Affidavit dated 20 May 1960.

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. 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 *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.

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 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.

However, 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 1960.¹⁰⁹ 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).¹¹⁰ 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 *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

¹⁰⁹ Mbeki (1984) and Lodge (1983) have sketched other instances of rural revolts from the 1930s up to the early 1960s.

¹¹⁰ See also Mbeki (1984: 116-123).

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 (1983: 290) has correctly pointed out, at this stage, the migrant workers identified themselves as “peasants”, rather than as a full-fledged proletariat. Faced with the organised, vicious machine of the apartheid regime, it was almost inevitable that the forces of resistance would, as they did, succumb.

The era of Bantu authorities in the Xhalanga District: A decentralised despotism?

*In the past, our things went to Qamata (K.D. Matanzima's Great Place) 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?'*¹

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

¹ Interview with Jama, Cala, 7 March 2001.

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 (1996: 60) has argued that although chiefs “functioned as a conveyor belt for the central state policies” they “possessed a degree of autonomy”. In other words, while I agree that the chiefs in Xhalanga were despotic, they were certainly not decentralised, in the sense that they were autonomous and were an element of a “bifurcated state”. It will be shown that the Chiefs of Xhalanga never managed to regain any significant influence over their subjects. They derived their authority, as this book argues, more out of the fact that they were the only structures at the local Tribal Authority level that could make recommendations to the District Commissioner in the land allocation process. 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, I argue, 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 (1996) clearly had this in mind when he referred to the concentration and fusion of power in Native Authorities.

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 visibly manifested itself 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"² 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,

² This term is borrowed from Southall (1992; 1977).

was asked who was behind the hardships suffered by the people of Xhalanga during the Tribal Authority era, his instant response was: “Kaizer Matanzima”.³

Seemingly, it was headmen and the Tribal Authorities who directly meted out the punishment. Retired educationist, Tsengiwe, remarked about headmen: “They became powerful in their Tribal Authorities. They were very powerful. For example, Msengana, later Tofile and Mvinjelwa”.⁴ 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?’⁵

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*).⁶ 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 ‘Jacobins’ (*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”.⁷ Matanzima exported to Xhalanga a method that was notorious in Qamata, and which was regarded by the Chief

³ Interview conducted by Hlubi Xuba with Reverend Tyeku, 24 April 2000.

⁴ 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.

⁵ Interview with Jama, Cala, 7 March 2001.

⁶ Interview with Jama, Cala, 7 March 2001.

⁷ Interview conducted by Hlubi Xuba with Reverend Tyeku, 24 April 2000.

Magistrate as effective: corporal punishment. Many interviewees relived this form of humiliating and barbaric punishment: “The rule of Matanzima 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”.⁸

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 Dalindyebo 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”.⁹ 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 over the place, but one could not see him, because of his magic”.¹⁰ 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

⁸ Interview with Mrs Asnath Ntwana, Emnxe, 1 April 2000.

⁹ Interview with Tsengiwe, Queenstown, 24 January 2001.

¹⁰ Interview with Mrs Asnath Ntwana, Emnxe, 1 April 2000.

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.¹¹ 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”.¹² 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.¹³

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 seen as immature, and certainly with regard to Stokwe, irresponsible.¹⁴ 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”.¹⁵ 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,

¹¹ Umtata archives, file 3/27/2/1, chiefs and headman: Sub-chief Jamangile Stokwe. Letter to Chief Magistrate, dated 26 June 1959.

¹² 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.

¹³ Umtata archives, file 3/27/2/1, chiefs and headman: Sub-chief Jamangile Stokwe. Letter dated 8 April 1963.

¹⁴ Interviews and conversations with various people in Xhalanga. Also, own observation regarding Stokwe.

¹⁵ Interview with sub-headman Dyantyi, emaQwathini, 15 November 1999.

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*)”,¹⁶ 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*).¹⁷

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.¹⁸ 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.

¹⁶ Headman Fani did not elaborate on whose “customs” he was referring to and how far back these customs went.

¹⁷ Interview conducted by Fani Ncapayi, Cala Reserve, 5 May 2001.

¹⁸ Interview conducted by Fani Ncapayi, Cala Reserve, 5 May 2001.

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".¹⁹

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 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). The unlimited powers Tribal Authorities had under the protection of Matanzima, and the instruments of coercion at his disposal made it almost impossible for them to be accountable 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".²⁰ 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.²¹ 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 process of allocating land started at a local, sub-headman area and was finalised with the issuing of a PTO by the magistrate/district commissioner.²² In theory, a person, usually a man, who wanted land first identified the land and approached people in the neighbourhood to establish if there were other

¹⁹ Interview with H.M. Tsengiwe, Queenstown, 24 January 2001.

²⁰ Interview with Mlotha, Cala, 5 January 2000. Interview conducted by Hlubi with Rev Tyeku, Cala, 24 April 2000.

²¹ Interview with Mrs Asnath Ntwana, 1 April 2000.

²² This account is based on interviews with various rural residents, sub-headmen, headmen, chiefs and government officials.

claimants and to solicit their support. In the event that the land was available, the applicant approached the sub-headman of the ward in which the property was situated. The sub-headman then called a ward general assembly (*imbizo*). The purpose of the meeting was to offer people an opportunity to comment on the application. In the event of there being no objections, the sub-headman submitted the application to the headman of the administrative area. The headman verbally verified that the general assembly was called, and that no objections had been lodged. In addition, the headman established whether the applicant was a married, registered taxpayer. In this regard, the sub-headman had to produce a receipt issued by the magistrate as proof. If the applicant could not produce a receipt, the headman would have to accompany the applicant to the magistrate's office where he would be duly registered. The applicant could not go to the magistrate's office on his own, he had to be accompanied by a headman or the chief.

Upon production of the receipt, the headman then normally granted the application. This was seen as a formality. As one headman stated: "As a headman, I accept and respect the decision of the sub-headman". The headman submitted the application to the Tribal Authority. This was also seen as a formality. The Tribal Authority completed the application form that was submitted to the district commissioner. The application form had to be signed by the chief, councilors and the Tribal Authority Secretary. Only at this point was the applicant expected to pay an application fee to the Tribal Authority in order to augment the funds of the latter. This was the only fee that the applicant was supposed to pay.

In practice, though, the system of land allocation was complex and often did not adhere to the letter of the law. The main problem was how to monitor the system and make those charged with authority to be accountable. In the majority of cases, traditional authorities were upwardly accountable to the government, rather than to the rural residents. This was made possible by the fact that the apartheid and Bantustan regimes gave traditional authorities such powers that they were feared, rather than, respected by their communities (Delius 2000; Ntsebeza 1999). This made it extremely difficult for ordinary, elderly rural residents to hold traditional authorities accountable.

Traditional authorities exploited the lack of 'checks and balances'. There were basically two forms of violations, allocating land without going through the procedure, and illegal taxation. Traditional authorities abused their power by charging unauthorized fees, in the name of the 'rights of the great place' (*iimfanelo zakomkhulu*) to applicants. These included alcohol, poultry, sheep, and even an ox. This practice reached its zenith in the early 1990s when, for instance, some cottage sites were illegally allocated to some 'whites' along the Wild Coast in the old Transkei. These sites were dubbed 'brandy sites', as it

was imperative that applications be accompanied by a bottle of brandy. It was standard practice in some parts that ordinary rural residents present the sub-headman with a bottle of brandy (or some suitable gift) (De Wet and McAllister 1983: 50). Further, in a number of cases, traditional authorities allocated land to rural residents bypassing the district commissioner. These rural residents were consequently not issued with a PTO.

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 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."²³

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

²³ 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".

Luphaphasi, essentially to tax them. Rural residents had to 'contribute something' whenever a chief visited.²⁴

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 Chief Matanzima.²⁵ 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".²⁶

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 (*ubiyo*), 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).²⁷

²⁴ Interview, Luphaphasi, 15 November 1999.

²⁵ 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.

²⁶ Taped interview conducted by Fani Ncapayi with Lungiswa Muriel Mguli (Madeyi), Cala, 11 May 2000.

²⁷ 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.

The re-emergence of organised resistance in Xhalanga

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.²⁸ 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".²⁹

In order to illustrate the concrete implications of Betterment planning in Xhalanga, the following example from one of the landholders at Emnxé is presented. Lungiswa Muriel Mguli (hereafter Madeyi, her clan name) was, until 1998, a community health worker employed by HCT cited above. According to

²⁸ One of Matanzima's strong supporters, Mawonga Nkunkuma, even took me to one of the locations, Tsengiwe, to demonstrate what he meant.

²⁹ Interview, Cala Reserve, 15 March 2000. It is worth noting that landholders, who were removed to new residential settlements, did not lose their fields.

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.³⁰ 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 (*ezingqageni*). “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 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

³⁰ Interview with Fani Ncapayi, Emnxe, 11 May 2000.

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.³¹

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 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*).

³¹ 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.

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 63 754.³² By contrast, the size of land had not expanded.

Sub-headman Dyantyi of Luphaphasi 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.³³ These measures, acts of desperation under the repressive conditions of the 1980s, demonstrate the chronic shortage of land. In Dyantyi's area, Luphaphasi, the shortage of land for both grazing and residential purposes was evident even at the time the area was declared a betterment area in January 1963. Landholders in this area held about 782 morgen of the total land in this area of 2844. Of the 333 families in 1963, about 138 were landless and also did not own any stock. About 72 owned stock, but did not have land.³⁴

Lists of people who needed residential plots were compiled in many administrative areas of Xhalanga. Sub-headmen and their committees compiled

³² Source: Statistics South Africa – Republic of Transkei, Population Figures, Table VII (26), District: CALA –26.

³³ Interview, Luphaphasi, 15 November 1999.

³⁴ Archives held at the Department of Agriculture and Land Affairs in Cala, Lupa-phasi Administrative area

these lists in their villages.³⁵ 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. It must be noted that 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).

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 book 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".³⁶ Betterment plan-

³⁵ Madeyi was a member of the committee in her area.

³⁶ Interview with Fikile Ellen, eMaqwathini, 16 November 1999.

ning 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 landholders and the landless became members of the same trade unions in urban areas and struggled together.³⁷

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.³⁸ 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".³⁹ 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.⁴⁰

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 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;

³⁷ On the association of workers due to their conditions of work, see Marx and Engels (1998).

³⁸ Interview with B.S.C. Mkumatela, Mbenge, 9 January 2000.

³⁹ Interview with Fikile Ellen, eMaqwathini, 16 November 1999. Mkumatela also made a similar point.

⁴⁰ This point is not meant to undermine the intelligence of uneducated people, but rather to underline the point that in the era of "globalisation", formal education widens one's mental horizons and creates far more options and opportunities.

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. It is important to contextualise this phenomenon.

Political fermentation in the Xhalanga District

Tribal Authorities in Xhalanga were in crisis despite the heavy repression imposed by, and the fear of Matanzima. 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 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 areas such as the Tshezi Tribal Authority (for the Tshezi case, see Ntsebeza 1999). 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 and early 1990s 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".⁴¹

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 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).⁴² While the primary aim of the UNISA students was to

⁴¹ 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.

⁴² 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.

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 who represented the radical, so-called ‘revisionist’ school of thought in 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, it seems, 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.⁴³ Members of these groups read the Black Consciousness political literature, *Frank Talk*, journals, magazines and newspapers.⁴⁴ 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 Xali, Sonwabo Khayingana and Sipiwi Liwani. According to Liwani, their group drafted a pamphlet, “typed it and

⁴³ Interviews with Sipiwi Liwani and Sonwabo Khayingana, Cala 23, 24 and 28 October 2000.

⁴⁴ 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.

made a few copies at the bookshop”.⁴⁵ The pamphlets, which explained the significance of the date, were circulated at Cala High 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, Sipiwo Liwani and Fani Ncapayi.

The murder by the security police of Batandwa Ndondo 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.⁴⁶ An expelled student from the University of Transkei, political activist of the Congress Alliance and field-worker of Health Care Trust, Ndondo 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 Ndondo and I, his cousin, lived.⁴⁷ But this high level of intimidation did not stop those who were close to Ndondo, including his cousins, Dumisa Ntsebeza and I, from mounting a campaign that would ensure that the murderers were brought to book.⁴⁸ At the same time, student unrest in Xhalanga did not abate as a result of the death of Ndondo. 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

⁴⁵ Interview, Cala, 23 October 2000.

⁴⁶ 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*.

⁴⁷ For details of the murder see especially, Bell and Ntsebeza (2001); Ntsebeza (1995a); Nash (1985).

⁴⁸ 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).

murder of Batandwa".⁴⁹ During the course of 1986, student unrest spread to the neighbouring Arthur Tsengiwe Training School and Matanzima High School.⁵⁰

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. On 3 October 1985, just over a week after the murder, Matanzima instructed the security police to order 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.⁵¹ When the crowd assured Matanzima that he was the chief, he asked where the wife of Mvimbi was.⁵² When she came forward, he declared the meeting closed, without giving any reason.⁵³ 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".⁵⁴ He accepted full responsibility for the murder. At the same meeting, Matanzima accepted full responsibility for the murder of Batandwa Ndondo, declaring, 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.⁵⁵

⁴⁹ Interview with Xolile Dayimani, Cala, 28 October 2000.

⁵⁰ 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.

⁵¹ 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.

⁵² 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.

⁵³ Conversation with people who went to Qamata, soon after their return.

⁵⁴ Video recording of the meeting. Damaged and cut copy at the CALUSA video library, Cala.

⁵⁵ Damaged Video tape at the CALUSA video library

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 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.⁵⁶ 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.⁵⁷ 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 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).

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

⁵⁶ Interview with Fani Ncapayi and Siphiwo Liwani, Cala, 23 October 2000. It is not clear how official the decree was.

⁵⁷ See affidavit by Edgar Mkhokeli Madikwa. Copy with author.

were made to oppose Matanzima.⁵⁸ 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)⁵⁹ 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 means of tyres)⁶⁰ 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

⁵⁸ 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.

⁵⁹ I could not establish what the significance of this number was. It could have been his police identity number.

⁶⁰ The words in brackets are in the original, that is, Madikwa's actual words.

“the Curfew at CALA starts at 18H00 instead of 22H00”.⁶¹ 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 of its founder members, Bambo Qongqo, organised study material for the students from the Turret unit of SACHED, a well-known educational NGO.⁶² 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.⁶³

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,⁶⁴ 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 social-

⁶¹ The use of the capital letters for surnames is in the original.

⁶² Contact with Qongqo led to the group being weaned from its Black Consciousness thinking and introduced to socialist ideas.

⁶³ See minutes, quarterly and annual reports and evaluation reports of Calusa.

⁶⁴ Interview with Ntomboxolo Noyakaza-Tsengiwe, Cala, 1 March 2001.

ism 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 1960.⁶⁵ The guiding principles of XYZ were based on democratic control of the organisation and the “practice of non-sectarianism”.⁶⁶ 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 XYZ was the presentation of a play *Confused Mhlaba* (land), that was based on a book that was in the CALUSA resource centre.⁶⁷ 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, XYZ engaged in a campaign to clean the cemetery.

So far, the focus has been on the activities of youth and students who 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 XYZ. 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 XYZ 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

⁶⁵ See Bell and Ntsebeza (2001: 131-140) about the study groups.

⁶⁶ Interviews with Liwani, Ncapayi, Dayimani and Kayingana.

⁶⁷ Attempts to get hold of this book have been fruitless.

November 1989 and February 1990, when both students, studying outside the District, and migrant workers returned for 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 which were part of the Congress tradition, and trade unionists who were in COSATU that established the Congress tradition in Cala and Xhalanga.⁶⁸

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, XYZ, already existed in Xhalanga, the Congress inclined youth questioned the credentials and political leanings of XYZ, according to Liwani, Ncapayi, Khayingana and Dayimani.⁶⁹ At the heart of the matter, though, was the suspicion that XYZ 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 1989.⁷⁰ For most of 1990, there existed two youth organisations in Xhalanga. However, in June 1990, the XYZ disbanded.

One of the reasons for the disbanding of XYZ, apart from the competition presented by XAYCO, was internal division about its role. Some argued that XYZ should disband and join the popular forces and others argued for a continued role for XYZ, pointing out that 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 simi-

⁶⁸ An in-depth study of resistance in Xhalanga over the last 50 years will be pursued by the author from 2003.

⁶⁹ 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.

⁷⁰ Conversations with Godfrey Silinga in January 1990.

lar discussions and divisions that were taking place clandestinely among socialists in Xhalanga, some of whom were active in XYC. A former member of XYC angrily captured the processes leading to the demise of the Club: "XYC was hi-jacked by XAYCO, but also betrayed by some of its members who took the funds of XYC and gave them to XAYCO. They wanted everyone to be ANC".⁷¹

The other reason for disbanding was sparked by 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.⁷² 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).⁷³ 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 (*ibid.*: 95-6). The housing campaign dwarfed the development programmes of XYC, some of which, for example around water, were in collaboration with HCT and CALUSA. As Xolile Dayimani, one of the XYC 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".⁷⁴ This remark and the existence of campaigns that competed against one 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. For example, it is XAYCO which, 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

⁷¹ Interview with Ntomboxolo Noyakaza-Tsengiwe, Cala, 1 March 2001.

⁷² The ANC had, though, since the re-burial of Sabata, been effectively unbanned.

⁷³ This also came up in interviews with Loyiso Mdleleni, Charles Mabadi, Andile Sondlo, Mbulelo Ngamlana and Sonwabo Khayingana.

⁷⁴ Interview, Cala, 28 October 2000.

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 emaQwathini 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 Lumphaphasi that large landholders, such as Solomon Kalipa were given farms as part of the Thembu-land 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".⁷⁵ It is again in Lumphaphasi 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, Lumphaphasi 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 Lumphaphasi declared: "1990 heralded the start of the *toyi-toyi* (Ngo1990, *kukuqala kwe toyi-toyi*)", citing the exact date as 5 January 1990.⁷⁶ The ranger explained that on that day, a meeting was held in Lumphaphasi 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

⁷⁵ Interview with sub-headman Dyantyi, Lumphaphasi, 15 November 1999.

⁷⁶ 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.

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*).⁷⁷

Archival records, though, suggest that an application for kraal sites, and a recommendation that people be allowed to return to their old settlements was made on 22 May 1990. It is only at the beginning of 1992 that land demarcation took place. This came out in a letter written by H.F. Ncoko (Mablawuti), an agricultural officer in Cala, dated 25/2/1992 to the Magistrate (R.M.O., Cala. Ref. A5/1). In this letter, Ncoko reported:

On the 20-02-92, the Ranger ... came to this office with the report that the above mentioned community has demarcated kraal sites on a woodlot site by their own without consulting any office. On 24-02-92 this office visited the spot and found that there are squatters which are built on the said spot.

Ncoko went on to state that "this bad behaviour cannot be stopped unless the Military Council can send soldiers with sjamboks to stop this matter". He was of the strong opinion that "there are ANC members who are going around the Admin areas, convussing R12.00 to each and every people promising them with kraal sites which will be demarcated".⁷⁸ However, the land campaign at Lumphaphasi 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, I will explore the land question at Emnxe and the re-emergence of organized resistance in that administrative area and how it triggered rural resistance in the Xhalanga district.

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".⁷⁹ 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,

⁷⁷ Interview with Mr Dyantyi, Lumphaphasi, 9 September 1999.

⁷⁸ Cala Archives, Department of Agriculture and Land Affairs, Lumphaphasi Location. The letter was copied to the Director General (Head Office); Station Commander, Police Station, Cala and Qamata Regional Office.

⁷⁹ Interview, Queenstown, 29 January 2001.

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.⁸⁰ 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 rural areas”.⁸¹ 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.⁸² 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 Luphaphasi, 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”.⁸³ 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, had been reduced to grazing land (*amadlelo*), largely due to destruction of crops by livestock as a result of lack of fencing.

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, dis-

⁸⁰ *Xalanga Youth Club: The Voice of the Youth and Working Youth*.

⁸¹ Youth activists at Emnxe who were interviewed confirmed workshops run by the Unionist, Gwede Mantashe.

⁸² See Delius (1996) for the case of Sekhukhuneland.

⁸³ Interview, Queenstown, 29 January 2001.

missed 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 of a resident's association.⁸⁴ 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 Emnxé (*abahlali*).⁸⁵ 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".⁸⁶ As one of the youth leaders, Andile Sondlo put it: "Only landholders were part of the cabinet of the headman".⁸⁷

An important turning point in the process of establishing a Residents Association at Emnxé was the large-scale retrenchment of migrant workers from the late 1980s. Emnxé 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".⁸⁸

Serious efforts were made by the youth leaders during 1991 to gather support for the establishment of a Residents Association around the land issue.

⁸⁴ 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.

⁸⁵ Interviews and conversations with youth leaders and residents of Emnxé during 2000 and the beginning of 2001.

⁸⁶ Interview with Loyiso Mdleleni, Queenstown, 29 January 2001.

⁸⁷ Group interview with Andile Sondlo, Charles Mabadi and Mbulelo Ngamlana, Lower Cala, 19 March 2000.

⁸⁸ Group interview with Andile Sondlo, Charles Mabadi and Mbulelo Ngamlana, Lower Cala, 19 March 2000.

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 which 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".⁸⁹ 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".⁹⁰ 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).⁹¹

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

⁸⁹ 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.

⁹⁰ Interview conducted by Fani Ncapayi with Nolungile Mkwai, Emnxe, 20 June 2000.

⁹¹ 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.

youth “should help”.⁹² 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”.⁹³ 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 Mdeleleni, 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.⁹⁴ One of the founder members of EMRA cited 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.⁹⁵

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*).⁹⁶ In the end, EMRA gave the government officials, including headman Kupe, an ultimatum that should there be no positive response by 26 December 1991, they

⁹² 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

⁹³ Interview conducted by Fani Ncapayi with Mrs Xhegwana, 1 June 2000.

⁹⁴ Interviews with various members of EMRA.

⁹⁵ Interview conducted by Hlubi Xuba with Christopher Nkosinathi Kubukeli, Emnxe, 13 May 2000.

⁹⁶ Taped interview conducted by Fani Ncapayi with Lungiswa Muriel Mguli, Emnxe, 11 May 2000.

would demarcate land.⁹⁷ 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.⁹⁸ At the time, it appears, the sub-headmen supported their headmen in full.

When, by 26 December 1991, 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.⁹⁹ Attempts were made on 10 March 1992 to resolve the dispute. This was in a meeting at the District Commissioner's Office. This meeting was attended by EMRA members (Ngamlana, Mdleleni, Mantashe, Sondlo, and Mabhadi), Ncoko, W/O Tshonti, W/O Lumko and Skelenge (member of dispute resolution committee in Xhalanga). The meeting took place without the headman.¹⁰⁰ It would appear that the meeting ended in a deadlock. A lawyer, Prince Madikizela, was engaged to represent the accused. The case was subsequently thrown out, apparently on a technicality.¹⁰¹ All those interviewed reported that there was wide support for the accused. People were brought in trucks to show their 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.¹⁰² By the late 1980s, HCT had expanded geographically to Emnxe, and in terms of projects, had included pre-schools, primarily, though not exclu-

⁹⁷ Interview conducted by Fani Ncapayi with Charles Mabadi, Cala, 21 April 2000.

⁹⁸ Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Cala, 20 June 2000.

⁹⁹ Interview with Loyiso Mdleleni, Queenstown, 29 January 2001.

¹⁰⁰ Cala Archives, Department of Agriculture and Land Affairs, Mnxe Location

¹⁰¹ None of the informants grasped the details of the technicality.

¹⁰² Taped interview conducted by Fani Ncapayi, Emnxe, 11 May 2000.

sively, 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."¹⁰³ 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".¹⁰⁴ 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.¹⁰⁵ 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 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".¹⁰⁶

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

¹⁰³ Literally translated "mama" is mother, and "tata" father. However, for purposes of this study, the terms "women" and "men" will be used.

¹⁰⁴ The visible role of young women was confirmed by all the interviewees and in conversations.

¹⁰⁵ Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Cala, 20 June 2000.

¹⁰⁶ Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Cala, 20 June 2000.

organised that the headman be removed from office, given that he was not co-operating with us. Mr Kupe (the headman) stepped down”.¹⁰⁷

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”.¹⁰⁸ 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 Emnxe 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 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”.¹⁰⁹

Despite the fact that the leadership of EMRA was made up of members of the ANC, it appears as if the land allocation process did not necessarily favour ANC members. 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

¹⁰⁷ 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.

¹⁰⁸ Interview conducted by Hlubi Xuba with Kubukeli, Emnxe, 13 May 2000.

¹⁰⁹ Interview conducted by Fani Ncapayi with Nolungile Mkwaiyi, Emnxe, 20 June 2000. Those who already had land would presumably exclude cattle owners.

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 Emnxé 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 Community/Tribal Authority refused to allow the male residents of Emnxethe right 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.¹¹⁰

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.¹¹¹ 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

¹¹⁰ This is despite numerous complaints villagers have against him. Part of the reason is that EMRA had, by the late 1990s become almost defunct.

¹¹¹ I was unable to secure an interview with the former District Commissioner. He has since left Cala after District Commissioners were abolished after 1994.

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.¹¹² 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.

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's response was positive but conditional. 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".¹¹³

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 Luphaphasi, 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.¹¹⁴ 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.¹¹⁵ According to headman Fani, most headmen in the district adopted his strategy to avert a repetition of what happened at Emnxe. Indeed, some officials in the Department of Agriculture and Forestry in Cala were critical of the delays in the land allocation process. For example, on 23 April 1993 M.S. Laho, a government official wrote to the regional Agricultural Officer in Qamata reporting that people in Luphaphasi were illegally demarcating plots. They had made an application in September 1992 and "nothing happened":

¹¹² Interviews and conversations with the leadership of EMRA, Emnxe, 21 March 2000.

¹¹³ Interview, Cala, 16 March 2000.

¹¹⁴ Interview with Mr Dyantyi, emaQwathini, 9 September 1999.

¹¹⁵ Interview with headman Fani, 15 March 2000.

This long period taken by application before approval may also be one of the causes of this unlawful demarcation. People of the admin areas became impatient and they became unruly. As I view it in this angle I advise this department to prevent bottlenecks as those will lay a bad name in our department.¹¹⁶

An administrative area where the struggle against Tribal Authorities took a violent turn, leading to, among others, the death of brother-in-law of the headman, was Sifonondile. In fact, the violent nature of resistance in this area, and the fact that no one had been tried and found guilty in a court of law, made it difficult for me to find people who were willing to talk freely about the events of the early 1990s. This is the case even in 2005. The little that I could gather suggests that there were deep divisions in this area between the supporters of headman Zengethwa and those of SANCO. Following the example of Emnxe, members of SANCO put pressure on the headman to resign, a call which the headman resisted. It is in these circumstances that the headman's brother in law was killed.

To complicate matters, headman Zengethwa was a member of the PAC. As noted in an earlier chapter, the PAC broke away from the ANC in 1959. We have seen that this organisation did not play a visible role in the events of the late 1950s and early 1960s in Xhalanga. As with the ANC, the PAC was banned in 1960. When political organisations were unbanned in 1990, the PAC established a foothold in Xhalanga. The organisation had members, for example, Qengqeleka and Giyama, who served prison terms on Robben Island in the 1960s and 1970s and who re-grouped when political organisations were unbanned. The PAC benefited from activists who were disgruntled with the sectarianism of the ANC. One of the leaders of the PAC was Bambo Qongqo, a seasoned activist in the underground socialist tendencies in Xhalanga. As noted above, Qongqo worked closely with the youth. Another person who emerged as a leader of the PAC and who has since the first democratic elections been the sole representative of the PAC in the Eastern Cape Provincial legislation, was Zingiza Mkabile, who as seen above, was one of those who were persecuted by Matanzima in the 1980s. Mkabile and Qongqo recruited some activists who were members of the XYC when tensions arose among the Cala youth leading to the XYC disbanding.¹¹⁷

The attack on headman Zengethwa put the PAC in a position where it felt bound to defend its member. At the same time, there were PAC members who

¹¹⁶ Cala Archives, Department of Agriculture and Land Affairs, Lumphaphasi Location.

¹¹⁷ It have not been possible, despite some attempts, to interview the leaders of the PAC. I had to rely on former members of the XYC such as Fani Ncapayi and Siphiso Liwani. A detailed study of the politics of Xhalanga from the 1970s onwards warrants a book of its own which I am seriously considering after this book.

were not comfortable with being seen to be defending a headman. Some in the PAC even questioned the reasons behind the headman joining the organisation, arguing that his was an opportunistic move.¹¹⁸ However, when the brother-in-law of the headman was killed, the PAC viewed the action as an attack on the organisation. One source claimed that members of the armed wing of both the PAC and ANC nearly got into a confrontation over events in Sifonondile. People that I talked to often referred to events in Sifondile as having been a confrontation between the ANC and PAC. In the end, headman Zengethwa left Sifonondile and stayed on a nearby farm that he had acquired through Chief K.D. Matanzima. The farm had been dispossessed from K.D. Matanzima's brother, George.

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. It is well known that 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".¹¹⁹ 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.

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.

¹¹⁸ As will be seen in the next chapter, it was common for chiefs and headmen to join progressive organisations in the early 1990s, when it was clear that the apartheid regime was collapsing.

¹¹⁹ Interview, Cala, 16 March 2000. The "coming government" he was referring to was the ANC government.

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 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 (1996: 60) delineation is that the chief and Native Authority should possess "a degree of autonomy". 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. Having said this, chiefs in general, through Tribal Authorities, had real power in the sense that rural residents could not gain access to government resources, including land, without their endorsement. 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 which 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.

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 Emnxé 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 Emnxé, 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 (Wotshela 2001; Van Kessel 2000, 1995, 1993; Manona 1997; Delius 1996). 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'.

Democracy compromised: Post-1994 retribalisation

If a community has a recognised traditional council, the powers and duties of the land administration committee may be exercised and performed by such council.¹

Introduction

A key argument of this book is that the recognition of the hereditary institution of traditional leadership in the South African Constitution while at the same time enshrining liberal democratic principles based on representative government in the same Constitution is a fundamental contradiction. The two cannot exist at the same time for the simple reason that traditional authorities' claim to power is by birthright and their subjects are not afforded the opportunity urban-based South Africans enjoy of choosing or electing their leaders. I have argued throughout this book, using the example of Xhalanga, that the legitimacy of traditional authorities is highly suspect and that it is dangerous and inappropriate to assume it. Recognising and giving unprecedented powers to these unelected authorities amounts to compromising the democratic project that the post-1994 ANC-led government has committed itself to.

For almost 10 years, the ANC-led government was ambivalent about the precise roles, functions and powers of traditional authorities in a democracy. The Constitution merely recognised the institution of traditional leadership. It was up to legislation to define the roles, functions and powers of the institution and its incumbents. After many hesitations, the South African Parliament even-

¹ Section 21 (2) of the Communal Land Rights Act.

tually passed two pieces of legislation in 2003 that would give some degree of clarity about the position of traditional authorities in South Africa's democracy. As indicated in the first chapter, these laws make concessions to traditional authorities, effectively resuscitating the powers they enjoyed under the notorious Bantu Authorities Act of 1951. As will be seen below, the Traditional Leadership and Governance Framework Act establishes what it refers to as Traditional Councils. The apartheid created and much-hated Tribal Authorities will be the foundation for the establishment of these Councils. On the other hand, the other piece of legislation, the Communal Land Rights Act, recognises these Traditional Councils as having the authority to administer and allocate land in the rural areas. In other words, after 10 years of prevarication, the ANC-led government has ended up giving powers to traditional authorities on pretty much the same lines as its predecessor, the apartheid state. To the extent to which traditional authorities could claim legitimacy, this has been based on their control of the land administration and allocation process at the local administrative and Tribal Authorities level. The powers they will enjoy under the Communal Land Rights Act perpetuate this apartheid legacy.

This chapter explores the manner in which the South African state has attempted to extend democracy to the rural areas falling under traditional authorities. Given the fact that the post-1994 government in South Africa has been and continues to be dominated by the ANC, I will examine, historically, the policies of the ANC towards traditional authorities. This will provide the historical context for understanding how it came about that the ANC-led government is endorsing the authority of traditional authorities, despite the latter's notoriety. The political and economic context within which the ANC came to power will also be highlighted. As argued in the first chapter, the interplay between the global, national and local is critical for a comprehensive understanding of what seemingly are national and local processes. Against the background of continued tensions between traditional authorities and civic organizations and elected councilors, the chapter will focus on the development of policy and legislation on rural governance in the democratic South Africa. The reaction of traditional authorities and dynamics on the grounds will also be explored. Particular attention will be given to processes leading to the promulgation of the two controversial pieces of legislation referred to above. Where necessary, examples will, once again, be drawn from Xhalanga.

The ANC and the recognition of traditional authorities

Given conditions on the ground in the early 1990s in particular, and the struggles waged by rural residents against Tribal Authorities and their incum-

bents, the recognition of the institution of traditional leaders in the Interim Constitution in 1993 (and the Final Constitution in 1996) must have come as a great shock to many observers. More surprising, in my humble opinion, was why it is that an organisation such as the ANC which fought for a democratic unitary state after apartheid would embrace the institution of traditional leadership and its incumbent with their notorious record under apartheid. This move could truly be seen as a post-1994 version of retribalisation. To try and answer this complex question, I propose to trace, historically, the relationship between the ANC and traditional authorities, particularly trying to understand the ANC's policy towards traditional authorities. The tale of the ANC and its relations with traditional authorities is narrated as part of an attempt to understand how the institution of traditional leadership got to be recognised.

I argue in this book that there were at least three closely connected factors which combined led to the recognition of traditional authorities in the new democracy. Firstly, to the extent that the ANC had policies towards traditional authorities, these were highly ambiguous and ambivalent. The establishment of the Congress of Traditional Leaders in South Africa (CONTRALESA) is a good example to demonstrate this. Secondly, there was the role of Inkatha in KwaZulu-Natal, especially its role in the bloody conflict involving the United Democratic Front (UDF)/ANC in the 1980s and early 1990s. Of particular importance was how the ANC and the then ruling National Party perceived the importance of Inkatha in the final political settlement. Lastly, and equally important, was the political and economic context within the South African political settlement was taking place, which was in many ways influenced by global and continental trends. All of these factors combined help explain the re-emergence of traditional authorities as a political force from the early 1990s.

The ANC 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. When the ANC was formed in 1912, traditional authorities opposed to the Union of South Africa in 1910 were among its founding members. But as the ANC became 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 in the ANC who supported those traditional authorities who were critical of government policies, on the one hand, and those, on the other hand 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. Govan Mbeki (1984: 47) 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.

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, as has been argued, 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 (1984: 146), 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". 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 (SACP), during the apartheid period, in particular, after the banning of political organisations in 1960. Even before political organisations were banned, the ANC debated working with people such as Chief Mangosuthu Buthelezi, who were working within the system. Despite his pledges to the apartheid regime, the debate as to whether to continue working with Buthelezi or not "raged", according to Mbeki (1996: 92), "for years within ANC circles, especially on Robben Island".² Mbeki, who was incarcerated on Robben Island, was the leading figure in cautioning against working with traditional 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).³

² My assumption is that Mbeki's reference to the ANC also includes members of the SACP.

³ 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.

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 (*ibid.*), 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 (*ibid.*) 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.

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 question of the role of traditional authorities in the struggle for liberation also cropped up when the internal struggles in South Africa started shifting to rural areas in the mid- to late-1980s. The dominant internal organization in this period was the United Democratic Front (UDF), largely regarded as an internal, aboveground wing of the then banned ANC and SACP. 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. She was drawing from her research in Lebowa and KwaNdebele in the 1980s.⁴ According to Van Kessel, rural mobilization in these areas 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’

⁴ Lebowa and KwaNdebele now fall under the Limpopo and Mpumalanga provinces respectively

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 was the one position I was never able to fulfill” (Van Kessel 1993: 599). My research in Xhalanga as shown above also confirms that the UDF, and indeed the ANC, were not active in this area.

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 (2004). 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).

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 the ANC aligned South African Youth Congress (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. (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. I would argue that the influence of the ANC on the UDF could not be discounted.

The formation of CONTRALESA and its significance

The formation of CONTRALESA once again brought to the fore the issue of the ANC's policy on traditional authorities. At the same time, although not the only factor, this development 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 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).⁵ The fact that CONTRALESA was launched in urban Johannesburg seems to attest to the UDF influence.⁶

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 *ibid.*: 69-70). Terms such as “oppressed and exploited”, “national liberation struggle” and “free, unitary and non-racial South 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.

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

⁵ Peter Mokaba also attended the launch.

⁶ The acronym used in Zuma’s article is COTRALESA. According to Van Kessel (1995: 174), this was the original acronym.

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).⁷ 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 24th 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”.⁸ According to Zuma, the Mbeki argument did not take into account the “political consciousness” of rural people. Without substantiating his claim, Zuma (1990: 75) asserted: “there are many popular chiefs in South Africa today who together with their people are taking part in the struggle”. 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” (ibid.: 74). Sensing that some traditional authorities would not be happy with the “people’s power perspec-

⁷ 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.

⁸ The use of the term “Mbeki’s position” is mine, and is not used by Zuma.

tive", 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" (ibid.: 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 (ibid.) 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.

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 in this book, empirical evidence, certainly in Xhalinga, 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 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 7th 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).⁹

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

⁹ See Callinicos (1992; 1988).

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” (*ibid.*: 70).¹⁰

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 (1996: 101) 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”. An attempt to clarify the role of traditional authorities was, however, made in 1992, when the ANC formulated its policy guidelines:

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)

¹⁰ 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.

These policy guidelines also spelt defeat for the Mbeki position on traditional authorities. Mbeki had consistently been sceptical, to say the least, about the role of 'chiefs' in the struggle for liberation. When he 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.

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 and indeed, land administration. 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 (1995: 43), 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". 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” (Houston 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” (Van Kessel 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 the ANC’s strategy of broadening its support base.

The recognition of “the institution of traditional leadership”

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.¹¹ 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-

¹¹ For an account of the processes leading to the unbanning of political organisations and the release of Mandela, see Sparks (1995).

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 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 (1996: 56), the ANC and the NP saw traditional authorities as “important vote brokers”. 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 book 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.¹² 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 board.¹³ Chief Holomisa’s standing in the ANC was demonstrated by the fact

¹² After prior attempts on his life, Chief Maphumulo was shot and killed at his home in Pietermaritzburg by assassins. No one was apprehended.

¹³ Mark Gevisser “The other Holomisa”,

that he became a Member of Parliament after the first democratic elections in 1994. After the third democratic election in 2004, he was again returned to Parliament for the third time.

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.¹⁴ 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 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:

<http://web.sn.apc.org/wmail/issues/960913/NEWS66.html>.

¹⁴ The author has shared numerous platforms with Chief Holomisa, debating the question of the role of traditional authorities in a modern democracy.

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 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. 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 (1996: 96), used the meeting instead to raise his own profile, using the fact that he had the ear of the ANC leadership as his lever. 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 (*ibid.*).¹⁵

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 November 1993. By this time, the IFP was making demands for more powers to be granted to the provinces, even suggesting ‘self-determination’ 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.¹⁶ 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.

The continental and global context

The recognition of traditional authorities in South Africa cannot be divorced from the general re-emergence of traditional and customary authorities on the African Continent in particular. As I have shown in the first chapter, this resurgence of traditional authorities is often associated with the advent of multi-party

¹⁵ See also Oomen (1996).

¹⁶ 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.

democracy and decentralisation in the early 1990s. Countries which were initially hostile towards traditional authorities, found themselves recognising them. Mozambique is a pertinent case. When FRELIMO came to power in 1975 and introduced a Marxist-Leninist state in Mozambique, it immediately abolished the institution of traditional leadership in that country. Some scholars and commentators argue that by marginalizing traditional authorities, FRELIMO drove most of them to the camp of the opposition RENAMO which waged a civil war against FRELIMO in the 1980s and early 1990s. When Frelimo succumbed under the pressures of neo-liberalism and accepted multi-party democracy and decentralisation in the 1990s, it recognised the institution of traditional leadership, although, like the ANC, the party was ambivalent about the status of traditional authorities (for the Mozambiquan case see Dinerman 2001; Bowen 2000; Libombo 2000; Pitcher 1996).

It is important to note that when FRELIMO was waging war against RENAMO, and there was evidence that the latter was mobilising traditional authorities, the ANC had offices in Mozambique and closely witnessed these events. In fact, in the discussions about CONTRALESA and how the ANC should relate to traditional authorities, reference was made to the Mozambiquan experience, clearly showing that the ANC was drawing lessons. What the ANC leadership did not do, though, was to situate their reading of the Mozambiquan experience within the specific context of South Africa. While similarities between the two countries cannot be denied, it is equally short sighted to overlook the differences. If it was true in the case of Mozambique that rural residents supported traditional authorities, for whatever reasons, there was clear evidence in South Africa by the late 1980s and early 1990s that the legitimacy of these authorities was seriously questioned.

Apart from developments on the Continent in the early 1990s, the global context within which the ANC entered into the political negotiating project in the early 1990s must also be taken into account. There is a sense in which it is true to say that the late 1980s and early 1990s was a triumph for the forces of global neoliberal capitalism. The Cold War had come to an end with the demise of the Soviet Empire and capitalism became the only system dominating the world. This left organisations such as the ANC, which drew its support and inspiration from the Soviet-bloc, almost stranded. At the time of the start of the political negotiations, the Freedom Charter, a programme with socialist aspirations, including the notion of nationalisation of the main means of production, was the main programme of the ANC. In an age dominated by neoliberal capitalism, the Freedom Charter was an anachronism. By 1994, the ANC had succumbed to neo-liberal pressures. Its election manifesto for the 1994 election was based on the Reconstruction and Development Programme (RDP) programme, a contradictory document that incorporated elements of neo-

liberalism and social democracy. When the ANC came to power in 1994, it pushed to the back banner the developmental aspects of the RDP and gradually leaned more heavily on neo-liberal principles, culminating with the introduction in 1996 of Growth, Employment and Redistribution (GEAR). There were, as Marais (1998) argues, tensions within the ANC, but the conservative forces won the day.

What the above shows is that the ANC made all sorts of compromises in the process of negotiating a political settlement in South Africa. We shall see how succumbing to a neo-liberal agenda affected the democratisation and development processes in the countryside and how this has in turn strengthened the position of traditional authorities. Additionally, I hope to have shown in this section, that 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. This had very little to do with the situation on the ground. On its part, the ANC seemed to think that the co-existence between democracy and traditional authorities was possible in a democratic South Africa.

Rural dynamics in post-1994 South Africa

Conditions on the ground after 1994 in many rural areas under traditional authorities demonstrated just how difficult it would be to accommodate traditional authorities in a democracy. This was made complicated by the fact that the Constitution recognized the institution of traditional leaders but the roles, functions and powers of traditional authorities were not spelt out. This led to a great deal of confusion and tensions on the ground, not only in Xhalanga, but in many rural areas in the former Bantustans. We have seen that these tensions were evident even before the advent of democracy in 1994. At the time, the tensions were between traditional authorities and groups in civil society, especially those organized under the South African National Civic Organisation (SANCO). At the centre of these struggles was control over land, in particular, land allocation. We have seen in Xhalanga, and indeed, in many other rural areas that residents associations took over the land allocation functions from traditional authorities. By 1994, there was a breakdown in land administration, including the issue of permits to occupy (PTOs), in many rural areas.

After the 1995/6 local government elections, these tensions manifested themselves as between elected rural councillors and SANCO on the one hand, and traditional authorities, on the other hand. Elected councillors were introduced following the local government elections in 1995 and 1996 as part of the

attempt to extend democracy to rural areas. In terms of the Constitution, municipalities were to be introduced in all parts of the country, including areas falling under the jurisdiction of traditional authorities. This meant that new structures based on elected councillors were introduced in these areas, too. The majority of rural councillors were drawn from SANCO activists. Some of the functions of these democratically elected structures, such as the promotion of state-led development in rural areas, used to be performed by traditional authorities. In the absence of clear-cut functions for traditional authorities, taking some functions from them was surely going to a recipe for chaos and confusion.

It is above all, confusion over the land allocation function that most of the tension revolved around. This was particularly true in the case where, unlike Emnxe, civic structures and traditional authorities had more or less equal support. There are two levels at which this dilemma could be understood and explained: the law and practice. Before the promulgation of the Communal Land Rights Act, the laws governing the allocation of land in the rural areas of the former Bantustans had not been repealed. In this regard, the South African constitution is clear that existing laws will remain in force until such time that they have been replaced by appropriate legislation. In terms of the existing laws, an application for land would only get legal recognition if it bore the stamp of the relevant Tribal Authority and signed by the appropriate signatories.

Reality on the ground, though, was different. As indicated in the first chapter, many rural residents, rural councillors, and indeed South Africans assumed that the newly elected councillors would take over the vital function of land allocation. After all, as the Xhalanga example so clearly shows, control over land was the cardinal issue in rural struggles in the early- to mid-1990s. When the Integrated Development Plan (IDP) for Xhalanga was developed in 1999, the issue of who is responsible for land allocation cropped up.¹⁷ Although interviews and the minutes of meetings suggest that on the whole there were no tensions between elected rural councilors and the representative of traditional authorities, there were animated discussions when it came to the question of land administration. It appears that the representative of traditional authorities pointed out that Tribal Authorities were still responsible for land administration. This claim was strongly challenged by rural councillors. The explanation of the representative of traditional authorities was simple and highlighted the lack of clarity regarding land administration in the countryside: "Nothing is clear. Government has indicated that land allocation will be the function of the TRCs. However, at the moment this has not happened. Most areas still use the old

¹⁷ IDPs will be explained below.

method”.¹⁸ The IDP committee never resolved this issue. One of the committee members pointed out that one of the reasons why the matter was not discussed further was that “it was seen as divisive”.¹⁹ Of course, the committee could not resolve the issue, given the government’s ambivalence regarding the role, functions and powers of traditional authorities shown above.

However, residents and rural councillors in particular, got a rude shock when it turned out that the old apartheid laws were still in place. Above all, government officials still use, with minor adjustments, the apartheid procedure and do not recognise elected councillors as having the powers to allocate land. The extent of the above confusion, the dilemma of rural residents and the role of the officials of government, are best captured in the following response on the question as to who is responsible for land allocation in areas falling under the jurisdiction of traditional authorities. One rural resident who was sympathetic to SANCO stated:

This is the reason why we still use chiefs. Rural councilors run in circles. This makes us a laughing stock and divides us. People will tell you: “Go to your rural councilor, 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 councilors] 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 councilors it takes months, and even then you end up not succeeding.²⁰

The above reflects experiences in Sifonondile, where, as indicated in the previous chapter, inhabitants were divided between supporters of the headman, on the one hand, and civic structures and rural councillors, on the other. In this area, civic structures under the auspices of SANCO demarcated land and allocated plots to its supporters. Those who were allocated plots, however, were not granted PTOs as the government officials did not recognize their process. It is partly this dilemma that the informant was referring to.

¹⁸ Interview with headman Zantsi, Manzimahle, 9 September, 2000.

¹⁹ Interview with Liwani, Cala, 11 September 2000

²⁰ Interview with Mr Jama, Cala, 9 September 2000. This is the opening quotation at the beginning of Chapter 1.

The above quotation also says something about the performance of rural councillors. It is quite clear from interviews with many rural inhabitants across gender and generation that there was a lot of expectation that a post-1994 'developmental' local government would transform their lives. By the end of the transition period in 2000, though, rural councillors had lost the confidence of ordinary rural residents who initially supported them. Apart from the fact that elected councillors could not facilitate the legal occupation of land in rural areas, the other causes of the disgruntlement were the lack of delivery of even basic services such as water and road maintenance.

In order to understand the above tensions and the criticism against elected councillors, I will, in the next section take a look at the development of policies and legislation in the new democracy. This section will cover the period to the end of 2003, when legislation that would clarify the role of traditional authorities in land allocation in particular was in the making.

Democratising rural governance in South Africa's democracy: 1994-1999/2000

For almost 10 years, the ANC-led Government of National Unity was, as the ANC had been, ambivalent about the role of traditional authorities South Africa's democracy. 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. Although this was before the 1994 democratic elections, and the National Party was still in power, the ANC was a strong force in the promulgation of this Act. In urban areas, the Act established negotiation forums. These were made up of representatives from civic organisations and municipalities. 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, by ensuring that the organization did not alienate its support, both from amongst traditional authorities and activists. Under no pressure from its constituencies to resolve the discrepancy, the ANC comfortably drew support in the 1994 election from both traditional authorities in CONTRALESA and rural inhabitants organised by civic organisations. Since 1994, the ANC-led government has

attempted, in a rather ambiguous manner, to dismantle the “clenched fist” of Tribal Authorities and their incumbents.

A significant step which the government took in its attempts to democratize rural local governance was to separate the functions of local government and land administration, thus undoing a major legacy of apartheid of concentrating and fusing power in one authority, the Tribal Authority. With regard to local government, the division between the rural and the urban was abolished in the sense that municipalities made up of elected councilors were extended to all parts of the country, including rural areas under traditional authorities where municipalities did not exist before. This was in line with the 1993 Interim Constitution and the 1996 Constitution, which stipulated that municipalities made up of elected councillors were established throughout the country. As will be seen below, there have been various attempts made to phase out Tribal Authorities as the land administration and allocation authority.

Local government in post-1994 South Africa went through two phases: a transition phase between 1995 and 2000, followed by the establishment of fully-fledged municipalities in December 2000. Amendments to the 1993 Transitional Local Government Act in June 1995 rectified the silence about the form local government would take in rural areas. These amendments focused specifically on local government in rural areas and provided for a “district council” model for rural areas, establishing a two-level structure, consisting of a district council at a sub-regional level, and a range of possible structures at local (primary) level. In rural areas, the primary structures, established at magisterial district level, would either be transitional rural councils (TRCs), or transitional representative councils (TrepCs). These structures would be made up of elected representatives. The main difference between TRCs and TrepCs was that the former were accorded the powers of a fully-fledged local authority, while TrepCs were seen as fulfilling representative and brokering functions, and as bodies that would eventually evolve into effective and democratic local authorities.²¹

Unlike in the urban areas, where the electoral system was based on a combination of the constituency and proportional representation, the system that was adopted for rural areas was proportional representation. This meant that rural people voted only for political parties, rather than political parties and independent candidates. It is worth remarking that this form of election has grave impli-

²¹ The rationale for district councils model is based on attempts to move towards equity and redistribution in terms of which the wealthier urban councils will be amalgamated with poorer neighbouring communities, and so extend basic services to the latter. This argument, though, does not address the widespread problem in the former Bantustans: here the towns that are surrounded by large poverty-stricken rural communities are themselves small, poorly run, and lack a strong revenue base.

cations for the downward accountability of officials to their constituencies. In the proportional representation system, officials are often prone to be primarily accountable to their political parties, or the leadership thereof rather than their constituency, the voters. Following the demarcation of municipal boundaries in 2000, new municipalities were established. A model amalgamating several urban and rural municipalities was adopted. This resulted in the creation of fewer and geographically larger municipalities. The number of municipalities was drastically reduced from 834 between 1995 and 2000, to 284. The number of councilors was also reduced, meaning that fewer councilors would be responsible for larger municipalities. The electoral system combining constituency and proportional representation that applied to urban areas was extended to all municipalities with wards.

The Constitution and the 1998 White Paper on Local Government define post-1994 local government as “developmental” local government, involving integrated development planning. This requires municipalities to co-ordinate all development activities within their areas of jurisdiction (Pycroft 1998: 151). Developmental local government thus seeks not only to democratize local government, by introducing the notion of elected representatives even in rural areas, but also to transform local governance, with a new focus on improving the standard of living and quality of life of previously disadvantaged sectors of the community (ibid.: 155). In addition, developmental local government requires that citizens should actively participate in development initiatives in their areas (see section 152(1)(e) of the Constitution; also, African National Congress 1994: 2-3; Ntsebeza 1999; 2001).

Central to this form of local government is the notion of integrated development planning. Integrated development planning requires municipalities to coordinate all development activities within their area of jurisdiction. Developmental local government thus seeks not only to democratise local government by introducing the notion of elected representatives even in rural areas, but also the transformation of local governance with a new focus on improving the standard of living and quality of life of previously disadvantaged sectors of the community. In addition, developmental local government requires that citizens should actively participate in development initiatives in their areas. All municipalities were initially required to produce Integrated Development Plans (IDPs) and Land Development Objectives (LDOs). However, this process was streamlined with the adoption of the 1998 White Paper on Local Government recommendation that the LDOs be part of the IDPs.

Democratising land administration after 1994 was an integral part of the process of tenure reform, one of the three components of the South African land reform programme, in rural areas. Attempts to empower rural residents by involving them in decision-making processes on land issues were given a boost

with the launch of the White Paper on Land Policy in April 1997. The 1997 White Paper on South African Land Policy announced its “key areas of concern” as “the rights in land of the people living in” rural areas. The White Paper provided a guide for the legislative process that would define the land tenure rights of rural people and a system of land administration. The Paper draws a distinction between “ownership” and “governance”. In terms of the White Paper (1997: 93), “the Tenure Reform programme will separate these functions, so that ownership can be transferred from the state to the communities and individuals on the land”.

By the beginning of 1998, the Department of Land Affairs (DLA) had developed principles that would guide its legislative and implementation framework. The principles emphasized that where land rights ‘to be confirmed exist on a group basis, the rights holders must have a choice about the system of land administration, which will manage their land rights on a day-to-day basis’. In addition, ‘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’ (Thomas *et al.* 1998: 528).

The role and reaction of traditional authorities

It seems quite clear from the above that both the Departments of Provincial and Local Government and Land Affairs intended to subject traditional authorities to a system that would make them more representative and accountable to their communities. Not surprising, the moves by the ANC-led government towards democratizing rural local governance drew fierce criticism and resistance even from the Congress of Traditional Leaders of South Africa (CONTRALESA). The post-1994 government policies and laws were closing the ideological gap between members of CONTRALESA and those traditional authorities who are sympathetic to the IFP (Ntsebeza 2004; 2002). In the run-up to the first democratic local government elections in South Africa in 1995/1996, the IFP and CONTRALESA began to work together. Traditional authorities in both CONTRALESA and IFP took the ANC-led government to the Constitutional Court, challenging the government over the issue of establishing municipalities throughout the country, including rural areas under their jurisdiction. The president of CONTRALESA, Chief Patekile Holomisa, who is also an ANC Member of Parliament, took an increasingly defiant stand towards the ANC. He called for a boycott of the first democratic local government elections.

While the initial collaboration was around local government, it is quite clear that the main issue that brings traditional authorities together is their opposition to the notion of introducing new democratic structures. They would be happy to be the only primary structure in rural areas and insist on preserving the concentration of functions they enjoyed under apartheid, in particular land administration. Not only are they opposed to the idea of separation of powers, they are also opposed to any attempt to introduce alternative structures that would compete with them. For example, in the case of local government, traditional authorities reject the introduction of municipalities in “their” areas. They argue that they should play a central role in rural development, and by implication, they reject the democratic principles upon which post-1994 developmental local government is based. Traditional authorities adopted a similar stand with regard to land tenure reform. While they agree with government that land in the rural areas of the former Bantustans should not be the property of the state, they reject the notion that where land is held on a group basis, the administration thereof should be transferred to democratically constituted and accountable structures. Traditional authorities strongly argue that the land should be transferred to Tribal Authorities that, as has been argued, are undemocratic and unaccountable. Transferring land to Tribal Authorities would legally exclude ordinary rural residents from vital decision-making processes, including land allocation.

The response of government up to 2002

Government seems to have succumbed to the above pressure exerted by traditional authorities. As we have seen, policy and legislation in the immediate post-1994 period seemed, on the whole, to have been driven by a commitment to extending participatory and representative notions of democracy to rural areas. An expression of this radicalism was the promulgation of the Regulation of Development in Rural Areas Act, 1997 by the Eastern Cape Legislature. This Act sought to divest traditional authorities of all their development functions and transfer these to elected councillors. This, of course, was in line with the new functions of local government. However, since the end of 1997, the pendulum seems to have swung in favour of traditional authorities (Ntsebeza 2004; 2002). The White Paper on Local Government published in March 1998 makes broad and sweeping statements about the possible role that traditional authorities can play. Traditional ‘leadership’ is assigned ‘a role closest to the people.’ On the issue of development, a task that has been added to local government by the Constitution, the White Paper (1998: 77) boldly asserts:

‘There is no doubt that the important role that traditional leaders have played in the development of their communities should be continued.’

The recommendation in the White Paper that ‘the institution of traditional leadership’ should ‘play a role closest to the people’ flies in the face of the recommendation of the 1994 ANC election manifesto, the Reconstruction and Development Programme (RDP). The RDP was emphatic that democratically elected local government structures should play this role. The White Paper thus marked a major shift in government policy, and this has grave consequences for the possibility of democracy in rural areas. Similarly, the Constitution has explicitly added development functions to democratically elected local government structures. Yet, the White Paper recommends that traditional authorities should continue performing these tasks. Moreover, the statement that traditional authorities played an important role in development among their communities must be viewed with suspicion. No evidence is adduced to support this statement. Existing evidence shows that traditional authorities were never directly involved in development projects. These projects were implemented by government line-departments. Where traditional authorities acted as a link between government departments and their communities, research has shown that they have often been corrupt. An example is the illegal taxes traditional authorities imposed in the process of land allocation as outlined above (see also Ntsebeza 2004; 1999).

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. It was instrumental in causing the postponement in announcing the date for the election. The position of the government was, in the run up to the election, still ambivalent. 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 increases the representation of traditional authorities from 10 per cent to 20 per cent 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, though, would not have the right to vote.

This concession seemed to have encouraged traditional authorities to ask for more. They rejected the 10 per cent increase. They wanted nothing short of amending the Constitution 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 tempered with. If anything, they would be increased.²² On his part, the President has neither denied nor endorsed the traditional authorities claim.

The response of government was, for the second time in as many months, to present a Bill to parliament to amend the Municipal Structures Act. The Bill did not address the central demand of traditional authorities, the scrapping of municipalities in rural areas in favour of Tribal Authorities. The Bill merely sought to give local government powers to delegate certain powers and functions to traditional authorities. In addition, a range of peripheral duties would be assigned to traditional authorities. Predictably, traditional authorities rejected the Bill and threatened to boycott the 2000 local government election. They also threatened that there would be violence in their areas if their demands were not met. The Bill was subsequently withdrawn on a technicality. It would seem that the President made some undertakings, given that traditional authorities eventually participated in the election.

The manner in which this vexed issue of the role of traditional authorities in a post-1994 democratic South Africa has been handled and negotiated is intriguing. In so far as local government issues are concerned, traditional authorities fall under the Department of Provincial and Local Government. In practice, though, traditional authorities did not seem to be recognising this Department. They preferred that the President and the Deputy President handle their matters. For example, traditional authorities have submitted almost all their requests to the Office of the President. They seem to think that the Minister of Provincial and Local Government is not as favourably disposed towards them as the President. Alternatively, this might be a deliberate strategy to pit the President against the Minister.

With regard to land administration, the Department of Land Affairs was making similar shifts in favour of traditional authorities. We have seen above that the guiding principles of this department towards land administration were that where land was held on a group basis, the land rights holders would have a choice about the system of land administration. However, when Minister Thoko Didiza replaced Derrick Hanekom as minister of Land Affairs, she unveiled in February 2000, after disbanding the drafting team of the Land Rights Bill she inherited from Hanekom, her 'strategic objectives' regarding land tenure and administration in rural areas. With regard to land administration, she committed herself to building on 'the existing local institutions and structures, both to reduce costs to the government and to ensure local commitment and popular support' (Lahiff 2000: 63).

²² I have not been in a position to get a copy of this statement by the president.

This statement raises a number of issues. In the first place, there is no necessary connection between reducing costs, on the one hand, and ensuring 'local commitment and popular support'. If anything, I would contend that, given the legacy of colonialism and apartheid, including the effects of Bantu Education, the task of ensuring that effective governance structures are created in rural areas would not be a cheap exercise. In the second instance, this principle makes dangerous assumptions about 'local institutions and structures' that clearly demonstrate poor knowledge and understanding of conditions in the rural areas. Given existing conditions in rural areas, the principle raises all sorts of questions, for example: What if local institutions and structures are dysfunctional? What if they are unpopular and corrupt? What about situations where there is contestation between or within various structures? Is building on existing structures necessarily a cheap option?

By August 2002, there was no clarity as to how the question of land administration would be resolved in rural areas. Neither was it clear how the issue of the role of traditional authorities in local government would be handled. The promised amendment to the Municipal Structures Act had not been finalised. A draft amendment published on 20 November 2000 for public comment seemed to propose a trade-off rather than amending the Constitution. The draft amendment gave traditional authorities control over the allocation of land in so-called communal areas. According to section 81(1) (a) of the Municipal Structures Second Amendment Bill:

Despite anything contained in any other law, a traditional authority observing a system of customary law continues to exist and to exercise powers and perform functions conferred upon it in terms of indigenous law, customs and statutory law, which powers and functions include – (a) the right to administer communal land ...

What this amendment fails to grasp is that it is not within the competency of the Department of Provincial and Local Government to give traditional authorities the power to allocate land. At any rate, it is not clear what happened to this draft amendment. The promulgation of the Traditional Leadership and Governance Framework (Framework Act) and the Communal Land Rights Bill Acts (CLRA) in 2003 seems to have rendered the amendment no longer relevant.

Resolving the vexed question of the role of traditional authorities

One of the problems facing government was that despite the fact that an attempt was made to separate the various powers that were concentrated in Tribal Authorities and allocating them in various departments, in our case, the

Departments of Provincial and Local Government and Land Affairs, there was very little communication between these departments. For example, interviews with some Land Affairs senior officials suggest that the Department of Provincial and Local Government did not consult these officials when proposing the amendment to the Municipal Structures Act regarding giving traditional authorities powers to allocate land. Yet, as already indicated, the task of deciding who should allocate land in rural areas is the competency of the Department of Land Affairs. Under the circumstances, a trade-off of the nature proposed by the Department of Provincial and Local Government was not going to be easy to negotiate. A significant feature of the 2003 legislative process involving the two departments is that when once cooperation took place, it was possible, as will be shown below, to clinch the trade-off.

Traditional Leadership and Governance Framework Act

An objective of the 2003 Framework Act that is pertinent for purposes of this book is the provision for the establishment and recognition of traditional councils. A traditional council, according to section 3(1) will be established in an area which has been recognised by the Premier as a traditional community. This would take place, in terms of the pre-amble, within the context of transforming “the institution of traditional leadership ... in line with constitutional imperatives ... so that democratic governance and the values of an open and democratic society may be promoted”. The Act provides for a role for traditional leadership, not only in the local government sphere, but in all three spheres of government. It does not specify a role for traditional authorities in land administration. This is dealt with in the Communal Land Rights Bill.

The introduction of the Act and the establishment of traditional councils again raise the question of the meaning of democracy and citizenship in rural areas. How should we understand notions such as transforming ‘the institution of traditional leadership’, ‘democratic governance and the values of an open and democratic society’ in the preamble? These questions become all the more pressing considering that the Act recognises existing Tribal Authorities which were established in the apartheid era and in terms of the 1951 Bantu Authorities Act. Although a four year transition period for their transformation (whatever this means) is allowed, there is no provision, as Cousins and Claassens have pointed out, for sanctions in the event the Tribal Authorities have not been transformed.²³

Secondly, the traditional councils are undemocratic in their nature, resembling the Tribal Authorities they are meant to replace. Although there is provi-

²³ Ben Cousins and Aninka Claassens, “Looming land disaster”, in *Mail and Guardian*, 31 October to 6 November 2003

sion for a minimum of 30 per cent representation of women in the councils, the majority of the members are not popularly elected. Initially, there was a recommendation that a mere 25 per cent of members should be elected. After strong protests from NGOs and other civil society organisations, this number was increased to 40 per cent. This, however, still gives unelected traditional authorities and their appointees a majority.

On the question of the incompatibility of 'traditional leadership' and democracy that was taken up by civic organisations in their presentations to the Portfolio Committee on Provincial and Local Government, the Committee has responded that "traditional leadership ... is certainly reconcilable with the basic principles and values of our Constitution including democracy and gender equality".²⁴ The Committee further reminded: "After all, the institution of traditional leadership is provided for in the Constitution". However, the Committee did not spell out the type of democracy they had in mind that was reconcilable with an unelected institution of traditional leadership. They would surely not be referring to representative democracy inscribed in the Constitution and which requires that leaders should be popularly elected. Moreover, the fact that the institution of traditional leadership is provided for in the Constitution does not nullify the significance of the question.

It seems clear from discussions in the Portfolio Committee on Provincial and Local Government that establishing traditional councils dominated by traditional authorities and their appointees was a trade-off to persuade traditional authorities not to push for a constitutional amendment. Members of the portfolio committee agreed that a constitutional amendment could be made after the finalisation of the Framework Bill and if there was "significant consensus between the traditional leaders, South African Local Government Association and other key stakeholders".²⁵ The Committee has suggested in the same report that "transformation in the areas of custom and tradition have to be phased in appropriately" and that "all stakeholders should be prepared to compromise in this phase".

The communal land rights act

A last minute amendment to the 2002 Communal Land Rights Bill by the cabinet on 8 October 2003, at more or less the same time the Framework Bill was being considered, seems to have resolved, at least for now, the thorny issue of the role of traditional authorities in rural governance. The cabinet amendment

²⁴ Report on Traditional Leadership and Governance Framework Bill to the National Assembly, 28 October 2003.

²⁵ Report on Traditional Leadership and Governance Framework Bill to the National Assembly, 28 October 2003.

provided that the traditional councils established in terms of the Framework Act as described above, will have land allocation and administration powers and functions in communal areas. Section 21(2) of the Communal Land Rights Act reads: "If a community has a recognised traditional council, the powers and duties of the land administration committee may be exercised and performed by such council".

This gives enormous and unprecedented powers to a structure with a majority of unelected members. This is particularly the case with regard to the allocation of land. We have seen that under the colonial and apartheid systems, the final authority in the form of issuing permits to occupy land in communal areas lay with magistrates and later District Commissioners. I have argued that it is partly this that made Mamdani's thesis of "decentralised despotism" not, in my opinion, entirely appropriate in depicting Tribal Authorities during the apartheid period. The 2004 Communal Land Rights Act makes traditional councils supreme structures when it comes to land allocation. This means that they will be decentralised and indeed despotic in so far as they will be unaccountable. According to reporter Christelle Terreblance, the amendment was made shortly after a meeting involving Deputy President Zuma, King Zwelithini and IFP's Chief Buthelezi, leading to speculation that the amendment was a deal (Cape Time, 28 January 2004).

It is worth noting that this was an amendment to a draft Communal Land Rights Bill which was gazetted on 14th August 2002. This draft Bill proposed the transfer of registrable land rights to individuals, families and communities. On land administration, it divested traditional authorities of their land administration functions, including land allocation in favour of democratically elected administrative structures. Where applicable, 'legitimate' traditional authorities were accorded *ex officio* representation not exceeding 25 per cent. The draft Bill clearly attempted to strike a balance between the constitutional obligation to extend democracy to all parts of the country, including rural areas, and accommodating the institution of traditional leadership, which is recognized in the constitution. What was not clear in the draft, though, was the meaning of a "legitimate traditional authority". Did it refer to a traditional authority that is born from the correct lineage, as opposed to colonial and apartheid appointed traditional authorities? Or did it mean one who has the support of the community?

Traditional authorities rejected the August 2002 draft Bill. Chiefs Holomisa of CONTRALESA and Mzimela of the National House of Traditional Leaders indicated that they were going to oppose the envisaged legislation and take up the issue, as they did in the past, with the President (Sunday Times and City Press, 25 August 2002). According to Chief Holomisa:

In 2000, we (traditional leaders) held three meetings with him (Mbeki), where he categorically stated that in no way would the power of traditional leaders be reduced or diminished by his government. We asked him to put it in writing, and he took exception, saying it looked as though we doubted his word (Daily Dispatch, 2 November 2002).

Some traditional authorities apparently threatened bloodshed (Daily Dispatch 2 November 2002).

The amended draft of the Communal Land Rights Bill drew criticism from a range of civil society organisations, gender and land rights activists that were organised under the auspices of the University of Western Cape based Programme for Land and Agrarian Studies (PLAAS) and the National Land Committee (NLC). It also received criticisms from some ANC Members of Parliament.²⁶ The uproar was based on the view that traditional councils are ‘a retreat from democracy’ and an attempt to revive a defunct apartheid institution which, amongst others was deeply discriminatory of women. Cousins and Claassens have argued that under ‘customary law’ women will be dependent on men and vulnerable to loss of their land and other property on divorce or the death of their husbands (Mail and Guardian, 31 October to 6 November 2003).

Despite the protest, the controversial Bill was bulldozed through and passed unanimously by parliament on 27 January 2004.

Traditional authorities and their response

For the first time in more than ten years, traditional authorities have given their overwhelming support for a government policy and law.²⁷ In a Business Day article dated 2 December 2003, the chairperson of the National House of Traditional Authorities, Chief Mpiyezintombi Mzimela, supported the second draft of the Communal Land Rights Bill with these words: “The Communal Land Right Bill aims to restore to rural communities ownership of the remnants that they occupy of land that the colonial and apartheid government took from them by force – giving the communities registered title, so that it cannot happen again”.

Mzimela gave an indication, though, that the push for a constitutional amendment may not be over. According to him: “Our communities wish to govern their own areas and want traditional communities to constitute the local

²⁶ This is based on my own observation and participation in some of the meetings.

²⁷ As we have seen, disagreements between traditional authorities and government about their role in a democracy go back to the political negotiation period in the early 1990s.

government, not a fourth tier, but part of the third tier". He averred that the institution of traditional leadership is the "only institution that does not have its powers and duties set out in the Constitution", an 'omission' he urged should be 'rectified'. It is important to note that in the past traditional authorities insisted that there should be a constitutional amendment making them the primary local government structure in rural areas. The Framework Act, as has been seen has avoided the constitutional amendment and still recognises municipalities made up of elected councillors as the primary form of local government in rural areas. But the establishment of traditional councils has arguably given traditional authorities more powers than elected councillors. As already stated, one of the central theses of this book is that traditional authorities derive their authority and support from their control of land allocation. This was the case particularly under apartheid and, it seems from the latest developments, it will be case even in the post-1994 South African democracy. A question that forces itself on us is how to explain government's shifts.

How do we explain the shift in favour of traditional authorities?

There is little doubt that since the early 1990s, traditional authorities have exploited the ambivalence and hesitations in ANC thinking and practice on the role of traditional authorities in a democracy. They have waged concerted campaigns and lobbied government, including, as I have shown, bypassing official channels, to ensure a place in the emerging South African democracy. Ironically, traditional authorities have used resources the government has made available to them to achieve their objectives. For example, the government has established Houses of Traditional Leaders in all the six provinces that have traditional authorities, as well as the National Council of Traditional Leaders. Traditional authorities have used these resources to consolidate their position. Those who are in Parliament, for example chiefs Holomisa and Nonkanyana, have also ensured that they use their positions as Members of Parliament of the ANC to advance the interests of their constituency.²⁸

In addition, the collaboration between traditional authorities CONTRALESA and Inkatha has further strengthened their positions. The ANC finds itself in a position where it has to nurse the relationship with CONTRALESA in order not to lose the support of traditional authorities in this organisation, and presumably their followers. At the same time, the ANC seems to be reluctant to strain

²⁸ This is from various conversations I have had with them from 1996. However, as pointed out in the foreword, it has not been possible to have formal interviews with these chiefs, except Nonkanyana in 1996.

relations with Inkatha especially given the history of political violence in KwaZulu Natal in the 1980s and early 1990s referred to above. In this regard, 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 ... 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 2000: 15)

Given the passing of the two pieces of legislation in 2003/4 as discussed above, it is difficult to see how these laws are creating legislative conditions for the gradual phasing out of the institution and its incumbents. Further, it is a moot point whether winning over the support of traditional authorities in practice does ensure winning over their rural constituency. Moreover, it is not clear whether the strategy of resorting to violence on the part of Inkatha would work in conditions where the organisation is no longer getting support from the police and army.

In contrast, land based and rural development non-governmental organisations (NGOs) and social movements in South Africa adopted a less confrontational stance towards the ANC-led democratic state. This was particularly the case between 1994 and 1999. Most of these organisations aligned themselves with and gave support to the new democratic government. Some of their leading activists took up positions in government departments. The Department of Land Affairs (DLA), with a Minister, Derrick Hanekom, who had liberation struggle credentials, was especially targeted. The Director-General of DLA in the first six years or so of South Africa's democracy, Geoff Budlender, was a leading lawyer from a public interest NGO, the Legal Resources Centre. Other senior officials of the Department were drawn from leading NGOs at the time such as the National Land Committee (NLC). Apart from releasing activists to work in government, organisations such as the NLC played a supportive role in helping DLA develop and implement land policies and laws. The thinking, it appears, was that by collaborating with government, these movements would influence policies.

In places like Xhalanga, the momentum of the early 1990s had subsided by the late 1990s. Having won the struggle for land, although land occupiers did not have legal documents as noted in the case of Emnxe, activists went on to be do other things. For example, Loyiso Mdleleni got a job with the Eastern Cape

government and was no longer following developments in Xhalanga when I interviewed him in 2001. Charles Mabahdi is the coordinator of an Advice Centre in Cala. Not young any longer, these activists found themselves having to grapple with other challenges of life, including establishing their own families.²⁹ The militancy of the youth in Xhalanga was further blunted by pre-emptive measures taken by, as has been shown, the local officials of the Department of Agriculture and Forestry and some headmen.

It is worth noting, though, that poor delivery in terms of the land reform programme in South Africa, in particular land redistribution, has divided the NGOs and social movements into two broad categories: those who do not want to rock the boat and prefer to continue working within the existing government policies, on the one hand, and those who argue that the limits of the existing policy should be exposed and pressure should be put on government to re-visit existing policies and change them where necessary. The spectrum in each of these broad categories is wide. A significant development since 2001 has been the emergence of new NGOs and a social movement, namely, the Trust for Community Outreach and Education (TCOE) and the Landless People's Movement (LPM). LPM was formed in 2001. TCOE, on the other hand, is an umbrella organisation with six affiliates. It has been in existence for over 20 years, but it is only in 2002 that they focussed on the land question. In December 2003, TCOE held the first People's Tribunal on Landlessness in South Africa (see TCOE 2003 Annual Report). More research needs to be done on these emerging structures. But what seems to be clear is that none have come out with a clear and coherent strategy on how to challenge existing policies and mobilise rural residents. Apart from the PLAAS and NLC-led mobilisation against the Communal Land Rights Bill in 2003 mentioned above, civil society has not been as organised as traditional authorities. Without a strong and organised voice, rural inhabitants are going to find it hard to influence government.

The poor performance of elected councillors over the last 10 years appears to have strengthened the position of traditional authorities and headmen. One senses this in the interview with Mr. Jama quoted above and at the beginning of the first chapter. The poor performance of these councillors should be viewed against expectations that rural people had that a developmental local government would transform their lives. Some of these expectations were fuelled by election promises. By the end of the transition period in 2000, though, rural councillors had lost the confidence of ordinary rural residents who initially supported them. The burning issues in most rural areas in the former Bantustans, apart from land for residential purposes, are poor infrastructure,

²⁹ For more on what happens to youth as they grow older, see Ntsebeza 1993.

especially water and roads. This is much more the case in Xhalanga, an area that Matanzima, the former dictator of the Transkei during the apartheid era, singled out for punishment for rejecting him as their chief when Bantu Authorities were introduced in the 1950s. Until 2003, Cala, the village town of Xhalanga, must have been one of very few towns in the former Bantustans that did not have tarred road.³⁰ Apart from roads, another cry of the people in the district is water, both for household consumption and for animals and crops. Surveys that have been conducted in the area, and the IDP process, have put water and roads high in the list of the basic needs of the people of Xhalanga. After 10 years in South Africa's democracy, the water and roads crises have not been solved. On the one key issue that rural councillors could deliver on, land allocation, the 2003 pieces of legislation discussed in this chapter have robbed them of an area where they could at least shown something.

The impact of rural councillors has further been weakened by the fact that they are few in numbers and are expected to cover large, scattered and often, inaccessible areas. For example, in the transition period (1995-2000), there were 10 rural councillors in the Xhalanga district. They were expected to cover 22 vastly scattered and (often) inaccessible villages. Following the demarcation of boundaries in 2000, the number of municipalities, as has been pointed out above, has been drastically reduced. Fewer councillors are expected to cover vast areas. In the Sakhisizwe municipality, which has amalgamated the Elliot district and vast portions of Xhalanga, including the village town of Cala, the number of councillors is 10. Given that there is very little infrastructure support in the form of transportation and telecommunication systems, these councillors do not cover all the areas under their jurisdiction. Consequently, they end up being accused of not being accessible and visible (Ntsebeza 1999). By contrast, traditional authorities are either resident in their areas, or those who not, have representatives acting for them.

In at least the case of Xhalanga, the sectarian tendencies of the elected councillors has alienated them from not only chiefs and headman and their supporters, but progressive NGOs in the area as well. Instead of seeking collaborative links with these NGOs, elected councillors see them as a threat or even an opposition. Annual reports of CALUSA, one of the NGOs, are full of references to problems they encounter with councillors when doing their work in the villages. According to a staff member of CALUSA, this started as early as the early 1990s, soon after the establishment of SANCO in Xhalanga. Following the XAYCO example, members of SANCO appropriated to them-

³⁰ Rumour has it that in terms of official records, the main roads in Xhalanga have been tarred and contractors were paid. Whether this rumour is true or not is neither here nor there.

selves the task of rural development. In terms reminiscent of chiefs and headmen, SANCO demanded that NGOs should get permission before operating in “their” area. Failure to do so often led to all sorts of smear campaigns. This attitude was carried over to elected councillors, most of whom were drawn from SANCO. Yet, with their limited capacity, NGOs would be a good compliment.

However, the apparent neglect of rural councillors cannot be dissociated from the neoliberal, macro-economic policies pursued by the ANC-led government especially since 1996. Burawoy (2004) has recently suggested in his Harold Wolpe Memorial Lecture that after the collapse of Soviet communism, the ANC was left without a compass. I argue that if they lost the Soviet barometer, they quickly discovered one that led South Africa along the neoliberal path. As indicated earlier, 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).

It can be argued that macro-economic policies, with their tight fiscal discipline, substantially constrain the government from setting up and monitoring new structures. As Hart (2002: 7) has lamented: “GEAR sits uneasily astride the emancipatory promises of the liberation struggle, as well as the material hopes, aspirations, and rights of the large majority of South Africans”. The low budgets for rural programmes, 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 *et al.* 2000). In this regard, it could be argued that government sees Tribal Authorities as less demanding than setting up new structures. The big question is where this puts rural residents regarding democracy, and how, in wooing traditional authorities, the ANC would dismantle tribalism and the Bantustans. Indeed, tribalism is inherent in the recognition of separate chieftaincies (Hendricks and Ntsebeza 1999).

Conclusion

Despite their despotic role as an extended arm of the apartheid regime, traditional authorities have not only won recognition in the South African Constitution, but have had their lease of life in land administration extended. The latter has been made possible by the promulgation of the Traditional Leadership and Governance Framework and Communal Land Rights Acts. The former law creates traditional councils which are dominated by traditional authorities and their appointees, while the Communal Land Rights Act gives these structures unprecedented powers in land administration. I have argued that these laws have effectively rescuscitated the powers traditional authorities enjoyed under the notorious Bantu Authorities Act of 1951.

This chapter has traced in some detail how this came about. Given its position as the majority party in the Government of National Unity, the chapter has focused on the ANC and its policies on chieftainship. It has been argued that the ANC was essentially an urban-based organisation without any strong organisation in the rural areas. The ANC has never had a clear-cut policy on traditional authorities. Bent on a strategy of wooing support from a broad base of South Africans, the ANC associated itself with what it considered to be progressive chiefs, a position that was often challenged by a minority led by Govan Mbeki. The chapter has argued that the ANC's ambivalent position on traditional authorities, coupled with the political and economic conditions of the early 1990s, when the political negotiation process in South Africa was under-way, help us understand how the institution of traditional leadership and its incumbents gained recognition. This was despite the fact that, on the ground, traditional authorities were unpopular and/or feared.

The chapter has also traced the democratisation process in the rural areas. Once again, I have shown that for almost 10 years, the ANC was hesitant to come out with a clear position on the role of traditional authorities in a democracy. The chapter has shown how lack of clarity created all sorts of problems in rural areas, with Xhalanga providing a good example of this confusion. At the same time, the chapter has demonstrated how traditional authorities exploited the ambivalence in ANC policy and mounted a concerted effort and lobby to put pressure on government to recognise them as the primary structure of rural governance. In the end, the pieces of legislation that were passed in 2003 gave traditional authorities unprecedented powers, a clear victory for traditional authorities. In the meantime, as the chapter has argued, civil society has not been as organised as traditional authorities.

In the conclusion of this book, I will draw out the implications of the recognition of traditional authorities on questions of citizenship and democracy in South Africa's countryside, an issue raised in the first chapter of this book.

Conclusion

Neither citizens nor subjects

This book has addressed mainly two integrally related questions about traditional authorities in South Africa: how despite their role in the apartheid state's project of "indirect rule", traditional authorities have not only survived up to the post-colonial/apartheid era, but have won unprecedented powers in rural governance, on the one hand, and how they derive their authority, on the other. The book has focused on the linkage between chieftaincy and the land question, in particular how control of the land allocation process has been central to our understanding, not only of the survival of traditional authorities, but on how they derived their authority. I have also demonstrated that 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, as the case study of Xhalanga illustrates, rural residents, mainly youth, were involved in running battles with chiefs and headmen. In Emnxe, for example, the headman was removed from office and replaced by an elected one. In Sifonondile, the headman fled his area.

The book has shown that the ANC had hoped that traditional authorities would accept a secondary, ceremonial role after 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 was shattered by the rejection of this role, not only by the IFP, but by CONTRALESA, too. 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 structures and argue that land should be transferred to Tribal Authorities.

A disturbing account for democracy in rural areas of how traditional authorities have exploited the hesitations of the ANC-led government in defining a clear role for traditional authorities in a democracy has been given in the previous chapter. Much more organised than civil society organisations, and exploiting government resources at their disposal to organise themselves, traditional authorities have won a remarkable victory on the vexed question of land allocation. As I argue in the book, the powers they have been given under the Communal Land Rights Act are unprecedented in the sense that traditional councils will not require magistrates and district commissioners to make the final decision in the land allocation process, as has been the practice during the colonial and apartheid periods. The traditional councils, set up in terms of the Traditional Leadership and Governance Framework Act are, as was the case with apartheid-era Tribal Authorities, dominated by unelected traditional authorities and their appointees and thus unrepresentative and unaccountable. What this means is that in one respect, namely, local government, rural residents enjoy the same citizenship rights that are enjoyed by their urban counterparts, in the sense that they elect their councillors. However, on the vital issue of land allocation, rural people become “subjects” in the sense that decisions are taken by traditional councils which are, as indicated, dominated by unelected traditional authorities and their appointees.

This raises critical questions about citizenship and the nature of democracy in South Africa. Mamdani (1996: 34) as we saw above has proposed that “dismantling” the “clenched fist” of Tribal Authorities entails “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, centralization and decentralization, civil society and community – in ways that have yet to be done”. To what extent has post-1994 South Africa succeeded in “dismantling” the apartheid created “clenched fist” of unaccountable Tribal Authorities? Indeed, this brings us back to some of the theoretical and conceptual issues raised in the first chapter of this book about democracy and citizenship. Apart from Mamdani’s thesis, chapter one 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. 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. This book has however demonstrated what this has meant for democratising land administration in South Africa's countryside.

For illustrative purposes, the case of Xhalanga in the Eastern Cape has been presented. In this district, chieftainship was contested right from the establishment of this district in 1865. It is still challenged to this day. The main group that initially challenged chieftainship was the landholders. The book has shown that mainly, but not exclusively, "school people" dominated this category of landholders. A significant number of the landholders were amaMfengu, who came to Xhalanga without any chiefs. Landholders gained support from missionaries and the state at a time when the British colonial state in the Cape adopted a hesitant position towards working with chiefs. In the Cape, chiefs led anti-colonial frontier wars in most of the nineteenth century. This was a different policy to the one pursued in British Natal, where "indirect rule" through chiefs was implemented. While chiefs were recognised, missionaries and magistrates in Xhalanga set out to establish a class of independent black farmers. In the process, missionaries and magistrates marginalized chiefs. The book has shown that when chiefs Gecelo and Stokwe joined the 1880-81 Gun War against colonialists, they were dethroned of their chieftainship when Africans lost the war. A critical point made in this book is that chiefs were not only marginalized by the missionaries and magistrates in Xhalanga, the landholders and school people, themselves products of colonial and missionary influence, in general undermined chiefs, especially as the chiefs were uneducated.

When, after the discovery of minerals, especially gold in the 1880s, colonialist changed their policy towards Africans from one that promoted African farmers to seeking to convert them into wagedworkers, a new form of local government and land tenure system, formed along the lines suggested in the 1894 Glen Grey Act were introduced. The Glen Grey Act, as the book has shown, was a threat to landholders in the sense that they would lose their qualified franchise and not be granted freehold title deeds, as was the case with their white counterparts. The new form of local government entailed establishing District Councils and, at an administrative area level, a system of headmen. Both structures were an extended arm of the colonial state and set up to implement government policies which became increasingly unpopular especially after the introduction of the Betterment Scheme from the late 1930s. This

book has presented a detailed analysis of how landholders responded to the state's turn around on them. From loyalists who were rewarded with land and promises that they would get freehold title to their land, the landholders found themselves pushed to being "agitators" who rejected the form of local government suggested in the Glen Grey Act, while insisting on being granted freehold title deeds. At the same time, landholders continued to adopt a defiant attitude towards the Xhalanga chiefs. Although dethroned, these chiefs and their descendents were given land and, in the case of Gecelo, his farm was classified as an administrative area. Outside their land, the chiefs did not have any influence.

We have seen how retribalisation in the form of the introduction of Tribal Authorities in the 1950s, and the revival of chieftainship in Xhalanga made landholders militant. *Tshisa-tshisa* (burn, burn), as I indicated in the book, was the climax of the resistance against Tribal Authorities and chieftainship in Xhalanga. Given that Tribal authorities were made up of a number of administrative areas, this meant that the powers of the two chiefs in Xhalanga, Gecelo and Stokwe, were extended to other areas. Although resistance was defeated in the early 1960s, I have argued that chiefs and headmen in Xhalanga continued to be unpopular. But they were feared. The extent of the unpopularity of chiefs and headmen was demonstrated in the early 1990s when, after resistance struggles in urban South Africa shifted to rural areas, the targets in these areas became Tribal Authorities, dominated by chiefs and headmen. We have seen that this time there were new actors, the youth, and the issues revolved around land and how chiefs and headmen abused their land allocation powers. We also saw an interesting development where the sons and daughters of landholders and the landless engaged in the same struggle for land.

In short, the case study of this book, Xhalanga, is the clearest demonstration of an area where unelected and unaccountable structures and institutions have consistently been challenged. As indicated, in the late 1950s and early 1960s, resistance took on violent dimensions. In the 1990s, the call was for elected headmen. Indeed, the example of Xhalanga is a lot more than a simple illustration. It raises crucial questions about the role of traditional authorities in a democracy not only in South Africa, but on the African continent. In the South African context, the case study raises searching questions about the present-day dilemma of the ANC.

Against this background, the promulgation of the Traditional Leadership and Governance Framework and Communal Land Right Acts must surely be viewed with great concern. Quite clearly, implementing these laws will, at least in Xhalanga, amount to imposing chiefs on an unwilling population, very much along similar lines as the introduction of Tribal Authorities. As indicated in the foreword of this book, the point made here is that policy formulators, politicians

and some scholars focusing on policy issues must be sensitive to historical and current empirical evidence when defining a role for traditional authorities. Arguments that the institution of traditional leadership is essentially democratic and “resilient” to changing political contexts should be grounded in real historical contexts. This book, as argued in the first chapter, advocates a new form of democracy for South Africa and elsewhere. This democracy would combine the participatory elements of pre-colonial indigenous institutions and the representative aspect of liberal democracy. It would apply throughout the country, both urban and rural. In so doing, the division between the urban and the rural that Mamdani so eloquently associates with colonialism will be eliminated. As things are, the (political) citizenship rights of rural people continue to be partial. As already indicated, 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 will be accorded a dominant role in land administration, entails that rural residents would remain subjects. In short, rural residents would be neither citizens nor subjects.

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- 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

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- Government Commission on Native Laws and Customs presented to both Houses of Parliament by his excellency the Governor in January 1883, para 6022.
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- Xalanga District Report, G33 – 1879.

Cala Magistrate's Office, Cala
Magistrate's District Report

Department of Agriculture and Land Affairs, Cala
Location Files: Cala Reserve, Emnxe, Luphaphasi
Tribal Authorities (traditional council) office, Cala
Chiefs and headmen files: Mbenge

Interviews

The following people's interviews were used:

- Mr X. Dayimani, Cala, 28 October 2000
 Mr Dyantyi (Former ranger, Lumphaphasi), emaQwathini, Lumphaphasi, 9 September 1999
 Former sub-headman Z. Dyantyi, emaQwathini, Lumphaphasi, 15 November 1999
 Mr Fikile Ellen, emaQwathini, Lumphaphasi, 16 November 1999
 Headman Fani, Cala Reserve, 15 March 2000
 Reverend Gxothiwe, Cala, 10 January 2000
 Mr Jama, Cala, 9 September 2000
 Mr S. Kayingana, Cala, 28 October 2000
 Mr Christopher Nkosinathi Kubukeli, Emnxe, 13 May 2000
 Former headman Kupe, Emnxe, 1 April 2000
 Mr Siphiso Liwani, Cala, 11 September, 2000 and 23 October 2000
 Mr Charles Mabhadhi (interviewed with Andile Sondlo), 16 March 2000
 Mr Joe Majija, Umtata, 16 March 2001
 Former headman Mazibuko, Askeaton, 25 January 2001
 Mr Mbulawa (interviewed with Mr. Mavandla Abel Ntwana), Pitsane, Botswana, 25 March 2000
 Mr Loyiso Mdeleleni, Queenstown, 29 January 2001
 Mrs Madeyi Lungiswa Muriel Mguli, interview by Fani Ncapayi, Emnxe, 11 May 2000
 Mrs Mandlandisa Mguli, Emnxe, 9 January 2000
 Mr B.S.C. Mkumatela, Mbenge, 9 January 2000
 Mrs Nolungile Mkwaiyi, interview by Fani Ncapayi, Emnxe 20 June 2000
 Mr Sobantu Mlonzi, Cala, 8 January 1999
 Mr Mlotha, 5 January 2000
 Mr Fani Ncapayi, Cala, 23 October 2000
 Mr Mbulelo Ngamlana (interviewed with Andile Sondlo and Charles Mabhadhi), Emnxe, 19 March 2000.
 Mr Mawonga Nkunkuma, Cala, 5 January 2000
 Mrs Ntomboxolo Noyakaza-Tsengiwe, Cala, 1 March 2001
 Mrs A. Ntwana, Emnxe, 1 April 2000
 Mr Mavandla Abel Ntwana, Mochudi, Botswana, 24 March 2000
 Mr Andile Sondlo (interviewed with Charles Mabhadhi), Cala, 16 March 2000
 Mr H.M. Tsengiwe, Queenstown, 24 January 2001
 Mr Wycliffe Tsotsi, Durban, 9 February 2000
 Reverend M. Tyeku, interview by Hlubi Xuba, 24 April 2000
 Mrs Xhegwana, interview by Fani Ncapayi, 1 June 2000
 Headman Zantsi, Manzimahle, 9 September 2000

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