**Why are chiefs recognised in South Africa's new democracy? Issues of legitimacy and contestation in local politics: A case study of chiefly and local government in Vaaltyn**

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**A thesis submitted to the Faculty of Arts, University of the Witwatersrand, Johannesburg, in fulfilment of the requirements for the degree of Masters of Arts by Dissertation.**

**Johannesburg, 2012**

**Declaration**

I declare that this thesis is my own unaided work. It is submitted for the Degree of Master of Arts in Political Studies at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination at any other university.

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March 2012

**Abstract**

This thesis examines the legitimacy of chiefs in post-apartheid South Africa through the prism of the Vaaltyn Mokopane chieftainship in Limpopo Province. It is used as a case study to understand how chiefs gain and maintain legitimacy. This is studied within a framework of a succession dispute between two candidates, Vaaltyn A (born in 1964) and Vaaltyn B (born in 1974). The claim of Vaaltyn B was legitimized by the local government of Mokopane and the provincial government of Limpopo, irrespective of the fact that that majority of the Kekana tribal council and the community members supported Vaaltyn A. The thesis suggests that the legitimacy of chief Vaaltyn B is maintained through patron-client relations in which the local/provincial government enters into and initiates economically viable relations with Vaaltyn B and mining houses. These patron-client relations are formed and continued within a context of a succession dispute which allows for Vaaltyn A and community members to be sidelined. Finally, the thesis discusses where the legitimization of chief Vaaltyn B by the people stands, in this case where authority has already been awarded by the government. This serves as a platform to probe whether people continue to support the continuing existence of chiefs in a democratic dispensation.

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**Chapter 1**


**Introduction**

Regardless of the contested history of traditional leaders, they have remained a conspicuous feature of post-apartheid South Africa. It is the aim of this research to understand why it is that even though democratic structures and democratically elected leaders have been set in place, the traditional form of governance remains salient. The thesis addresses the question about who legitimizes the chief. Vaaltyn in Mokopane (Limpopo) is used as a case study to understand one group of people's perceptions about chieftainship. This thesis is written within a context of a succession dispute between two candidates, Vaaltyn A and Vaaltyn B, who both belong to the Kekana chiefly lineage. The resolution to the dispute paves the way for Vaaltyn B who is now chief, to secure recognition from the democratic government. State recognition offers a platform for the recognized chief and his tribal council members to enter into economic deals and politically binding decisions, without consulting the unrecognized faction or the villagers.

This thesis shows how patronage networks and negotiated agreements between the chief, the local and the provincial government and the Platinum Reef Resource mine, maintain his authority. In turn these patron-client networks and the decisions taken within these networks isolate him from his subjects and the contending faction. Therefore, the study considers the extent to which people support chief Vaaltyn B and the impact these patronage networks have in the area. The research findings indicate that people of Mokopane do not support chief Vaaltyn B. They prefer his rival, Vaaltyn A. However, while they are against Vaaltyn B's rule, their responses indicate that they are not necessarily against the institution of chieftainship *per se*. Although this is the case, this study does take into consideration that the group interviews conducted for this research may not be sufficient to conclude that chieftainship in Vaaltyn remains popular. Thus there is a need for scholars to continue to embark on extensive research to identify the areas in which chiefs remain supported and to determine in those areas where they are still popular, why that is the case.
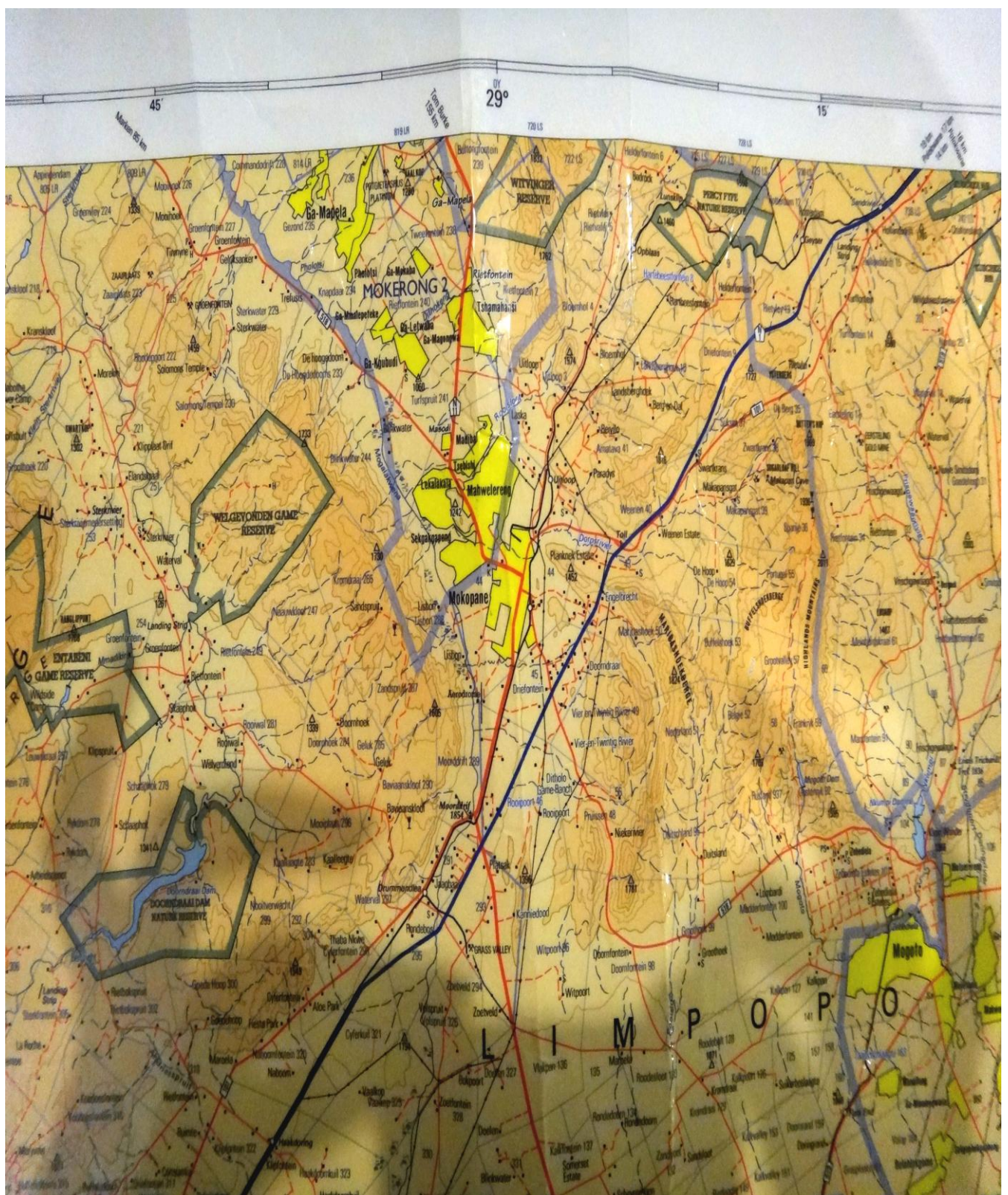
Fig 1 Vaaltyn (referred to as Mokopane on the map) and surrounding chiefdoms

**Rationale**

This thesis arises out of my Honours dissertation entitled 'Traditional Authority in the context of democratic governance: A case study of a dynastic dispute in Vaaltyn.' In that work, the research focused on the relationship between traditional leaders and local government in democratic South Africa. The dynamics of this relationship were explored through an ongoing chieftainship dispute around the incumbent Kekana chief in the area of Mokopane, Vaaltyn (Limpopo Province). The current dispute emerged when chief Alfred Kekana died in 2001. The royal family split into two rival factions, each supporting its own candidate. In the same year the local and provincial government intervened. They conducted interviews with both the contending tribal councils and decided to grant recognition to only one of the contending chiefs.

I argued in the dissertation that the chieftainship dispute in Vaaltyn was about gaining political recognition within a democratic space. Chieftainship is a source of political power in itself, as it provides allocative authority. Chiefs in particular have a stake in recognition as legitimate participants in a democracy in their own right. In addition, I argued that oral accounts of tradition were manipulated by the contending tribal councils and used to secure a place within a democratic discourse. Recognition provides the successful tribal faction with material and political resources to which only the officially recognised group could gain access. I emphasized that the acknowledged tribal faction was not the only recipient of the benefits that accrued to those in office but also that the local government benefited through being able to acquire communal lands for the municipality. Hence I showed in the study that the structuring of chieftainship post-1994 resonated with the earlier system, but the shift in the status of chiefs within the new state, provided chiefs with an opportunity to legitimise their power and authority in a new and comfortable relationship with local government.

A significant dimension of the struggle was that some of the local councillors straddled democratic office and their position in the chief's council as members of the chiefly lineage. This created a complex intersecting set of potentially conflicting interests, where local government policies flowed into chiefly realms of responsibility for land allocation. Thus local government was responsible for providing RDP housing for the

chief's subjects on communal land, which first had to be acquired from the chief. How this was acquired is not clear.

What is clear is that there was a significant dispute about who the legitimate heir was, what the customary procedures for inheritance of the chiefdom were, who the principal wife of the deceased chief was, and thus who had legitimate authority as chief. The dispute in Vaaltyn was couched in customary lineage terms, imbricated within material interests.

Given the limitations of an honours project, a range of unanswered questions remained. This thesis addresses some of the questions which could not be asked in the honours project about the delimitation of the relationship between chiefs and their 'subjects'. It explores the questions of who supports the chief; who are the contending Kekana chiefs; why and how far do they follow one faction or another; and why do people remain within the traditional bounds of the chiefdom? This leads on to a series of key questions about the legitimacy of chiefs. The answer to these questions will deepen our understanding of the continued salience of chieftainship under a post-apartheid dispensation. The thesis illuminates political and economic relations that accrue to the tribal faction that is recognised by the democratic government. It attempts to illustrate the manner in which contention for legitimacy between the two candidates paves the way for the growth of economic and political relations with, for example, the mines and local government. It attempts to show how individuals acting within the boundaries of patronage networks make binding decisions on behalf of those who are not formally recognised, the people and the impact of such networks on those considered to be outside these networks.

**Literature Review**

**Debates on chieftaincy in South Africa**

In 1909 the British Parliament drafted a new constitution that led to the formation of the Union of South Africa in 1910. This paved the way for what Leonard Thompson referred to as 'the institutionalisation of white supremacy'[1], with all of the non-white

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[1] Thompson, L. *'The Compromise of the Union.'* In The Oxford History of South Africa, 2 Vols: South Africa 1870-1966, pp325-64. (Eds) Wilson M and Thompson L. Oxford: Clarendon Press, 1971

groups excluded from the constitution. The Union was accompanied by the formation of both African and Afrikaner nationalist movements which rapidly developed side by side and in direct opposition to each other. Among other struggle organisations that were formed, the South African National Native Congress (SANNC) was established in 1912, in 1923 renamed the African National Congress (ANC). The Congress claimed to represent the interests of various African groupings in South Africa, thus Thema stated that the Congress was 'a gathering of tribes that have never met before....and a gathering of chiefs who had never seen each other before...'[2] Sheridan Johns observed that 'Representatives from provincial associations, leaders of local vigilante groups, chiefs and other prominent Africans from throughout South Africa joined the Congress.'[3] Among those who were present at the founding Conference of the SANNC were, chief Maama, Molembo, Sayso and Sekhukhuni.[4] It is clear from both Walshe (1971) and Meli (1988), that chiefs were part of the ANC as early as its formation and that the ANC made an effort to accommodate chiefs. Following the model of the British parliamentary system, the SANNC established an upper house of chiefs and a lower house of commoners, with each house having a president. Among other reasons that account for the SANNC allegiance to chiefs was that some members of the SANNC such as Seetsele Modiri Molema, Elias Moreletse, Moses Kotane, Mweli Skota and others were themselves of royal descent. This does not however mean that chiefs had an uncontested relationship with all members of the SANNC. There were tensions between chiefs, their supporters in Congress and those members of the SANNC whose nationalistic ideas drew them away from those who threatened what they perceived to be the national project.

One of the earliest pieces of legislation that created uproar among chiefs and the newly formed Congress in South Africa was the enactment of the Land Act of 1913. Although

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[2] Thema, S. (1977). ' *The Life of the Late Dr Pixley Seme.'* The African Drum July 1953. Chicago: Carter-Karis Documents Collection in microform, 2XS14, 1977

[3] Johns, S, Karis, *Protest and Hope'* 1882-1934. (Vol 1 '*From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882-1964, edited by T. Karis & G.M. Carter (eds), Washington: Hoover Institution.* p 61

[4] Walshe, P. (1971). '*The rise of African Nationalism in South Africa: The African National Congress, 1912-1952'.* Berkeley: The University of California Press. p 33

dispossession had a long history, this particular Act would have severe consequences for African rights to ownership of land, sharecropping and ultimately for independent socio-economic opportunities for black agrarian society. Chiefs were deeply concerned about the enactment of this Act. As a result, they formed part of the SANNC delegation that was sent to contest this legislation.

Building on the 1913 Land Act, the Native Administration Act was enacted in 1927. Among other things, this law put to test the legitimacy of chiefs as it bestowed dual accountability upon them, first to their subjects and then to the Governor General, who was seen as the Paramount Chief in terms of Native Administration. Simons and Simons (1969) suggest that the Native Administration Act set up a separate legal system for the administration of African law.[5] Claassens & Cousins (2008) forty years later characterise this as a model that created a 'highly authoritarian understanding of chiefly rule'.[6] Under the Act, the Governor General could appoint any person as chief or headman in charge of a tribe or location, he could overthrow any chief or headmen and was authorized to define their powers, duties and privileges (1927 Act, Chapter 1 of Section 1). Scholars have argued that this was a measure primarily intended to accord with the design of territorial segregation rather than enhance traditional authority *per se*.

The Union of South Africa was not unique in the construction of separate homogeneous cultural units with their own system of law and governance. The views of Mamdani (1996) and Evans (1997) seem to coincide with Beinart and Dubow's (1995) observation that apartheid 'built on refined policies of the Union of South Africa's indirect rule, which took comparable notions of culture, community, customary law and chieftaincy as their point of departure'.[7]

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[5] See, Simons, J and Simons, R. (1969), *'Class & Colour in South Africa, 1850-1950.'* The University of Michigan: Penguin publishers. p 345

[6] Claassens, A & Cousins B. (2008). '*Land Power and Customs: Controversies generated by the Communal Land Rights Act.'* Cape Town: UCT Press. p 223

[7] Beinart, W and Dubow, S (1995). '*Segregation and Apartheid in the Twentieth Century South Africa.'* London: Routledge

The 1927 Act saw the prolongation of segregation when the Bantu Authorities Act of 1951 was endorsed. This policy introduced the homelands system, in which Africans were to develop separately under tribal authorities. It made provision for the establishment of regional and territorial authorities for each specific ethnic group in the reserves. This did not mean that chieftaincy would therefore be exercised in isolation from the state. Rather chieftaincy became a subordinate function of the apartheid state. According to Ntsebeza, traditional authorities were appointed from above and were protected by the apartheid government so long as they continued to be cooperative. Davenport maintains that appointed 'chiefs' were 'well rewarded for their preparedness to enforce government policy at the expense of their own popularity'.[8] Copelyn elaborates on the concessions granted to those chiefs who were willing to collaborate, when his research revealed that:

> Paramount Botha Sigcau had his salary increased from 700 pounds to 1500 pounds p.a upon accepting the Bantu Authorities system. Whatever the price, it remained a fact that chiefs could not be relied upon to represent Mpondo interests to the government, but rather had turned round in their stools and were prepared to implement state interests independently of general Mpondo sentiments.[9]

The dual responsibility that chiefs held to both their subjects and first to the colonial and subsequently to the segregation and apartheid states lead scholars to conclude that chiefs were accomplices to the oppression of their rural subjects. As a result the institution of chieftaincy was not expected to make its way into the democratic era.[10] Some scholars raised the concern that the principles of traditional leadership are not attuned with democratic principles.[11] Ntsebeza concluded that there is no reason for chiefs to continue to exist within a democratic dispensation, given their chequered

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[8] Davenport, T. R. H. (1987). *'South Africa: A Modern History'*, Toronto: University Press. p 383

[9] Copelyn, J. *'The Mpondo Revolts, 1960.'* Paper presented at the African Studies Seminar, June 1974. p 10

[10] See Oomen, B. (2002). *'Chiefs! Law, Power and Culture in contemporary South Africa.'* New York: Palgrave.;Van Kessel (1997); and Ntsebeza, L. (2005). *'Democracy Compromised: Chiefs and the Politics of Land in South Africa.'* Leiden: Brill Academic Publishers. p. 20.

[11] See, Ntsebeza, L. (2005) p. 20. Banks, L and Southall, R. (1996). Traditional leaders in South Africa's New Democracy' *Journal of Legal Pluralism and Unofficial Law,* Nos 37-38 (special double issue), p 427.

history and the fact that democratic structures are in place. [12] Drawing on his work on Ghana which focuses on chiefs, the state and legitimacy, Ray (1996) brings in another dimension when he argues that both forms of governance derive their powers from separate sources and that the legitimacy of both institutions is parallel.[13] At no point does Ray foresee a system in which both institutions rely on each other to gain or sustain their legitimacy. For these reasons chieftaincy was not expected to continue within the democratic system.

Nonetheless, from Oomen's point of view traditional leadership was 'resurrected'.[14] She argues that traditional leadership made a surprise re-entry into democracy because of broader developments that were occurring globally. In another view Ntsebeza maintained that traditional leaders survived because of their historical role in land allocation and allegiance to both the colonial and the apartheid states. In his understanding, the institution of chieftainship without state support would collapse.[15] Although Ntsebeza has a point in asserting that chiefs survived because of their role in land administration, his argument is overstated as a generalisaton. In areas such as Sekhukhune, chieftainship survived, among other reasons, because of its historical and cultural legitimacy and popularity within rural communities. The issue here, which pertains equally to the present case study of Vaaltyn, is how generalisable individual case studies can be. This pertains to Xhalanga, which is the case study chosen by Ntsebeza where chieftainship had been challenged and undermined by the state and the people.[16] Ntsebeza suggests that in Xhalanga, unlike 'KwaZulu, Phondoland and Tshezi, chieftainship never entrenched itself'.[17] He gives two reasons behind the failure of chiefs to establish themselves in the area. First, Ntsebeza points to the heterogeneous and the

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[12] See, for more details Ntsebeza, 2005.

[13] Ray D. I. (1996) Divided Sovereignty: Traditional authority and the state in Ghana. *Journal of Legal Pluralism and Unofficial Law*, Nos 37-38 (special double issue)

[14] See, Oomen, B. (2002). The idea that chieftainship was 'resurrected' is problematic given that this institution never died. Although its credibility has been tainted, it has remained resilient.

[15] Ntsebeza 2005, p 20

[16] Ibid, p56

[17] Ibid, p 56

multi-faceted class and ethnic divisions within the Xhalanga population. He observes that Xhalanga was comprised of Africans from different clans. The Coloureds and the *amaMfengu* were known as the 'school people', (those who were educated), lived without chiefs and were also beneficiaries of the 1883 Thembuland Commission. They were independent landholders who were also relatively progressive and fervently opposed to the institution of chieftainship as compared to the 'Red people', who lived a traditional life. On the contrary the Red people, also known as *amaqaba,* were under the jurisdiction of chiefs; were considered to be conservative; and opposed the church and change and derived their livelihood from cattle ownership.

In Ntsebeza's view, the second predicament to hamper the entrenchment of chieftainship in Xhalanga was that 'the colonial state tarnished the institution before abolishing it'.[18] The British government imposed chieftainship in the district in 1865. Xhalanga was under the authority of chief Gecelo whereas Southeyville was controlled by chief Stokwe. The colonial administration abolished the institution of chieftainship in the area following both chief's participation in the 1880 Gun War. This had marked the end of chieftainship in Xhalanga until its re-imposition in the 1950's under the Bantu Authorities Act. The apartheid government supported chief Kaiser Matanzima for he was very loyal to the administration. Thus they intended for him to be sworn in as the Paramount chief of Emigrant Thembuland and to install chief Ngonyama Gecelo and Jamangile Stokwe as sub-chiefs of Xhalanga. The people of Xhalanga revolted against chief Matanzima, maintaining that they preferred chief Sabata Dalindyebo to take up the position of paramount chief. Here Ntsebeza suggests that the Xhalanga people's preference for chief Sabata over Matanzima needs to be understood in the context that the school people had constantly rejected the existence of chiefs. However, Ntsebeza points to the fact that the Xhalanga, including the school people, preferred chief Sabata because he had minimal relations with the apartheid administration compared to chief Matanzima. Nonetheless, events that would follow would show that the magistrate intended to use chief Sabata to persuade the rural residents of Xhalanga to accept tribal authorities in the area. As a result, chieftainship has historically been unpopular in Xhalanga.

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[18] Ibid, p 56

Contrary to Ntsebeza, Oomen shows in her study of chieftainship in Sekhukhune (Limpopo) that between 1998-1999, 80 percent of people were in support of traditional leaders. She has illustrated that support for chieftainship in Sekhukhune is issue-based and that the reasons ranged from land allocation, dispute resolution and their role in initiation schools. Additionally Oomen maintains that chiefly support in Sekhukhune was based on the personality of a chief and his performance. Critics of traditional leadership have often argued that the institution of traditional leadership is discriminatory and it is indisputable that this prejudice is deeply felt by rural women.[19] Even so, Oomen's case study stems from a different perspective in that 83 percent of women compared to 80 percent of men supported chieftainship. These women also rated their traditional leader higher than men villagers. Only a few of these women believed that traditional leadership is discriminatory. Oomen accounts for the strong support of chieftainship in the areas of Sekhukhune and of particularly women as a result of chieftainship being the only form of governance in rural remote areas to date. Thus the majority of women whose husbands are migrant labourers, rely on the institution of chieftainship for support and justice.

It could also be argued that the history of chieftainship in the areas of Sekhukhune may influence its continuing existence. While the colonial administrations attempted in various ways to influence the polity of Sekhukhune, their efforts were counteracted with resistance from the Sekhukhune chiefs and their subjects. To defend his chiefdom from European colonization, Sekhukhune sent young men to work on white farms and on diamonds mines.[20] The money earned by these young men was taxed and used to buy guns from the Portuguese and cattle to increase the wealth of the Marota people.[21] The 1800's had marked years of war and resistance against the Boers and later the British for the chiefs of Sekhukhune and their subjects. This resistance would be demonstrated in years to come in the area of Sekhukhune. In 1912, chief Kgolo Sekhukhune played an integral part in the formation of the ANC. He represented the

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[19] See for example Meer, S. 1997. '*Women land and Authority: Perspectives from South Africa.*' Cape Town: David Phillips and Oxford: Oxfam

[20] See Delius, P. (1983). *'The land belongs to us'.* Cape Town: Ravan Press

[21] Ibid

Sekhukhune community and played a crucial role in the struggle for liberation. Later in the 1950's following the enactment of the Bantu Authorities, the people in Sekhukhune resisted the authorities through organisations such as Fetakgomo - a predominantly migrant worker organisation aligned to the ANC. Chiefs in the surrounding areas of Sekhukhune formed an integral part of the ANC.

However, Sekhukhune should not be romanticised as a chiefdom that has not been without internal disputes or those who were prepared to collaborate with the colonial administration. Certainly, there were individuals who were prepared to accept disputed pieces of legislation and proposals such as the Betterment scheme. What is striking about the area of Sekhukhune is that despite the temptations of the colonial administration, chiefs in Sekhukhune showed resistance to the role of the colonial administration and later to the apartheid government in Pedi affairs in one form or another. Oomen's case study of Sekhukhune and Ntsebeza's Xhalanga study open up a platform for scholars to begin to think about a comparative history of rural communities under the authority of chiefs. Such communities can also be found in parts of the Mpumalanga, North West, Limpopo and KwaZulu Natal. Engaging with the histories of these communities may arguably explain more widely, a critical question in this study, which is why chieftainship in certain parts of South Africa remains salient. The findings of such studies provide policy makers with an understanding of the significance and role of chiefs in post apartheid South Africa.

 The confusion about the role of chiefs began after the 1994 elections. The ANC-led government was undecided about the actual role of chiefs in local government. Following pressure from the Opposition and the Congress of Traditional Leaders of South Africa (Contralesa), the South African Parliament finally proposed the Governmental Framework of Traditional Leadership of 2003. The Governmental Framework, like the Bantu Authorities Act, established traditional councils which would play an advisory role to the local government. Local government responsibilities were defined in the 1998 White Paper as developmental local government that involves integrated development planning. Such planning was seen as participatory. Pycroft stated that 'Developmental local government seeks to democratize local government by not only introducing the notion of elected representatives in rural areas, but also into

transforming local governance, with a new focus on improving the standards of living and quality of life of previously disadvantage sectors of the community'.[22] Traditional leaders were to be incorporated as part of this development strategy in rural areas.

This framework also made provisions for the formation of the Commission of Traditional Leadership Dispute and Claims that was to 'restore the dignity of traditional institutions'.[23]The Commission was to resolve cases where leadership positions were contested by investigating whether traditional leadership had been established in accordance with customary law - section 25 (1) of the Framework Act. This Commission raised the question that is relevant to the Vaaltyn case, that is, whether government officials should intervene in the affairs of the institution of traditional leadership and if so, to what extant?

The continuous pressures from chiefs and Contralesa for a clarified and active role in a democratic dispensation led to the enactment of the Communal Land Rights Act of 2004. The Act came about as a strategic attempt to compensate for those who were dispossessed during the apartheid era through legalization of security of tenure in South Africa's former homelands (Section 25 (6) of the Constitution). This Act awarded chiefs major powers in land administration. Thus scholars such as Meer (1997) and Ntsebeza (2005) argued that the responsibility for land administration awarded to chiefs reinforced inequalities and indeed hindered the necessary conditions for women's soci-economic position to transform. However, the role of chiefs other than in land administration has not been thoroughly outlined.

An overview of the existing literature demonstrates that the colonial and apartheid administrations had immeasurable detrimental effects on the credibility of the institution of chieftainship. Scholars discuss traditional leadership as an institution that develops outside the formal state whereas in fact chieftainship developed in

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[22]Pycroft, C.1998. Democracy and Delivery: The Rationalization of Local Government. in South Africa. *Journal of Public Administration and Development,t* Vol 9, Issue 2, p 58

[23] See, section 22 (1) of the Traditional Leadership and Governance Framework Act 41 of 2003

conjunction with the colonial, apartheid and the democratic government.[24] At times the maintenance of chieftainship was linked to its subordinate role in the colonial administration, with chiefs becoming a rural extension of the state through those chiefs who were willing to collaborate. In other instances chiefs maintained agency through resistance and proved that the existence of the chiefly institution was historically independent from the colonial state, with its own pre-colonial history. Rather than the shared perception among scholars that chiefs became mere puppets of the colonial state, it can be argued that the colonial administration and chiefs became interdependent. This can be observed in the case study under consideration in this thesis, where the chief and the democratic government mutually support each other. The reasons for this are complex, but relate as much to the continued salience of chiefs as it does to the need of the democratic state to acquire support of the chiefs and to integrate chiefdoms into its govenence structures.

Even though the democratic government holds hegemonic power, influence in decision making and adheres to the South African Constitution, at various times it relies on chiefs to further its democratic projects just as the colonial state and apartheid government needed the chiefs to extend control through their segregationist policies over the rural population. This thesis proposes the interdependence in Vaaltyn between chief Vaaltyn B and the democratic government. The chief's authority is maintained by the political and economic activities that take place with the help of the local and provincial government. However, the complexity of the question of legitimacy is raised by the research. The research shows that the legitimatisation of chief Vaaltyn B by the government does not automatically make him accepted by the community in Vaaltyn and surrounding areas.

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[24] See Ntsebeza, L. (2005). p. 20. Banks, L and Southall, R. (1996). Traditional leaders in South Africa's New Democracy' *Journal of Legal Pluralism and Unofficial Law,* Nos 37-38 (special double issue), p 427. Ray D. I. (1996) Divided Sovereignty: Traditional authority and the state in Ghana. *Journal of Legal Pluralism and Unofficial Law*, Nos 37-38 (special double issue)

Vaaltyn[25] is one of 18 villages under the authority of chief Vaaltyn B. It is represented in the Mogalakwena Local Municipality, within the Waterberg District Municipality. Sotho and Northern Ndebele are the languages that are predominantly spoken in these villages. There are more Ndebele speaking residents in Vaaltyn than there are in other areas.[26] I have argued elsewhere that 'communication through the Ndebele dialect is a symbolic demonstration of being actively involved in an ongoing broader struggle for ethnic recognition, as the northern Ndebele have long felt that they have been marginalised and slowly absorbed into various ethnic identities situated around the area'.[27]

**An overview of the Ndebele in South Africa**

The Ndebele people in South Africa are divided into two groups, known as the Southern Ndebele and the Northern Ndebele. Although scholars from various disciplines largely agree on their origin and history, their genealogy, orthography and patterns of migration however are presented disjointedly and thus remain contested. These inconsistencies could perhaps be accounted for by the fact that the scholars who studied the two ethnic groups such as Van Warmelo, Van Vuuren, Zietvogel, Jackson and De Beer, were unfamiliar with the language and the cultural practices of their subjects. They relied on translated versions that were recorded by their field assistants. Moreover, the genealogies and movement patterns could have been distorted through the transmission of oral and written testimonies. As a result, the history and genealogies

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[25] The area is named after Vaaltyn (Likxhobo) who was chief in 1910, it is also referred to as Moshate 'the chiefly kraal'. Both the contending chiefs have been named Vaaltyn after the earlier chief. In order to avoid confusion I have named the contending chiefs Vaaltyn B (born in 1974) who is the government recognized chief, and Vaaltyn A (born in 1964) who is largely recognized by the people as the legitimate chief. The distinction between the two chiefs as Vaaltyn A and Vaaltyn B is mine and is based on their age differences

[26] See Hofmeyr, I. (1993). *'We spend our years as a tale that is untold'*. Johannesburg: Witwatersrand University Press. p 19

[27] See, Lekgoathi, S, P. (2003). 'Chiefs, Migrants and North Ndebele Ethnicity in the Context of Surrounding Homeland Politics 1965-1978'. *African Studies.* Vol. 62(1), pp. 53 - 77 and Dineo Skosana, *'The interface between traditional leadership and the democratic government in a context of a succession dispute: A case study of Vaaltyn (Mokopane)'* p6. (Unpublished Seminar Paper, NRF Chair in Local Histories and Present Realities).

of the Northern Ndebele that are discussed concurrently to that of the Southern Ndebele in this thesis, is not immune to these inconsistencies. The presentation of names and family trees in this thesis may at times be inconsistent with those presented by earlier scholars. An example in this thesis is that while a faction of the chiefly family interviewed for this research presented themselves as the Kekana, another faction preferred being recorded as the Gegana. The first representation can be associated with the orthography of the Pedi of Limpopo whereas the second belongs to the orthography of the Northern Ndebele. This illuminates among other things the entwined relations of the Northern Ndebele and the Pedi but also suggests factors that influence orthography such as the informants in a study and the context within which a study is conducted.

The origin of the Southern Ndebele is relatively well documented, as compared to that of the Northern Ndebele. The Southern Ndebele constitutes of the Manala, Ndzunzda, and Mhwaduba.[28] Although studies have documented the origins of the Manala and Ndzundza, the Mhwaduba have been neglected. The beginning of the 19th century marked a succession dispute that split Musi's sons into two main groups. The one group lead by Ndzundza left their original settlement area located near Pretoria, towards the East, and finally settled in Mpumalanga. The second group according to De Beer, first moved in the same direction as the Ndzundza and then moved northwards, where they finally settled in Mokopane (former Potgietersrus) and surrounding areas. This group was under the leadership of Musi's other son, Mthombeni. Not much is known about the history of Musi's remaining three sons except that one of them went back to Natal while Manala and his followers remained in Pretoria.[29]

At least four perspectives with regards to the History of the Northern Ndebele can be drawn. The first and most popular viewpoint is maintained by scholars such Van Warmelo (1930) and Van Vuuren (1983) who argued that there is a genealogical relation among the Northern and Southern Ndebele people of South Africa. This view proposes that the South African Ndebele stems from one ancestry, chief Musi who

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[28] De Beer, F. (1986). *'Groepsgebondenheid in die familie- opvolgings- en erfreg van die Noord Ndebele.'* PhD Thesis. Pretoria: Univesiteit van Pretoria. p 31

[29] Van Warmelo, J. (1930). '*Transvaal Ndebele Texts.' South Africa:* Ethological Publications

originated from the KwaZulu-Natal area. According to Van Warmelo, the language and customs of the Ndebele people of South Africa illustrate that they are descendants of the Nguni.[30] In this perspective, the Northern Ndebele are the descendants of Gegana, also known as Mthombeni who was one of Musi's sons. The Mthombeni's are said to have moved to the now Roossenekal where they further separated with one group moving to Muledhlana, in Zebediela near the former Potgietersrus. It was during this time that Gegana established himself as Kekana of the Northern Ndebele.[31]

By contrast, Zietvogel maintains that the Ndebele people originated from the then Rhodesia. He adds that they moved south and spent time in Phalaborwa and then settled among the Swazi before moving to Mokopane.[32] He accounts for the similarities between the spoken Northern Ndebele and Swati words as evidence that both groups were at once in contact. He subdivides the Northern Ndebele into three main groups, namely the Langa, Ledwaba and Moletlane. He also argues that these main subgroups consist of several smaller groups which are: the Langa of Mapela and Bakenberg sections; the Ledwaba of BakwaMashashane and Ba kwaMaraba of Ngidigidlana; and the Muledlane of Bakwasibidiela and bakwaMugomhane.[33]

Jackson presented another dimension when he argued against the idea that the Northern Ndebele people originate from Musi.[34] His position had been that the Northern Ndebele are the people of Langa who originated from the former Zululand and that they are the descendants of an ancestral chief, called Langalibalele.[35] In Jackson's perspective, the Ledwaba and Gegana originate from the Southern Ndebele.

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[30] Ibid

[31] Ibid, p 11

[32] Ziervogel, D. (1959). *'A Grammar of Northern Transvaal Ndebele'*. Pretoria.

[33] Ibid, p 4

[34] Jackson, A., O. (1983). 'The Ndebele of Langa' *Department of co-operation and development, Ethnological Publication No. 54* (Pretoria, Government Printer, 1983), p. 125.

[35] Jackson 69, p 1

Wilkes offered the last dimension that is more of a critique of Zietvogel's view. He explained that Zietvogel may have misunderstood the return of Mthombeni's followers from Zimbabwe as the emigration of the Ndebele tribe from Zimbabwe. He points out that while the Mthombeni group settled in the former Potgietersrus, there was a subsequent split which lead another group to Phalaborwa then Zimbabwe and later returned to Potgietersrus.

Although there are divergent perspectives about the history of these two groups, there has been consensus that the Northern Ndebele language and cultural practises are different from that of the Southern Ndebele. Today the Northern and Southern Ndebele can be found in parts of Gauteng, Limpopo, North West and Mpumalanga. The Kekana who are of interest to this study, are located in Mokopane[36] (formerly known as Potgietersrus)[37] Limpopo Province. They are referred to and also refer to themselves, as the people of Mokopane[38]. Hofmeyr (1993) records three periods of significance in the chiefdom of Vaaltyn and explains how the name of the area came about. She points out that through the South African Republic Location Commission in the nineteenth century, 'Vaaltyn was designated a rural location in 1890. Locations referred to chiefdoms which were given state recognition[39] after undergoing major territorial reduction.'[40] Such locations, Hofmeyr adds, 'took the name of chief, and the chiefdom under discussion here was variously known as Makapan's Location or Valtyn[41] Makapan's Location'.[42]

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[36] Adopted in 2003 in commemoration of the chief Mokopane who is said to have killed Piet Potgeiter during the 1854 siege in which the Northern Ndebele were besieged by the Boers.

[37] Named after a Voortrekker leader, Piet Potgieter.

[38] An earlier chief of the Kekana.

[39] According to Hofmeyr, I. (1993). *'We spend our years as a tale that is untold'*. Johannesburg: Witwatersrand University Press, recognition to some extant gave these areas some form of self governance. See, p. 11

[40] ibid

[41] Hofmeyr uses the orthography for Vaaltyn as Valtyn whereas De Beer uses Vaaltyn. I have used Vaaltyn based on the minute book of the unrecognised tribal council and the municipal archival records. See Isabel Hofmeyr (1993) 'We spent our years as a tale that is told' and De Beer, F. (1986). *'Groepsgebondenheid in die familie- opvolgings- en erfreg van die Noord Ndebele'.* In die Faculteit Letter en Wysbegeerte Univesiteit van Pretoria, Pretoria

The author also discusses 'the second threshold of change to affect the chiefdom' in the 1930s under the Native Affairs Department. This period she characterised as 'state intervention in African societies to manage land shortage'[43]. The latter gave rise to 'betterment' policies which were widely contested. Hofmeyr notes that 'by the 1950s, with the National Party in power, this administrative faintheartedness began to disappear as coercive social engineering in the countryside was speed up. These changes ushered in a third threshold of transformation for the chiefdom'.[44] Vaaltyn was classified in the 1960s as a betterment area which was to be subjected to forced removals. In Hofmeyr's analysis, the 'relocations required people to move from cluster-style settlements into grid plan villages.'[45] This affected the structure of chieftainship when certain areas became grouped under the Pedi (Northern Sotho) homeland of Lebowa and some of the Northern Ndebele speaking people found themselves located in Bophuthatswana.[46] The Southern Ndebele were given their own homeland, Kwa Ndebele in the 1970's.  The rationale behind this, was that the Southern Ndebele[47] were more 'authentic' as they had preserved their language and cultural practices in contrast to the Northern Ndebele who were also viewed as a minority.[48] The question regarding the authenticity of the Northern Ndebele has always been subject to debate. Among others, Doke argued that the Northern and Southern Ndebele's forms of speech should

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[42] ibid

[43] See, Hofmeyr. (1993). '*We spend our years as a tale that is untold*.'  p11

[44] ibid

[45] ibid

[46] See S, P, Lekgoathi, 'Chiefs, Migrants and North Ndebele Ethnicity in the Context of  Surrounding Homeland Politics,' *African Studies*, 1965-1978, 62: 1 (2003), p 56 and the idea of 'Tswanarisation' of citing Van Warmelo (1930) *Transvaal Ndebele Texts*. South Africa:  Ethological Publications.

[47] What distinguishes the Northern to the Southern Ndebele is their language. See Hofmeyr (1993) and Coetzee (1980) thesis for details. Their marriage system, their traditional garments and the structure of their houses also sets them apart.

[48] See, Lekgoathi, S, P. (2009). 'Colonial' experts, local interlocutors, informants and the making of an archive on the 'Transvaal Ndebele' 1930-1989. *Journal of African History.* Vol 50(1),pp 61-80. p. 71

be regarded as various forms of the same language.[49] Meanwhile Van Wyk and Ziervogel argued that the language spoken by the two groups were not similar and therefore should be given independent recognition.[50] Mokopane is one of the areas in which the people were actively involved in a struggle for recognition. This is a struggle that has continued post-1994 through ethnic organisations such as the Northern Amandebele National Organisation (NANO).[51] The dynamics of the Northern Ndebele ethnic group and their history makes the Kekana worth studying. In addition, the area they inhabit which is bounded by the Pedi, makes it even more of an interesting case to study.

**Methodology**

A colleague conducted research in the Makapan Valley in which she had to work closely with the tribal council that has not been given recognition by the Mokopane local government. She introduced me to the area and the side of the Kekana chiefly family that is not acknowledged. On the other side of the dispute, I was able to establish contact with the recognised tribal council members through Kojela Kekana who is a member of the chiefly family whose position regarding the dispute has been impartial. The interviews took place at different times and places as the councils are mutually hostile. In the first instance I had applied to interview chief Vaaltyn A and members of the Kekana family, and to my astonishment on the day of introductions and interviews he was in the company of a tribal council which consists of about twenty men. [52] The majority of the tribal council belong to the Kekana family. It is tradition for the council to be interviewed as a group or to speak on behalf of the chief. Vaaltyn A was present during the interviews, but did not converse directly until I had to conduct interviews with him concerning his background and personality.

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[49] Doke, (1954), p 23

[50] Van Wyk, (1966), p 36 and Zietvogel, (1969), p 36

[51] Lekgoathi, S, P. (2003). 'Chiefs, Migrants and North Ndebele Ethnicity in the Context of Surrounding Homeland Politics 1965-1978'. *African Studies.* Vol. 62(1), pp. 53 – 77. p. 53

[52] Older and younger women and men also formed part of the tribal council.

On the other side, Vaaltyn B who is recognised by the government was never present during any of the interviews. I only encountered his tribal council, which comprises of five men. Not being able to interview Vaaltyn B directly was limiting, as certain personal questions could have been better answered by him. Even so, both his tribal council and the unrecognised tribal council provided substantial amount of information about him. In addition, the interviews conducted with people from different villages under his authority brought some understanding about his personality and the type of chief he is.

This study utilized a combination of methods, oral life histories, semi-structured interviews and participant observation. In addition, the unrecognised tribal faction offered their minute book which dates to 1993. This is an exceptionally useful source, as it outlines the activities of the Kekana chieftainship prior to 1994 and during the transitional period. The Mogalakwena local municipality also gave permission for access to their transitional local government minutes. The records were valuable as they could be used to compare the data collected through interviews and comparisons could also be made with the tribal minute book.

The oral life history method was helpful as it unpacked the historical dynamics of the Kekana chieftainship. It also helped outline the internal family politics and explained how this internal conflict shaped local politics and vice versa. The method elucidated an historical understanding of how the current chief Vaaltyn gained legitimacy and how he has maintained his authority. There is a consensus about the limitations of the oral life history method. Authors such as Hofmeyr[53], Comaroff and Roberts[54], illustrate that life stories are often modified as they get transmitted from one generation to another. In the context of a dispute, Comaroff and Roberts record that 'the elaboration of an argument depends on the oratorical abilities of the complainant, their calculations concerning the opponent and the complainant strategic intentions'.[55] They add that at various points

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[53] Hofmeyr, I. (1993). *'We spend our years as a tale that is untold'*. Johannesburg: Witwatersrand University Press.

[54] Comaroff, J & S Roberts. (1981). *'Rules and Processes: The Cultural Logic of Dispute In An African Context'*, Chicago: University of Chicago p. 84

[55] Ibid

'the claimants and their opposition may refine their claims'.[56] I have argued that 'the presentation of the argument also depends on who the arbiter or the audience is and the reward that results from a successful elaboration of an argument'.[57] The Mogalakwena municipal records were useful in either substantiating or invalidating the oral evidence acquired during interviews.[58]

Parts of this study also relied on semi-structured questions during group interviews. Semi-structured interviews were useful, as Legard, R & Ward K state that they allow new questions to be brought up during the interview based on the response of the participant.[59] In addition, this type of interview allows observation of the participant's non-verbal behaviour, thus allowing the researcher an opportunity to assess the feelings behind the respondent's answers. The limitation of conducting interviews with a group was often that certain voices were more dominant than others during the interviews. These were voices of senior council members or those among villagers who were not shy to express their concerns. Nonetheless this method allowed one to observe the dynamics of the tribal council and the reaction of the participants.

**Chapter Outline**

Each chapter combined oral testimonies, open-ended interviews with individual, group interviews and participant observation. Even though I had formulated a set of ways to

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[56] ibid

[57] Skosana, D. (2009). *'The interface between traditional leadership and the democratic government in a context of a succession dispute: A case study of Vaaltyn (Mokopane)'.* Presented in the South African, Swiss Joint Research Programme (SSJRP) in Switzerland May, 2010

[58] With the help of Prof Philip Bonner we were able to establish rapport with the mayor of the Mogalakwena municipality which then made it possible to access the Municipal records.

[59] Legard, R, Keegan, J. and Ward, K. (2003). *'In- depth Interviews'.* In L. Lewis & J. Ritchie (eds). Qualitative Research a guide for Social Science students and researchers. London: Sage Publications

collect data to address this thesis question, often the participants changed and determined the method that would best address certain questions.

Chapter two relied a great deal on the interviews conducted with the tribal councils to understand who the candidates contending for chieftainship were. Vaaltyn A gave permission to be personally interviewed which helped to contrast his personality and background against his rival Vaaltyn B. Vaaltyn B's failure to be interviewed meant that one had to deduce his personality through his tribal council's response.

Chapter three was written utilising archival sources to construct the process of demarcation. The municipal sources corresponded with the unrecognised tribal council's minute book and affirmed some of the interviews which were conducted with them. The interviews and the municipal records have shown the manner in which a family dispute can exclude those who are not given formal recognition from political processes. In addition the data has shown how the recognised members of the chiefly family have taken advantage of the dispute to make binding decisions on behalf of the whole Kekana chiefly council and communities. These are individuals who have patronage ties with the local government which links them into economic activities such as mining.

Chapter four engages and elucidates some of the dynamics discussed in Chapter three. The chapter looks at the manner in which the succession dispute created a platform for the formation of patronage networks such as the one linking the Platinum Reef mine, the Mokopane government and the officially recognised tribal council. It shows how the faction of the chiefly family which has not been legitimized by the government is sidelined from economic and politically binding decisions. Additionally, it demonstrates the impact of these patronage networks on the unrecognised tribal council and the villagers. The chapter extensively relied on written testimonies and group interviews which were essential in revealing people's perspectives about the mining companies (Platinum Reef in particular) and their activities in the area.  It allowed people to reflect on the patronage networks and their impacts within their communities. The villagers were also able to reveal how these networks have affected chieftainship in the area and vice versa and in general, were able to provide a reflection of chieftaincy.

Chapter five engages with the perceptions of the broader populace about the dispute and the current incumbent. It also revealed how the dispute and its impact have shaped people's perception about the continued legitimacy of chiefs in the post-apartheid era. The purpose of this chapter had been to explore the extent to which (if at all) people legitimize the current chief Vaaltyn B. The chapter is also intended to show what people think of chieftainship as an institution through evidence from focus groups. I had intended to provide an understanding of support of the chief and chieftainship along categories of gender, age and class. Gaining access to the wider community was challenging as an outsider. I had to take advantage of community meetings which were held to address the concerns about the Platinum Reef mine in the various villages under the authority of chief Vaaltyn B. I worked closely with the South African National Civic Organisation members (SANCO), some of whom are members of the chiefly family. They assumed the role of arranging community meetings and also informed me about the dates and times when meetings would be held. People had a choice whether to participate or not. It was often not clear how many people would attend these gatherings. As I recall, once I had prepared separate questions for older women and men and younger men and women. My informant had stated that these meetings would take place at a local school. This would allow me to interview a group at a time. Upon arrival, however, there were at least a hundred people of whom sixty five remained for the interviews. They had gathered at an open soccer field which made it difficult to separate them into groups. It was not a conducive setting as the participants had to stand during the interview sessions. On one occasion it rained during the course of the interviews. Despite the rain, people remained under the shade of their umbrellas. Their reasons for staying were that they felt they needed to share their history and struggles which, in their view, had been sidelined. The villagers often presented contesting ideas, thus there was no single shared narrative. Although, they reached a consensus at certain points.[60]

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[60] I use in this thesis the term "villagers, community, people", being aware that the terms are a social construction. See Anderson, B. (1991). '*Imagined Communities*', 2nd ed. London: Verso. p. 14. Even though these terms may be used to describe or refer to a populace with shared interests, this thesis uses the terms warily because of the diversity and complexities that exists within these imagined communities.

It was difficult to conduct interviews with large numbers of people at once. Certain participants dominated the discussion. Moreover the dynamics of the villagers made collecting data challenging. The older generation would at times be offended by the disrespectful tone of the younger generation. Among the groups were those whom the villagers believed were sent by chief Vaaltyn B to spy and disrupt the meetings. There were also those who were believed to be working hand in hand with chief Vaaltyn B and said to benefit from the relationship. There was often potential for clashes. As a researcher I had to emphasize the importance of tolerance of each person's perceptions. The participants spoke both Ndebele and Northern Sotho. As a result the interviews were conducted in both languages. The strength of conducting group interviews was that I was able to witness the emotion people attached to their responses about the current chief Vaaltyn B, the dispute, mining in the area, local governance and the institution of traditional leadership. The group interviews also allowed observation of the groups' social interaction, the level of transparency and social elements of age and gender. Even though there were dominant voices amongst the groups, the villagers were not reserved about their views and were not threatened to oppose someone when they felt their opinions were being unacceptably generalised. Often when a participant responded to a question a chorus would either join to say 'no', throwing their hands in the air as a gesture of disagreement or clapping in agreement. It was also interesting to observe that both men and women contributed equally to the interviews. There were no obvious gendered power struggles. Though not an initial choice for data acquisition, the group interviews proved to be illuminating and rich with regards to the legitimacy of the current chief Vaaltyn B and about the legitimacy of chieftainship as an institution.

Chapter six focuses on how the institution of traditional leadership has been analysed in relation to democratic institutions. It concludes the study by arguing that being able to vote for a candidate to take office does not guarantee accountability, consultation, honesty, transparency, equality and the trickle down of economic benefits to the people. On the other hand it also argues that the dismissal of the institution of traditional leadership on the basis that chiefs are not consistent with the principles of democracy or the simple fact that their position is hereditary is problematic.

This thesis explores through the perspective of the people in Vaaltyn, the ambiguities of the institution in contemporary South Africa. There have been areas where chieftainship has been oppressive to people. However there have also been cases where chieftainship provides an alternative in areas where the local government has not yet entrenched itself or where local governance is present but inefficient due to lack of funds, incompetence and corruption.[61] The study suggests that the question of why chieftainship remains legitimate has to be explored case by case, taking into account each area's historical and contemporary context before generalisations or suggestions about discarding the institution of chieftainship can be made.

The theoretical meaning of the concepts used in this thesis are discussed as each chapter proceeds.

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[61] Oomen, B. (2002). *'Chiefs! Law, Power and Culture in contemporary South Africa.'* Leiden: University of Leiden

**Chapter 2**

**The interface between tradition and modernity: An outline of the succession dispute between chief Vaaltyn A and Vaaltyn B**

This chapter outlines the life histories of the Kekana chiefs who are in contention for authority. The chapter uses oral life histories, written testimonies and participant observation to compare the two contenders. The focus is on their personality, their lineage, where they grew up, their schooling, beliefs, tribal councils and their respective social settings. It explicates how individual personality and background determines the allocation of authority in their case. It argues that the local government gave recognition to Vaaltyn B because his personality, background, and tribal council guaranteed an easy working relationship. This kind of relationship between chieftainship and local government is necessary, especially if it promises material, political and economic benefits such as the ones that are entered into with mining houses.

**Chiefly lineage of Vaaltyn A and Vaaltyn B**

Among other elements that make the history of the area of Vaaltyn coincide with that of other South African chiefdoms, is the issue of succession disputes. The disputes are not only a result of past colonial and apartheid policies but also a result of the complex dynamics of culture. Below is how oral evidence suggests the Mokopane chieftainship developed.[62]

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[62] This list includes both the chiefs and the regents of the Kekana chieftainship. De Beer, F, (1986). '*Groepsgebondenheid in die familie- opvolgings- en erfreg van die Noord Ndebele.*' PhD Thesis. Pretoria: Univesiteit van Pretoria, has helped extensively to construct this structure and outline this genealogy. Some of the names may be spelled incorrectly since most of my informants seemed to have different ways of pronouncing the names. For the purpose of this chapter, I will start a discussion from the chieftainship of Bernard Kekana.

Moghombane Setwamadi I (Sejwamadi)

↓

Magude (Mongeni)

↓

Moghombane II

↓

Ntata

↓

Vaaltyn (Likxhobo) d. 1910

↓

Moshupya (Klaas) (regent) d. 1919

↓

Makhubuketja (regent)

↓

Bernard Kekana

↓

Piet Gojela Kekana (regent, d 1961)

↓

Molalakgori (regent, late 1961)

↓

Alfred Lesiba Kekana

↓

Vaaltyn Lesiba Kekana

↓

Vaaltyn Lesiba Kekana


Bernard was the son of Vaaltyn Lixhobo whose regency came to an end after his death in 1910. Bernard could not immediately take over as he was still young at the time.

Bernard's half brother, Klaas Mushupya therefore assumed authority as a regent. He was regent until he died in 1919. Makhubuketja then became a regent. Makhubuketja sent Bernard to school to prepare him for the day that he would become chief. Bernard took over from him in 1923. By then, he was already married to his first wife nna Monama. He had to marry the principal wife Josephine who would give birth to the heir. However she died in childbirth. It is believed that Bernard died after he was poisoned by Jan Petros (his father's half brother). Piet Gojela (Bernard's half brother) took over as regent from May 1934. Gojela was declared the guardian of Bernard's ten year old son, Alfred. According to De Beer[63] it was also his responsibility to ensure that when Alfred grew older he would marry the rightful principal wife who would produce the heir. However, from the outset Gojela was manipulated by Jan Petros and that introduced some tensions into the royal family with regard to his position in matters of the chieftainship. Gojela seems to have had no intention of handing over the regency and held his position until he died on the 12th October 1961. According to De Beer,[64] on the day after Gojela's death, Molalakgori was proclaimed by some members of the lineage as regent.

There were already divisions within the chiefly family about who should take over the regency on behalf of Alfred. One faction was in favour of Molalakgori and another 'rightfully'[65] in favour of Alfred's brother. Molalakgori took over as regent on the 13th October 1961. He is father to the current chief Vaaltyn B. Molalakgori is known for being on good terms with the local commissioner during the apartheid era and the democratic government in the later years. [66] It was suggested that Alfred marry Salome nna Langa

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[63] De Beer, F. (1986). '*Groepsgebondenheid in die familie- opvolgings- en erfreg van die Noord Ndebele*' p. 16

[64] Ibid

[65] De Beer shows according to Ndebele tradition that Alfred's younger brother was supposed to take over as a regent instead of Molalakgori, the uncle.

[66] After Molalakgori had succeeded in his endeavour to be regent, the tribal council members who belonged to the rival faction become aware that Molalakgori was not representing the needs of the tribal council as a whole. Therefore, in 1973 the rival tribal council chased him away for being tyrannical in matters of chieftainship. Van Niekerk, the Commissioner at the time, defended Molalakgori and urged that he be reinstated. It is also mentioned that Van Niekerk provided Molalakgori with police's protection. This to some extant elucidates the long relationship that Molalakgori had with the apartheid state. Later this relationship paved the way for his involvement in the democratic Transitional Local Councils.

who would give birth to the heir. Salome according to De Beer was from Lekalaka, Majaneng, or the Kekana tribe, from which according to tradition the principal wife had to come. The tribal council in contention for the chieftainship said that:

> Salome got the shock of her life when she realised that it was Molalakgori, the old man himself who had come to marry her. Salome refused his solicitations thus Molalakgori reclaimed the bridal cows without notifying the council to marry Naomi. Now, this is totally against our tradition because the principal wife lobola protocol entails that one who wishes to marry the principal wife goes straight to the chief to ask for permission. But Molalakgori instead went and consulted with an old woman from the village.[67]

Molalakgori proposed marriage to Naomi (mother of the current chief, Vaaltyn B) after he was rejected by Salome, the daughter of Langa. Naomi, according to the unrecognised tribal council, came from Langa, Mapela. Jackson claims that Naomi came from the Matlhogo Langa Ndebele chiefdom).[68] Either way, the tribal council that is not recognised by the government argued that Naomi was not from the appropriate family because the principal wife must come from the Langa and Kekana of Moletlane, Zebediela. Alfred Kekana[69] declared that: 'Naomi was an ordinary girl from an ordinary family. She was not the candle wife. His father was a Khalanga "a foreigner". She married Molalakgori with intentions to benefit from the chief's finances and Molalakgori married her for himself". Molalakgori complicated the state of affairs by sleeping with Naomi and together they had three children.

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[67] Unrecognised tribal council, interviewed by Skosana, D. Dr. Esterhuysen, A. Prof. Bonner, P. Dr. Lekgoathi, S. at Vaaltyn, 1 August 2009.

[68] Jackson A. (1983). 'The Ndebele of Langa' *Department of co-operation and development, Ethnological Publication No. 54* Pretoria, Government Printer, p. 125.

[69] Unrecognised tribal council, interviewed by Skosana, D. Dr. Esterhuysen, A. Prof. Bonner, P. Dr. Lekgoathi, S. at Vaaltyn, 1 August 2009.

When Vaaltyn B's tribal council[70] was asked about the motivation behind Molalakgori's actions, they stated that Alfred was impotent and therefore Molalakgori was chosen to have children on his behalf.[71] When asked if there were any blood tests to attest to this and who fathered the children belonging to Alfred's first wife, including Vaaltyn A, Jeff Kekana's response was that: 'These are the children of councillor Kgathola [who] had once been caught sneaking out of the chief's wife's compound by women who would be sweeping the yard in the early morning.' For the formally recognised tribal council, this verified their claim that the children of Nna Thabethe were not fathered by Alfred. It is important to note that even if Alfred were impotent, according to De Beer, in the Ndebele culture of succession, Molalakgori who was an uncle to the late chief Alfred was not supposed to raise up seed on behalf of Alfred. Despite this, Molalakgori fathered chief Vaaltyn B who was born in 1974.[72]

Gojela (a member of the chieftly family) praised Molalakgori's actions when he stated that: 'You must know that some of the senior councillors were wise, such as Molalakgori, immediately when a baby is born one has to have a certificate and you got to inform the Commissioner that a chief has been born. This is how I think Molalakgori worked things. So that when chief Alfred dies there is no confusion.'[73]

Another perspective is that since Molalakgori had a good relationship with the Native Commissioner and the government it would not have been difficult for him to submit a birth certificate on behalf of Vaaltyn B to the government. In addition, naming his son

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[70] I will sometimes refer to Vaaltyn A and his tribal council who are contending for chieftainship as 'unrecognised'. This is because they were not formally recognised by the government as opposed to Vaaltyn B and his tribal council who were given recognition in 2003.

[71] Jeff Kekana, Madimetsa Lekalakala and David Phahladira, (the tribal council members in office) interviewed by D. Skosana, Prof Bonner P. and Dr. Lekgoathi, P. at Vaaltyn, 18 September 2009

[72] De Beer, F. (1986). '*Groepsgebondenheid in die familie- opvolgings- en erfreg van die Noord Ndebele.*' PhD Thesis. p 1

[73] Gojela Kekana, interview by D. Skosana, Prof. Bonner, P. and Dr. Lekgoathi, P. with Mr at Mogalakwena Municipality, 18 July 2009

Vaaltyn, paved the way for some confusion which would later be 'resolved' by the government when they inaugurated Vaaltyn B as chief of the Kekana.

**The early lives of both the contending chiefs**

Vaaltyn A was born in the royal kraal of Kekana Vaaltyn in 1964. The son of the first wife whom the chief had chosen himself, he was raised no differently from his three siblings. This was because his mother was not the principal wife. Thus there was no expectation that he would one day be chief. When asked about his childhood and schooling, he shut his eyes, his head facing upwards and slowly recounted:

> I attended primary eh, at the time it was sub A. I went to Vaaltyn Primary School in 1971. And then 71, 72, 73, eh, I was still at primary because at the time one used to fail standards, then you pass, then you fail and so on and so on, because we were still young and also mischievous. At times we would skip school while others are attending. You busy munching vetkoeks(fat cakes) there; they would call on the register, Vaaltyn! Vaaltyn! Only to find that I have ran away. Then I passed and went to attend at Moshupsa, for standard 3. I then went to Bakenberg at the school in Rooivaal named Mabusela Primary. I spent most of my school life there. I then continued in 86, 87, I was in form 2, 88, form 3, 89, form 4. In 1990 I failed form 4. In 1991, I failed again. In 1992 I passed form 4 then I went to do my matric. Then in 1993 I failed. In 1994 I failed- Ai! Then I came back to do some supplements of the subjects that I had failed. Then I got some E's and A's here and there.[74]

The chiefly family then decided to send him to Boaparankwe College[75] located in Marble Hall where he completed his studies and returned to Vaaltyn thereafter. Vaaltyn A mentioned that he had never become involved in politics because he thought it would delay his studies which he was already struggling to complete.

On the other side, Vaaltyn B was also born in the Kekana chiefly kraal a decade later than Vaaltyn A, in 1974. Since his mother (Naomi) was a contested principal wife, the

[74] Vaaltyn A, interview by Dineo Skosana at Vaaltyn, 15 September 2011

[75] Boaparankwe is a school which is attended by the children of the chiefs and headman. It is aimed at teaching children of chiefs and headman administrative and people skills.

unrecognised tribal council chased them away from the village, along with his father, Molalakgori. They believed Naomi must have had ulterior motives in agreeing to marry the old man Molalakgori. The chiefly family said to Molalakgori suspiciously: 'as the uncle of the chief, how can you go to the house of the chiefly family, when you are the father? This shows that you and that woman had relations before'. They sent the woman back to her home in Langa Mapela.[76]

In Mapela (Langa), Vaaltyn B, his siblings and mother stayed with his maternal uncle and he attended school at Mmantotolo.[77]  As compared to Vaaltyn B, he did not attend Boaparankwe and the unrecognised tribal council divulged that he did not go to the initiation school either. Abram Kekana openly said that 'He is not circumcised'.[78]  In their study about methodological challenges encountered when studying traditions such as initiation, Matobo, Makatsa and Obioha (2009) state that initiation 'provided basic education to the initiates. Boys were provided with economic knowledge, skills in negotiations and in how to be good leader in their societies.'[79] Vaaltyn II did not experience the teachings of an initiation school. This further explains why the unrecognised tribal council perceived him as in possession of modern traits which they believe do not make up an 'authentic' chief.

Mapela, the area which Vaaltyn B comes from, is relatively developed as compared to Vaaltyn. The Langa are of Northern Ndebele descent. However they are surrounded by the Pedi. This may explain why chief Vaaltyn B is said to be more familiar with Pedi than Northern Ndebele. When asked about other details of his life, such as what his interests at school were and whether he was ever involved in politics, Jeff Kekana's response was

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[76]  Jeff Kekana, Madimetsa Lekalakala and David Phahladira, (the tribal council members in office) interviewed by D. Skosana, Prof Bonner P. and Dr. Lekgoathi, P. at Vaaltyn, 18 September 2009

[77] The interview was conducted with Jeff Kekana who is the spokesperson and uncle of the current chief. As a result he could not remember details such as where Vaaltyn attended his primary, secondary or his high school. Mmantotolo is the only school he could remember Vaaltyn B attending.

[78] Jeff Kekana, Madimetsa Lekalakala and David Phahladira, (the tribal council members in office) interviewed by D. Skosana, Prof Bonner P. and Dr. Lekgoathi, P. at Vaaltyn, 18 September 2009

[79] Matobo T. , Makatsa M. and Obioha. E. (2009). 'Continuity in the Traditional Initiation Practice of Boys and Girls in Contemporary Southern Africa Society', *Studies of Tribes Tribals,* 7(2): 105-113 p. 106

that: 'I would not know because when he was studying we did not know him'. He was fetched by Molalakgori's first wife after chief Alfred died in the year 2000. He was then 26 years old. He had been working at the then Johannesburg Airport as a driver for Avis. He was informed after the funeral by some of the councillors that he was the next chief. Jeff Kekana stated that 'We discussed everything with him until he was convinced that he is a chief.'[80] De Beer suggests that in cases where the principal wife is contested 'the male offspring are then not considered to be the successor to their father's throne (sic)'.[81] Arguably, this suggests that Vaaltyn B is not the legitimate chief.

## The traditional vs. the modern chief

'The literal definition of tradition comes from the Latin verb *tradere* meaning to transmit, to give up, or to give over. *Traditio* indicates the process by which something is transmitted; traditum refers to the thing transmitted'[82] There has been no consensus about what the term tradition refers to or how it differs from custom, nor about whether it should prevail or wither away. Even so, there has been some agreement with David Gross's definition that tradition refers to a 'set of practises, beliefs or mode of thinking that is passed down from one generation to another.'[83] Arguably, there has also been a tendency to define tradition in relation to what it 'confronts', that is, modernity. Gerard Delante also observes a tendency to define 'modernity by reference to the critique of tradition'.[84] The latter has been widely debated among scholars of different disciplines. This chapter will refrain from using the term modernity with reference to

[80] Jeff Kekana, Madimetsa Lekalakala and David Phahladira, (the tribal council members in office) interviewed by D. Skosana, Prof Bonner P. and Dr. Lekgoathi, P. at Vaaltyn, 18 September 2009

[81] De Beer, F. (1986). '*Groepsgebondenheid in die familie- opvolgings- en erfreg van die Noord Ndebele.*' PhD Thesis. p. 3

[82] Gross, D. (1992). '*The Past and its Ruins: Tradition and the critique of Modernity.*' Massachusetts: University of Massachusetts Press. p. 9

[83] See Gross, D. (1992). 'The Past and its Ruins: Tradition and the critique of Modernity.' p. 8

[84] Delante, G. (1999). '*Social theory in a changing world'.* Cambridge: Polity Press. p. 3, and Hobsbawm E, and Ranger, T., O. (2003). '*The invention of tradition'*. Cambridge: Cambridge University Press. p. 1-3

the period which was characterised by the secularization of certain forms of power, industrialization, rationalization and the scientific revolution.[85] It will instead adapt a working definition which defines modernity as an era that is characterized, among other things, by a shift in meaning and engagement with ideas, beliefs, practices, processes and social institutions.

A modern chief from this perspective advocates or practices a departure from traditional styles and values and his aspirations are more contemporary in that they are geared towards participating in the modern economy. On the contrary, a traditional chief, although he may have varying degrees of modern traits, embraces past patterns of doing things. Very importantly, this suggests that the concepts modern and traditional cannot be polarized. Gusfield points out that the relations between the traditional and the modern do not necessarily involve displacement, conflict, or exclusiveness.[86] Modern and traditional are overlapping articulating concepts and experiences. Therefore, this chapter takes into consideration the complexity of both terms and suggests that the persona of both chiefs may be fluid but that, they possess traits and perform certain practices that may be distinguished with being modern or traditional.

In order to interview chief Vaaltyn A, we[87] drove down on the semi tarred yet predominantly gravel routes of Vaaltyn. The sun shone brightly, with birds flying on the clear skies in an area not as resourced with what is associated with developed urban areas. Donkey carts sound thunderous; shepherds and cattle-herds wander the roads; young and old women sweep out the yards; ordinary people walk along foot paths: these are some of the sights that Vaaltyn still offers. It is common for both old women and men to stop and loudly pass greetings to fellow villagers. Often these greetings are accompanied by gossip and an exchange of personal or village related information.

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[85] See, Weber, M. (1946). *'Essays in Sociology'.* New York: Free Press, Berman, M. (1982). *'All That Is Solid Melts into Air*: *The Experience of Modernity.'* New York:

[86] Gusfield, J, R. (1967). Tradition and Modernity: Misplaced Polarities in the Study of Social Change. *American Journal of Sociology,* Vol. 72(4). pp. 351-362. The University of Chicago Press

[87] I was accompanied by Prof. Bonner, P, Dr. Esterhuysen, A and Dr. Lekgoathi. P

Chief Vaaltyn A's home is positioned in the tradition of the Ndebele, Tswana or the Zulu homesteads in earlier centuries. The huts are laid out in circular manner with the structures built in what Adam Kuper observed to be a horseshoe like format.[88] This arrangement positioned the chief's hut at the centre of the homestead, with huts belonging to members of the chiefdom surrounding him. Similar to the 'horseshoe' structure, chief Vaaltyn A's house is a four cornered brick laid house positioned at the centre bottom of the mountain. On the right hand side of the chief's house is the house built for the principal wife while on the left hand side, is the house belonging to the Kekana family's traditional healer. At the entrance of chief Vaaltyn A's home, lies a small graveyard with the tombstones of the late chiefs of the Kekana. Adam Kuper observed a similar pattern among other Nguni chiefdoms indicating that often 'the chief's hut is placed at the apex of the settlement. The sacred elements of the settlement - graves of ancestors, places of sacrifice - are also concentrated there'[89]. He suggests that 'this domestic settlement forms the crucial unit in the economy, kinship system and regional political organisation; and that its layout is a symbolic representation of the principles of the socio-cosmic system.'[90] It could also be said that the presence of the chief's house at the centre of the chiefdom that is under his authority is comforting to his subjects. His positioning within close proximity to his subjects makes him accessible and it can also be argued that it allows him to have a clear understanding of what his subject's concerns are.[91]

We were received by the tribal council, which was seated in a traditional African circular manner. Most of the council members walked to the meeting, while a few cycled to the royal house. The council is comprised predominantly of elderly men who were dressed in blue, others in orange, overalls, while others matched overall jackets with casual pants or jeans. Those in shirts, wore the sleeves rolled up and shirt tails loosely

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[88] Kuper, A. (1993). The 'House' and Zulu Political Structure in the Nineteenth Century. *The Journal of African History.* Vol. 34(3), pp. 469-487. p 474

[89] Ibid

[90] Ibid, p 473

[91] The positioning of the chiefs house seemed to be of concern for both the tribal councils throughout the interviews. I will discuss this later in the thesis.

hanging out of their trousers. A few wore suit jackets with un-matching trousers. Most of them wore hats which they held tightly close to their chests as they bowed to greet the council and then hung the hats on their knees during the interview. Taking off a hat is a gesture that illustrates respect to the chief and the royal kraal. The women were seated in the shade within the circle but separate from the men. They wore knee length skirts, their shoulders and heads covered. We sat across a four legged plastic table, which was covered with a white satin cloth while the tribal council sat on chairs that are usually used for school learners. Those who were without seats sat on coca-cola crates. The women sat on hand-made mats or on the ground.

We did not meet the chief at first even though we spoke to his tribal council. On the second interview with the tribal council, chief Vaaltyn A sat in a corner quietly, while the tribal council spoke on his behalf. It appears to be common for the tribal council to converse on behalf of the chief. The tribal council supporting Vaaltyn A out-numbers the Vaaltyn B tribal council.[92] Vaaltyn A's tribal council predominantly comprises of old men. There are a few young men in the council who are also members of SANCO. Women of varying ages also sit in the tribal council. Some of these women are the Kgadis (the chief's sisters and paternal aunts) whose core role is to approve the principal wife. They have the power either to approve or to contest a proposed principal wife. Both men and women in the tribal council are residents of Vaaltyn. Most of the council's elderly have retired while the majority of the young men and women were unemployed.

The interviews were carried out in Northern Ndebele. The council urged the respondents to converse in Northern Ndebele. We were informed towards the end of the interviews that it is not usual according to Ndebele culture to see the chief or enter his space without paying homage. As a result we offered a skinned sheep on our subsequent visit. It is not uncommon for visitors to be expected to pay a tribute to the chief before seeing or speaking to him in African chiefdoms.

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[92] On the interview with Joseph Kekana, 15 September 2011, he mentioned that the tribal council of the incumbent chief Vaaltyn B comprise of 5 men. This is very less as compared to Vaaltyn A tribal council.

On the other side of the chiefly conflict, we met the tribal council of the chief who is recognised by the government at Protea Hotel Mokopane. Chief Vaaltyn B was absent from all of our meetings. In much the same way as the tribal council in contention for the chieftainship, Vaaltyn B's tribal council spoke on his behalf. The three men wore suits with their shirts neatly tucked in. We set on leather chairs, around a shiny wooden table in the hotel's conference room. The interview was carried out in Northern Sotho. In most cases, the tribal councillors would respond in both Northern Sotho and English. Mocks Mokhonoana[93] who sits on the tribal council of the unrecognised chief, mocked Vaaltyn B declaring that: 'On the day of the inauguration, the presenters of Radio Thobela said to him in disbelief 'you are a Ndebele chief but you do not know Northern Ndebele'? Then he was very raw, did not know a word'.[94] Mr Joseph Kekana mentioned in his defence when asked about Vaaltyn B's ability to speak Northern Ndebele that: 'He speaks Pedi because he grew up amongst the Pedi, but he now speaks Ndebele as well.'[95]

Apart from genealogical reasons and the fact that Vaaltyn B and his tribal council did not follow what is considered to be 'the proper protocol of Northern Ndebele culture', a few more considerations affirmed the assertion of Vaaltyn A's tribal council that chief Vaaltyn B was not an authentic chief. Chief Vaaltyn B does not stay in the village. It was mentioned that he stays in town in a house bought for him by the mines.[96] Joseph Kekana claimed during one of the interviews that he stays in town because of 'not being able to get a place in the community'. Joseph Kekana insinuated that Vaaltyn B does not stay in the village because he could not find a suitable house for himself. The reality is that he does not stay in Vaaltyn not only because his mortgage is paid for by the

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[93] Mocks is an assumed name which translates to his surname Mokhonoana. He belongs to the faction of the family who are the intermediaries. He is the tribal council's speaker. He is a relatively successful owner of a small grocery shop and a liquor store. He is the writer of the memorandum and an activist against municipal demarcation discussed in the next chapter.

[94] Vaaltyn A and Mocks Mokhonoana, interview by Dineo Skosana at Vaaltyn, 15 September 2011

[95] Joseph Kekana, interview by Dineo Skosana at Vaaltyn, 15 September 2011

[96] Jeff Kekana, Madimetsa Lekalakala and David Phahladira, (the tribal council members in office) interviewed by D. Skosana, Prof Bonner P. and Dr. Lekgoathi, P. at Vaaltyn, 18 September 2009

Platinum Reef Mine but also because he could not risk going back to the community which is comprised of the rival tribal council members who once chased him away. He also does not speak Northern Ndebele. He is a Christian but does not attend church, though his tribal council are members of Pentecostal churches. This is different from the majority of the Vaaltyn and Mokopane communities, Vaaltyn A and his tribal council, the majority of whom are members of the Zion Christian Church. In addition, Vaaltyn B grew up in the township of Mahwelereng. This is where his family took refuge when he was three months old before they moved to the Langa village under the guardianship of his paternal uncle. As a result Vaaltyn B is regarded by the rival tribal council as an outsider, who has imposed himself on a chiefdom that does not know him.[97]

This section of the chapter has illuminated the contrasting social contexts of the contending Kekana tribal councils in order to illustrate that the social setting determines whether a group or an individual continues being traditional or gives up what is considered tradition to follow modern ways of doing things. The social setting also determines the manner in which tradition is modified in a modern context. In other words one could say that it is not surprising that Vaaltyn A and his tribal council still conform to Northern Ndebele tradition, even though this tradition may have been modified. This is because the social setting in Vaaltyn is relatively favourable for them to preserve Northern Ndebele practises such as slaughtering. Slaughtering in Vaaltyn B's house located in the suburbs may be difficult given the by-laws and dynamics in suburbs. This allows one to perhaps conclude that Vaaltyn B's upbringing in Mahwelereng Township and later amongst his Pedi speaking family in Langa shaped the type of chief he is, how he engages with Northern Ndebele tradition and arguably and most importantly, paved the way for him with the help of his father's historical relationship to successive local governments, to be appointed by the democratic government as chief instead of Vaaltyn B.

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[97] These aspects will be discussed again on chapter 5.

## Northern Ndebele culture

As discussed in the first chapter, the history and origins of the Northern Ndebele is widely contested. Isabel Hofmeyr remarks that 'ethnic categories are not rigid, particularly in the nineteenth century Transvaal where constant interaction amongst societies ensured a fluid sense of ethnic definition.'[98] Likewise, Van Warmelo observed the influence of Pedi identity on the Northern Ndebele and argued that the Southern Ndebele were more 'authentic since they remained culturally conservative as opposed to their Northern counterparts'[99] Van Wyk and Ziervogel maintained that the language spoken by the Northern and Southern Ndebele, distinguished these two groups.[100] Their traditional garments and the structure of their houses also set them apart.[101] During an interview with Lucky Kekana,[102] she pointed that the Kekana, Northern Ndebele are endogamous, which differentiates them from the Southern Ndebele who marry outside their social units.

The following extracts from the interviews with the contending tribal councils illustrate some aspects of Northern Ndebele culture and the background and social setting of both the chiefs and how their respective tribal councils have shaped and how they internalise, interpret and modify Northern Ndebele culture. The extracts illustrate the difference between the two chiefs, Vaaltyn A and Vaaltyn B and their tribal councils.

When asked about the rituals that are performed before the inauguration of the chief, the senior tribal council of the unrecognised chief, Abram Kekana explained that:

> In our tradition when a chief is sworn in we say *'uyokhandiswa boloko'*, the direct translation means to step on the cow dung. The councillors who

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[98] Hofmeyr, I. (1993). '*We spend our years as a tale that is untold.*' Pg 18-19

[99] Van Warmelo, J. (1930). *Transvaal Ndebele Texts. South Africa:* Ethological Publications.

[100] Van Wyk, (1966), p 36 and Zietvogel, (1969), p 36

[101] See for instance, Schneider, E, A. (1997). 'Ndebele'. New York: Rosen Publishing Group

[102] Lucky Kekana interviewed by Skosana, at Vaaltyn, 16 August 2009.

contributed cows for the principal wife are called. Then the chief gets to wear the skin of an animal, 'the leopard's skin'.[103]

Mocks Mokhonoana added that:

The chief who is being inaugurated is taken to the grave of the chief whom he has been named after or succeeding to announce that he is taking over. His face is smeared with some fat. This is done in order to make a connection with the ancestors. This is almost similar to the Bible when David was blessed by Samuel.[104]

He also added that most rituals are carried out in private on the day before the inauguration and that the remaining practices such as slaughtering are done on the day of the inauguration. On the day of the installation of the chief, representatives of the government, guests, chiefs and villagers are invited to witness the ceremony. They are offered food and traditional beer.

Mocks stated that previously, older men would go and hunt a leopard and once they had killed it, they would remove its skin and place it in a position exposing it to the sun so that it could dry out. After some days it would be cut up to fit the successor. The traditional healer would thereafter bless it using her ancestral powers. By contrast when asked about how the skin is traditionally prepared before it can be worn by the chief, Joseph Kekana (who sits and speaks on behalf of the Vaaltyn B tribal council) explained that: 'in our culture we don't really pray but now I do pray. Traditionally, we don't pray for it, we call the ancestors.'[105] Here he implied that they no longer prepare the skin in the same manner as in the past, because of their conversion to Christianity. There is both association and separation at different times in Joseph Kekana's responses from the Northern Ndebele traditional way of doing things. This is not unusual considering that identity is fluid. We shall see in the next extracts from the interviews, how Vaaltyn B and his tribal council move between two cultures. This should not imply

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[103] Unrecognised tribal council, interviewed by Skosana, Dr. D. Esterhuysen, A. Prof. Bonner, P. Dr. Lekgoathi, S. at Vaaltyn, 16 August 2009.

[104] ibid

[105] Joseph Kekana, interview by Dineo Skosana at Vaaltyn, 15 September 2011

that the rival Vaaltyn A and his tribal council are not caught up in a similar position, but rather that Vaaltyn A's background, his tribal council and their context and surroundings allow them to lean more towards tradition and traditional identity as opposed to a Christian and modern identity. It could also be argued that the dispute itself compels them to lean towards traditional identity since it deems them as perhaps more authentic.

When asked whether the rituals were practised during the inauguration of Vaaltyn B. Mock's response was:

> Whose grave will he go to because the chief's grave is here? Vaaltyn B was sworn in in a street-wise manner. They did not do the rituals. They just meet at the stadium. One other thing is that most of the things are supposed to be done here in the royal kraal then from there; we can go to the stadium just to show people that the chief is being sworn in.

Mrs Lucky Kekana, a member of the royal family, was also eager to voice her views on Vaaltyn B and his inauguration ceremony. In response to the question of what happens when a chief is inaugurated, she exclaimed:

> I will tell you. We cook the whole week then other women wash dishes. We borrow from our neighbours, chairs, tables, you name them. We call all the chiefs from Zebediela and elsewhere. Now, I wonder if all this happened when the so-called chief was inaugurated. This so called chief was inaugurated on a soccer field. Women who are fond of eating went to cook. We did not go. We relaxed around the house. Nobody went to dance for him. What kind of a chief is that? He has never set his foot here. When he is asked if he knows us, his response is no! And so is our response. If he dies he cannot be buried in the chief's grave yard. He will be buried in the public graveyards with everyone.[106]

Joseph Kekana's description of the inauguration process is in many ways different from that described by the unrecognised tribal council. When the same question was asked about what rituals were performed when Vaaltyn B was inaugurated, Joseph Kekana's response was that, 'when we installed him we were visited by the Premier of the

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[106] Unrecognised tribal council, interviewed by Skosana, Dr. D. Esterhuysen, A. Prof. Bonner, P. Dr. Lekgoathi, S. at Vaaltyn, 16 August 2009.

Province, the chairperson of the chiefs in the Limpopo Province and the local government.'[107] He proceeded to explain that on the actual day, participants carried knobkerries, assegais, and shields and everyone was dressed in skins and the virgins were also there. They danced endlessly while the chief was watching so that if he was interested he could choose one among them. These were women from Mapela and Zebediela, where the principal wife traditionally comes from. Someone from Mapela, will carry the spear, shield and the animal skin which will be given to the chief. He added that all these things are bought.[108] This is contrary to the olden days in which the utensils needed for the inauguration would be made by members of the chiefly family or would be passed down from generation to generation. He also revealed that the chief would be dressed up in an animal skin in front of the government officials, chiefly family and a cameraman, who are the witnesses. In order to give some clarity, Joseph Kekana explained that:

> We buy the skin of a leopard, so because the skin of a leopard is now scarce, we got it from Canada - somewhere in Canada. They brought it; they were contributing because they have activities in our area. They own mines. So they are the ones who bought the skin for us. The Canadians.[109]

The mining activities in Vaaltyn altered the stakes for the chieftainship and for the local state. In order for there to be a non-contentious relationship with the mining concession company, the chief had to be reasonably sophisticated, if not professional. Certainly the negotiations between the chief, the local and provincial government and the mine would have had to be conducted with quite a high level of understanding.[110] Thus I suggest that the personality, of chief Vaaltyn B, his background and tribal council played a role in legitimizing him.

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[107] Joseph Kekana, interview by Dineo Skosana at Vaaltyn, 15 September 2011

[108] Jeff Kekana was speaking wistfully about the day of the inauguration. He narrated the ideal procedures of the inauguration and at the end of his description his stated that the afore mentioned customs did not happen.

[109] Ibid

[110] This will be discussed in detail in Chapter 4

**Conclusion**

This chapter has discussed the backgrounds of both contending chiefs, Vaaltyn A and B, with respect to their lineage, where they were born, their tribal councils and their social settings. I have argued that these social categories help us understand the two personalities in contention for chieftainship. From probing their personalities, I have suggested that we get a sense of why the government opted to give recognition to Vaaltyn B. This however, is not merely to reduce the determination of the allocation of power to personality. Other factors clearly played a role, such as the fact that the current chief's father was the chief's representative in the Commissioner's office during the apartheid era. Thereafter he became the chief's representative in the Transitional Local Council. This chapter has argued that the fact that Vaaltyn B was fathered by Molalakgori, who was well connected with the state, in addition to his modern traits, paved the way for him to be legitimized. Although, in contrast, for the people in Vaaltyn, the current chief Vaaltyn B remains illegitimate.

Chieftainship is hereditary. However in Vaaltyn, chieftainship was awarded to the faction which appears to promise a relatively easier relationship. It is necessary for a chieftain and local government to have some form of understanding since the area of Vaaltyn is continuously explored by mining houses. The benefits that accompany mining cannot be enjoyed unless a chieftain, local government and Mining houses establish some consensus.

**Chapter 3**

**Boundary determination negotiations within a context of a succession dispute**

The end of the apartheid system paved the way for a democratic era which promised to remedy the political, social and economic injustices of the past. Awaited with great expectation, the democratic government enacted laws that were intended to integrate a racially divided nation characterised by vast economic disparities. The Local Government Transitional Act of 1993, the Development Facilitation Act of 1995 and the Municipal Demarcation Act of 1998 were among new laws that were crafted during the period of the Transitional Government and just after 'to enable newly elected, fully democratic and demarcated municipalities to begin functioning in a democratic and development orientated manner.'[111] Implementing these laws was not going to be a straightforward task in every part of the country, given the intractability of the 'land question' in South Africa. This chapter explores the process of demarcation and the determination of municipalities. Vaaltyn is used to understand the implications and challenges of such a process, using oral testimonies and local municipal records. In addition, the Vaaltyn case illustrates the complications that are encountered when a government enters into boundary-determination negotiations with a chiefly family that is divided by issues of succession and hence of incorporation. It demonstrates how the dispute provided a platform for certain factions such as the local government and the faction whose chieftainship is currently recognised, to form alliances which bring about economic, political and personal benefits. Most significantly, this chapter demonstrates Ramutsindela and Simson's observation that boundary disputes are not only about the boundary in question but also about opportunities and constraints offered by the process of transformation.

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[111] Naude, W. A. (2001). *'South Africa's local government transformation: An economic development perspective.'* University of Leipzig Press. p. 1-17.

**Transformation of the local government**

The Local Government Transitional Act (LGTA) no. 209 of 1993 was the first piece of post-apartheid legislation initiated at the local level. Three phases were proposed in this Act. These were the,

> Pre- interim phase - described as a period lasting from the publication of LGTA to the date of elections for the transitional local councils. This phase would incorporate communities that were previously excluded from local government into existing municipalities. The interim phase dated from the elections until the implementation of the final arrangement of local government. It was this phase that introduced transitional local councils. The final phase defined a period of transformation of municipalities and their structures in accordance with legislative arrangements[112]

The LGTA was criticized among other things for 'its biased tendency to only focus on urban issues.'[113]  As a result these criticisms lead to the publication of the Proclamation R65 of 1995. The proclamation introduced different types of municipalities and councils in an attempt to reform local governance and structures in rural and urban areas. These were:

- The 'Category A municipalities, also known as the Metropolitan municipalities introduced Metropolitan Local Councils (MLCS) which had exclusive municipal and legislative authority in their areas.

- The local government in rural areas, also referred to as Category B municipalities which were established along with the Transitional Representative Councils (TRep Cs) or Transitional Local Councils (TRCs). Generally, these were municipalities that were small and shared municipal executive and legislative authority with the category C municipalities.

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[112] Local Government Transitional Act no 209 of 1993

[113] Pycroft, C. (2002). 'Addressing Rural Poverty: Restructuring Rural Local Government' *Democratising Local Government: The South African experiment.* Cape Town: University of Cape Town Press. p. 111

- Category C municipalities, also referred to as the district municipalities were established along with district councils who have municipal executive and legislative authority in an area that includes more than one municipality.'[114]

Chris Pycroft criticised the district municipalities that were constituted as not being in possession of sufficient administrative capacity to assume greater responsibility for service delivery. He argued that rural areas - and particularly those that were administered by the former homelands - were poorly served. He also added that as the demarcation board reallocated powers and functions from small urban municipalities to district municipalities, these weaknesses would become increasingly apparent. A second constraint confronting district municipalities concerned their revenue raising powers and their ability to generate sufficient income from revenue to meet the infrastructure and service delivery backlogs that existed within rural areas.[115]

The introduction of the different types of municipalities and councils was further criticized by Pycroft for 'the lack of administrative, structural and financial capacity to fulfil the constitutional and LTGA objectives'. [116] Dominique Wooldridge also observes a tendency 'to exclude settlements on the periphery of the metropolis which would lower the per capita tax base, and place a strain on service delivery capacity'.[117] In an attempt to remedy these shortcomings, the White Paper on Local Government then introduced the notion of 'developmental local government'[118]. In order to achieve these objectives

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[114] See the Constitution of the Republic of South Africa, 1996.

[115] Pycroft, C. (2002). 'Addressing Rural Poverty: Restructuring Rural Local Government', *Democratising Local Government: The South African experiment.* p 116- 117,

[116] Ibid. p.112

[117] Wooldridge, D. (2002). 'Introducing metropolitan local government in South Africa'. In S. Parnell, E. Pieterse, M. Swilling, D. Wooldridge (eds.), *Democratising Local Government: the South African experiment.* Cape Town: University of Cape Town Press. p. 132

[118] Defined as 'the local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives' White Paper on Local Government, March 1998.

the White Paper proposed the Municipal Demarcation Act, the Municipal Structures Act[119] and the Municipal Systems Act.[120]

## The Municipal Demarcation Act

The Municipal Demarcation Act of 1998 was passed in an attempt to remedy underdevelopment, inequalities and border divisions that had been created by the colonial and apartheid government in South Africa. The Demarcation Board was responsible for redrawing municipal boundaries in order to achieve a balance between financial viability and the representation of communities in municipal decision making processes. In Pycroft's understanding this would be done 'through capturing income-generating capacity within each municipal boundary and by ensuring that each municipality is small enough to enable a sense of community to develop and to facilitate local participation.'[121] In order to carry out the objectives of the Act, a Board responsible for the determination of municipal boundaries was established. The Act set out to redefine metropolitan and district municipal boundaries, establish new local municipalities, wards, district management areas and cross boundary municipalities.[122] The criteria for determination of municipal boundaries were:

- patterns of human settlement

- employment

- commuting and spreading trends

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[119] The Municipal Structure Act 117 of 1998 'relieved municipalities of responsibility for the delivery of (but not responsibility for) all municipal services. Each Municipality could retain the political authority to determine how its functions will be provided. Municipalities would then be free to enter into a range of service delivery partnerships to ensure that service was provided in the most cost effective and efficient manner.' Pycroft, C. (1999). 'Addressing Rural Poverty: Restructuring Rural Local Government' *Democratising Local Government: The South African experiment.* p. 116

[120] (Ibid). p. 114. 'the act seeks to position the district municipalities at the centre of the municipal sphere increasing their power and responsibility particularly in rural areas'

[121] Ibid.

[122] See Section 24 and 25 of the Municipal Demarcation Act.

- commercial and industrial linkages

- the financial and administrative capacity of a municipality

- financial resources

- land usage, town and transport planning

- topographical and environmental characteristics municipal areas

The procedure for the determination of a municipal boundary involved 'notifying the public and stakeholders of the board's intentions and inviting members of the public to submit the views'.[123] Often a due date was set for public discussions prior to the beginning of the determination process. To ensure that all the views of stakeholders and the public were taken into consideration, the Board appointed a special task team to conduct research and read letters written by those concerned. The Board also held 'regular meetings with the communities and persons who would be affected by the determination process before the final decision could be made'[124]. Such efforts were directed towards ensuring manageability and functionality in the newly proposed municipal boundaries. The mayor of Mogalakwena municipality mentioned during the interviews that they held consultation meetings with the Potgietersrus community members, in which there had never been an agreement with the chiefs and their subjects to be incorporated. [125]

What appears to be the strength of the Municipal Demarcation Act, is the recognition of the importance of service delivery in remote and impoverished areas of South Africa which have been long denied. In addition, the Act identifies the need for municipalities to be closer to their constituencies in order to allow citizens to actively engage with their service providers. According to Pycroft 'the extension of municipal boundaries to

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[123] See Section 24 and 25 of the Municipal Demarcation Act.

[124] See Section 24 and 25 of the Municipal Demarcation Act.

[125] Mmola Bob (former mayor in Mogalakwena Municipality) and Kgosana S (Councillor of Vaaltyn), interviewed by Skosana, D at Vaaltyn, 12 August 2011. The reasons why the chiefs and their subjects refused incorporation are discussed later in this chapter.

combine small rural town and their adjacent rural areas is an acknowledgement of the economic and social linkages between rural and urban areas. By extending a council responsibility beyond the urban boundary, the demarcation process should, if the municipality performs its developmental role, facilitate a more equitable access to capital assets necessary for sustainability.[126]

Potgietersrus/Mogalakwena municipality fell into the Category B municipalities. Mogalakwena was formed from the integration of three municipalities and their TLC's namely: Greater Potgietersrus TLC, Greater Bakenberg TLC and the former Rebone Kolisrand TLC. Mogalakwena would share executive and legislative powers with the district municipality of Waterberg. The areas that would be incorporated were selected and divided on the basis of their proximity to town. The closer an area was to town the more there was a possibility of it being incorporated into Mogalakwena municipality. The implications of this were that certain areas under the authority of chief Alfred Kekana would fall within the authority of chief Langa and poorer villages would be represented together with affluent areas in the Mogalakwena municipality. This meant that the villages in which people used to pay tribal levies to the chief would have to pay water and electricity rates since they would be in possession of title deeds of the stands they were occupying.

### 'The undemocratic incorporation of Vaaltyn into Greater Potgietersrus'

The research identified two challenges with the incorporation process. These challenges are not only to be observed in the case of Vaaltyn but can also be traced to the various areas across South Africa in which chiefly rule remains legitimate. These challenges entailed the following: first, the lack of sufficient consultation by the Board with members of the chiefly family and, secondly, reducing tribal authority land that in turn threatened the legitimacy of chiefs. As in the case of Vaaltyn, in which there was a dispute, Joseph Kekana[127] was able to sign away parts of the land previously under chief Alfred's jurisdiction without his knowledge.

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[126] Pycroft, C. (1999). 'Addressing Rural Poverty: Restructuring Rural Local Government', *Democratising Local Government: The South African experiment.* p. 114

[127] He was chief Kekana's representative in the Transitional Local Council after Molalakgori retired
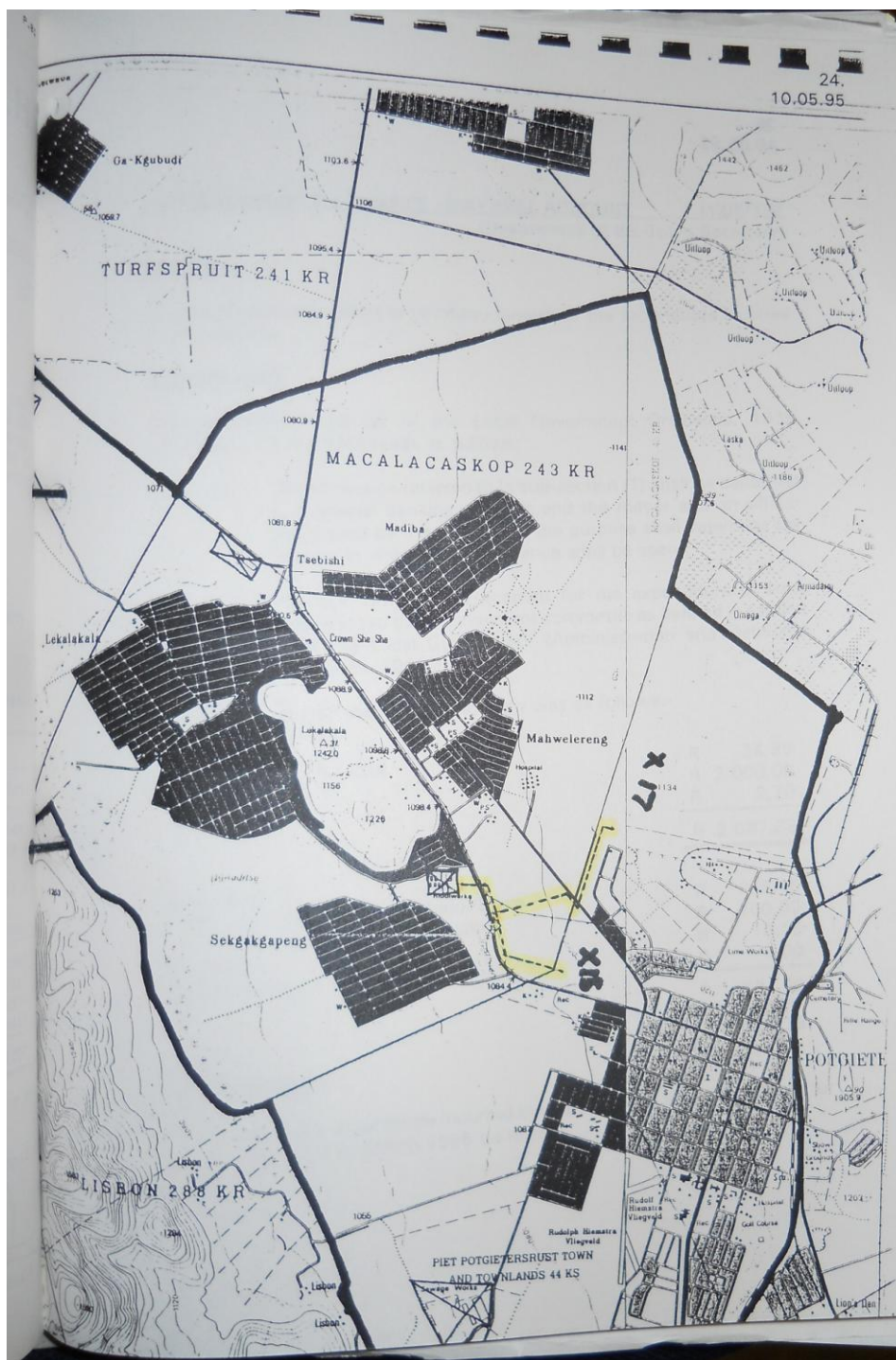
The areas classified under the farm Macalacaskop 243 KR are areas under chief Vaaltyn B. Some of these areas such as Mahwelereng are held in trust for Chief Kekana.

The former Greater Potgietersrus (now named Mokopane) was and continues to be the main city centre and the central business area in the Western District of the former Northern Province, now Limpopo. It contains the small and highly developed area of Potgietersrus[128] central business district (CBD), industrial areas and a small affluent society residing mostly in the town centre and the suburb of Alaska. Near the affluent and developed residential areas that were once reserved for the white inhabitants, lie areas with a large population of unemployed people who have low levels of disposable income and who are uninvolved in economic activity. These areas include Vaaltyn, Madiba, Sekgakgapeng, Masethlaneng, Masodi and Maruteng. Prior to the first democratic elections in 1994, these areas were connected to the former Greater Potgietersrus TLC as subject to traditional authorities as well as the government of the former Lebowa homeland and the former Transvaal Provincial Administration. Currently, the former Greater Potgietersrus Council constitutes the demarcated Mogalakwena Local Municipality. Mogalakwena is one of the five local municipalities in the recently formed Waterberg District[129]. It was established after the local elections in December 2000. Five traditional authorities are located within the Mogalakwena municipal area, namely Vaaltyn, Nkidikitlane, Bakoni Ba Matlala, Matlala, Bakenberg, Lekalakala, and Tauyatswala.

In 1998 the then Northern Provincial administration stated in a final demarcation proposal[130] that would be forwarded to the National Demarcation Board that they intended for the Potgietersrus[131] municipality and its transitional local council to incorporate the villages nearest to town, one of which was the Vaaltyn Traditional

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[128] Named in honour of Piet Potgieter– leader of the Afrikaner white and renamed in 2001, Mokopane- the early chief of the Ndebebele of Kekana. Potgietersrus is also, often referred to, by locals as 'Pprus' or 'Potties'.

[129] The other municipalities within the Waterberg District Municipality are: Bela-Bela. Lephalala, Modimolle, Mookgopong and Thabazimbi, see Government Gazette No 21617, September 2000.

[130] The proposal was dated the 27th November 1998 pg. 349, Archival date: 18th January 99, pg. 243

[131] Also named Mahwelereng municipality.

Authority.[132] Part of the Vaaltyn Traditional Authority farms which would be incorporated into the municipal area, were Turfspruit, Rietfontein, Lisbon, Tweefontein, a portion of Sandsloot and Knapdaar. The proposal also aimed for Greater Potgietersrus to fall within the Bushveld, now Waterberg[133] District Council. The democratic government believed that incorporation would bring service delivery closer to the people of Vaaltyn and would make it simpler for them to participate in matters that affected their communities. Given the complexity of the land issue in South Africa, implementing the Municipal Demarcation Act was going to be a very complicated process.

In 1998, when the local government of Mokopane requested legal opinion about service delivery in areas under the authority of the chief Kekana it was found that Mokopane Local Government for the areas of Vaaltyn, Sekgakgapeng and Madiba was not a local government body as defined in section 1 of the Local Government Transitional Act of 1993. These areas were, according to the Government Notice no. 1885 of the 6th December 1963, situated in an area which had in terms of section 5 (1) no. 38 of the Black Administration Act of 1927 and the Bantu Authorities Act No. 68 of 1951, been defined as the area of the Ndebele Tribe under Acting Chief Alfred Bernard Kekana. This was also an area in which a Tribal Authority known as the Vaaltyn Tribal Authority was established in terms of the section 2 no. 68 of the Black Authorities Act of 1951. Administratively, the tribal authority had the powers to distribute and manage land affairs. The chief was responsible for delivering services to his own people.

Even though the South African government had begun to revamp local governance and had promised accountability, efficiency, participation and service delivery post-1994, this did not persuade the Greater Potgietersrus local municipality to begin rendering services to Vaaltyn. When the Municipal Demarcation Act was enacted, the then Northern Province government's condition was that Vaaltyn be incorporated into Greater Potgietersrus and only then, would they receive local municipal services.

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[132] Inclusive of all communal tribal land under guardian of chief Alfred. B Kekana. See map above.

[133] Also known as the Western District due of its geographical location.

An Urban Renewal Programme was one of the integrated presidential projects that intended to see that rural municipalities such as the Greater Potgietersrus, received basic services. In the municipality of Mogalakwena, an estimated R130 million was allocated to make certain the success of at least 24 projects that would ensure that water supply, pipeline and reservoirs, water reticulation, roads, electricity reticulation, community facilities and housing were in place by 1997.[134] There were internal concerns raised by the Greater Potgietersrus municipality with regards to Vaaltyn. It was documented in the municipal minutes that: 'The problem is related to the transfer of assets from Vaaltyn, Madiba, Sekgakgapeng and Mahwelereng, areas under the authority of chief Kekana'.[135] The Greater Potgietersrus TLC had indicated that until the transfer of assets had occurred, they were legally not in a position to assume responsibilities with regard to the operation and maintenance of infrastructure in Vaaltyn, Mahwelereng, Madiba and Sekgkgapeng.'[136]This was irrespective of the fact that some infrastructure had already been built in Vaaltyn and other parts of chief Kekana's land by the Greater Potgietersrus TLC.  It was clearly stated that the 'TLC will not accept any responsibility for the infrastructure and networks that are located on private land'.[137] With regard to water, the TLC decided that 'they will sell bulk water to the owner of Vaaltyn, Madiba and Sekgakapeng *(the chief)*, who will in turn maintain and operate the water networks on his land, provided a formal standard services agreement is entered into with the council.'[138] Arguably, this was an indirect strategy to put pressure on the chief, in order for him to agree to be incorporated into Greater Potgietersrus and to transfer his assets to the Potgietersrus TLC.

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[134] Archival record of the 15th January 98

[135] Archival record of the 15th January 98

[136]Ibid, pg 22. Part of being incorporated into Greater Potgietersrus entailed transferring privately owned assets, that comprise the basic infrastructure that enables Vaaltyn to provide basic services for itself. i.e. pipeline system, electric cables, station, road construction and maintenance machines etc.

[137] Why would the TLC build infrastructure on the chief's private land if later on, they would refuse to operate and maintain it? Arguably some of the networks in the whole area of Potgietersrus would not function efficiently without being partly connected to Vaaltyn and surrounding areas. In addition, the infrastructure was also built in Vaaltyn because the TLC knew that eventually Vaaltyn would be incorporated. And what they dreaded was a case in which they built infrastructure that did not go passed Vaaltyn and would later on, be forced to budget once more to build networks that they did not construct ab initio.

[138] Archival records dated 15 January 1998

Contrary to the argument presented above, Mr William Madonsela from the office of the MEC for Land, Housing and Local Government gave assurance to members of the chiefly family in a meeting on 29 March 1995[139] in which the TLC of Greater Potgietersrus and a local branch SANCO was present. This occurred during the early talks about the demarcation process and the chief was concerned about his area. Madonsela said to the TLC: 'Hands off the kgosi's land; such land will definitely not be transferred to the Transitional Local Council.' [140] One of the critical views that emerged from this meeting was the consensus view that Malesela Joseph Kekana should be removed as chief Kekana's representative.[141] Malesela Joseph Kekana was appointed by Molalakgori who retired from his position in the TLC. During the entire process of incorporation and contestation the royal family was mired in the succession dispute which was discussed in chapter 2.[142] One pole of this dispute was Molalakgori, who had assumed the position of Chief Alfred Kekana, the incumbent and had effectively displaced Alfred's authority, including his place on the TLC.  When asked about what Joseph Kekana's position was in matters of chieftainship, the response was that:

> Malesela Joseph Kekana also had a relationship with the TLC. He was receiving a salary package from them and as a result, concurred with the government. Malesela Joseph Kekana took powers from Madimetsa John Kekana [Molalakgori, father of the current chief] who is the reason why the current chief mounted to power. Molalakgori was a senior councillor and he was old, therefore he was instructed to appoint someone else and he appointed Malesela Joseph Kekana.[143]

The royal family indicated how unhappy they were to have Mr Malesela Joseph Kekana as the chief's representative. Even so, this did not stop him from declaring himself as the candidate who was authorised by the chief and his tribal council to represent them and to sign all necessary documentation.[144] In a letter addressed to the TLC of Greater Potgietersrus on the 8th of July 1997, Malesela Joseph Kekana had written that:

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[139] Archival records dated the 29th March 1995

[140] Archival dated the 29th March 1995

[141] This view was disputed in the interviews I conducted with the tribal council in August 2009.

[142] This dispute is discussed in detail in the next chapter

[143] Interview: Mocks Mokhonoana

[144] Archival records dated 10 April 2000

> The chief, bakgomana [tribal council] together with the representative M. J Kekana fully supports the incorporation of the areas namely Vaaltyn, Madiba, and Sekgakgapeng into Greater Potgietersrus Transitional Local Council[145]

Subsequent to this, there were meetings amongst the Greater Potgietersrus TLC to discuss delivering services to Vaaltyn and other areas belonging to the chief. Even so, the royal family was very vocal about their grievances. During the early talks about incorporation, the royal family had written on behalf of chief Alfred, to the TLC that:

> Kgosi Alfred Kekana wants to put it on record that he supports the Local Government Transitional Act of 1993. He therefore does not have any problem whatsoever with the creation of democratically constituted local government including his areas. His attitude towards the TLC of Greater Potgietersrus is that its negotiation forum as contemplated by the Act was not as inclusive as it possibly can. He [the chief] was neither invited nor consulted when the same was instituted[146]

The letter went further to indicate that Malesela Joseph Kekana 'who purports to be the chief's representative' was not appointed by him. Therefore 'any agreement which involves him is not binding on chief Kekana and that in fact, chief Kekana feels undermined by the council's actions of not discussing with him the inclusion of his area to the council'. [147] The chief then requested a meeting with the Council to resolve this problem.

This was not the only attempt by the chief to articulate his concerns. After incorporation, a memorandum was submitted by Mocks Mokhonoane on behalf of Chief Alfred to the premier of the Northern Province and to the Greater Potgietersrus Municipality to reiterate that Vaaltyn was incorporated without the knowledge of the chief and the people. The letter described the incorporation as 'undemocratic' and undermining of the chief. The 'undemocratic' incorporation of Vaaltyn into Greater Potgietersrus supports Ralph Mathekga's observation that 'the implementation of the institutional apparatus of the new local government has had problems in terms of

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[145] Archival records dated 10 April 2000 signed by Malesela Joseph Kekana.

[146] Archival records dated 10 April 2000

[147] Ibid

securing citizens' participation'.[148] One of the major problems he emphasizes, is the structure of the local government in South Africa, which he terms a 'technocratic system of local governance'. He also criticizes the local government's tendency to stress and portray itself as an agency for services and for placing less emphasis on its role as an agent of participation.[149]

The memorandum also pointed out its concern about incorporating 'third world communities' with 'first world communities'. This was said to be problematic as poorer communities were expected to pay the same rates for services.[150] As Rasin warns, justice issues are in question and that 'unless there are distributive transfers, urban-rural inequalities are accentuated'.[151] The memorandum written by Mr Mocks proposed an independent rural local government for Vaaltyn that would report directly to the provincial government as provided in Chapter 12 of the new Constitution. The new local government would include Mahwelereng, Sekgakgapeng, Madiba, Masehlaneng and the western end of the frontier. The advantages of this according to memorandum were that: 'the authority of the chief will be ensured; stability in this communities will be maintained; civic structures will be accommodated in the new authority and direct budget will be provided to the local government to develop this previously disadvantaged communities'.*152*  The memorandum further warned the TLC that, should Vaaltyn not be withdrawn from Greater Potgietersrus, the TLC would lose its popularity as it had in Mahwelereng and that the ultimate result would be confrontation.[153] Mahwelereng – a township adjacent to Vaaltyn - was also incorporated into Greater Potgietersrus. Subsequently, the TLC enforced the system of rates in which users had to

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[148] Mathekga, R. (2006). 'Participatory government and the challenge of inclusion: The Case of Local Government Structures in Post Apartheid South Africa'. *Colombia Internacional.* Vol 63, ene p. 88-107 p. 94

[149] Ibid.

[150] Archival records dated May 99

[151] Rasin, E. 'The impact of local government organization on development and disparities: a comparative perspective.' *Environment and Planning : Government and Policy.* (2000), Vol. 18, pp. 17-31

[152] Ibid

[153] Archival records dated August 2003

pay for services such as water and electricity. More affluent residents could afford the rates, while the people from Mahwelereng could not. To ensure that they paid their share, the TLC embarked on a system of issuing summonses and thereafter invading the property of those who could not pay.[154] Edgar Pieterse offers an explanation that 'the basic assumption of this reform was that larger municipalities would be able to combine viable areas (in terms of revenue base) with unviable areas and in position to service more people effectively'.[155] The objective was 'to achieve a degree of redistribution between relatively rich urban areas and the poor rural areas'[156]

Brij Maharaj who asseses the boundary determination process in the Durban Metropolitan area, points to similar but different cases in their reasons for refusal to be incorporated. He shows how affluent areas such as the Borough of Westville and Tongaat Hullet 'attempted to isolate themselves from the larger socio-spatial fabric, and demonstrated reluctance to share and distribute resources'.[157] When Westville was labelled as racist for intending to have a separate municipality, the mayor Nicky Armstrong stated:

> We are not trying to maintain a small white enclave. We want a council that will reflect the rich, multi-cultural dimension of our area, while retaining Westville's name as well as the special ambiance we have here.[158]

Maharaj also illustrates the circumspect manner in which the MEC for Local Government in Kwazulu Natal dealt with the anxiety of traditional leaders who were concerned about losing their legitimacy during the boundary determination process.

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[154] Both the unrecognised tribal council's minutes book dated 1993-2007, and the memorandum found in the Mogalakwena municipal records documented this system. It is not clear if this system was legal or illegal.

[155] Pieterse, E. (2002). *'Participatory Local Governance in the Making: Opportunities, Constrains and Prospects.'* Parnell, S, Pieterse, Swilling, M and Wooldridge, D (ed.), University of Cape Town Press. p. 5

[156] Pycroft, C. (2002). 'Addressing Rural Poverty: Restructuring Rural Local Government', *Democratising Local Government: The South African experiment.* p. 113

[157] Maharaj, B. (2002). *Post Apartheid Metro Boundaries: Conflicts, Contestations and Compromises.* Paper presented in IASTEP conference in Durban. University of Natal.

[158] Daily News, 27/ 10/94

The MEC had 'submitted a proposal to the Board in which tribal land was [159]excluded from the process'. The Board could not agree on this matter and referred it to the Special Electoral Court for a resolution. In November 1995, 'the court supported the MEC's proposal. The Court however, stipulated that the MEC continue to negotiate with areas adjacent to the metro to be included if all parties were in agreement'[160]. Subsequently, the tribal areas of Ingqungqulu and Kwamgaga areas agreed to be incorporated. But tribal areas within the Durban Northern alignment, expressed their fear of losing their powers. Even so, they understood the need for people to access services and thus agreed to be incorporated provided the chiefs' historical authority remained recognised. Maharaj's case study makes it seem as if there were ways in which the parties concerned about the process could come forward and present their cases to the government - which would then reach a compromise that would suit all parties involved. However Vaaltyn illustrates a completely different outcome in which no compromise was reached. A major reason why this did not happen, in contrast to KwaZulu-Natal, was the succession dispute in Vaaltyn.

In a meeting with the land commission, on behalf of the tribal council in contention for chieftainship, Abram Kekana who is a senior tribal councillor said in anger, 'Is it acceptable to have someone hijack your car to then decorate it?'[161] This expressed how the tribal council felt about the process of being incorporated into Greater Potgietersrus, with the democratic government assuring the royal family that it would be for their own benefit. Abram also questioned the government officials, 'We have come to your office, all 12 of us. Is it then possible to have one person sign the land

[159] Maharaj, B. (2002). *Post Apartheid Metro Boundaries: Conflicts, Contestations and Compromises.* Paper presented in IASTEP conference in Durban. University of Natal.

Maharaj, B. (2002). *Post Apartheid Metro Boundaries: Conflicts, Contestations and Compromises.* Paper presented in IASTEP conference in Durban. University of Natal. p. 8

[160] Ibid, pg 8

[161] Tribal council's meeting with the Land Commission, represented by James Thogwana and the national representative of the Commission Dr Sibanda on the 27th of August 2002. This was to say that the chief's land cannot be taken without consultation on the basis of claims that it was for the benefit of the people of Vaaltyn because it would be developed.

away?' The response was that, 'the Provincial government are the ones who allowed M.J. Kekana to sign therefore they are the rightful people to discuss the issue with'. Abram Kekana also brought to the attention of the government officials during the meeting, a concern about Mpho Mogale's[162] view that he supported the incorporation of Vaaltyn because '*sifuna ukubulala ubundebelenyana lobu benu'* (we intend to destroy your inferior Ndebele identity).

Beall, Mkhize and Vawda illustrate in their case study of democracy and tradition, chieftaincy and transition in KwaZulu-Natal, similar outcomes in which at least 15 chieftaincies had to be incorporated into the Ethekwini Metropolitan Municipality. The authors reveal that the demarcation process worsened the tension between the African National Congress municipal councillors and the Inkatha Freedom Party leaders who were part of the chiefdoms that had to be incorporated. The authors' explain that the chief's reluctance to be incorporated was a consequence of fears of the possibility of sharing or losing power to the municipal councillors. The demarcation process would curtail tribal land. Moreover, the chiefs were concerned that there was not enough consultation prior to the enactment of the demarcation process. The Chief in Vaaltyn had very similar concerns. The negotiations and memoranda shed important light on the complications of the demarcations process. It was not just the affluent areas that were concerned about having to pay high rates to compensate poor communities which would be incorporated into their area. Chiefs were equally concerned, because incorporation threatened their legitimacy and identity. In the case of Vaaltyn demarcation meant that some parts of the villages would not fall within the boundary of Mogalakwena municipality and that certainly threatened the chiefs' authority.

**Conclusion**

This chapter discussed the demarcation process in Vaaltyn and the challenge it posed in the context of the dispute over the legitimacy of the chieftainship. In this case the tribal land belonging to the Ndebele was signed away by Malesela Joseph Kekana who was controversially appointed to be Chief Alfred Kekana's representative in the TLC. The archival minutes show that indeed Chief Alfred and a faction of his tribal council refused

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[162] A member of the Land Commission

incorporation. One can also conclude that Malesela Joseph Kekana signed the land away because he had patronage relations with Molalakgori which extended to the local and provincial government. The way in which networks of patronage play themselves out will be further explored in the next chapter on mining in Vaaltyn and surrounding areas.

**Chapter 4**

**The encounter between the Kekana chiefly family, communities and the Platinum Reef Resource mining interest narratives: A local and provincial government initiation**

On a rainy day on the 18th January 2012 two strikes took place. One strike was organised by communities in Magogwa, Vaaltyn, Mosesetjane, all under the authority of Chief Vaaltyn B. A counter strike was taking place at the same time. As they were marching they sang '*Re ka selese di mine di tseela mashemo re legona, joina mozabalazo, Akse Joina, e joina e joina joina.. .*' ('we will not let the mines take our farms while we are alive. Join the strike.')

Terrance Kekana, who belong to the Kekana lineage and is a member of SANCO revealed that: 'the counter-strike comprises of people who have been organised by the Nduna. They have come with violent gadgets you see - pangas and knob kirries. However, because of the presence of the police they cannot not use their weapons.' Terrence's view was that the headmen and chief Vaaltyn B were responsible for separating the community. He explained further that: 'We are trying to understand how the mines got to our areas because these mines did not consult the people.'[163]

The mining industry is one of the only vigorously flourishing economic sectors in Mokopane. The Platinum Reef Resources Mine (PRRM) had engaged in prospecting negotiations about mining in Mokopane with the South African government since 1988.[164] The negotiations had been successful to varying degrees. Like other stakeholders, PRRM had been affected by the constant amendment of the mineral rights legislation in South Africa. Apart from this challenge, the mine also had to negotiate with the Kekana family that was, as we have seen, mired in a succession dispute.[165] This chapter explores the interaction between the Platinum Reef Resource Mine, the

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[163] Terrence Kekana, group interview on the 18th January 2012

[164] The tribal council's minute book. Pg 21

[165] See the outline of the dispute in chapter 2

Mokopane local government and the Kekana chiefdom. It is a story of manipulation by the mining company of the provincial government and the local chief Vaaltyn B – to get them to buy into the prospecting and mining activity by material persuasion. In this way, the idea that chiefs are custodians of the interests of their communities is undone, as is the accountability of the chief to the people. In buying the chief and the provincial government off, the real interests of the community were undermined.

## The Mineral rights Act in South Africa

Historically, the South African mineral rights law has been subject to various amendments, leading to uncertainties amongst stakeholders and communities about current and future of ownership rights. Cawood and Minnitt point out that 'each new legislative strand was laid down in response to the needs of either government or industry' and that this 'has lead to a complex of legislative web being woven around mineral rights ownership'.[166] In the seventeenth century, in terms of the Roman Dutch legal system pertaining at the time, the owner of land had the right of possession of what was beneath the land extending to the space above the sky.[167] Although this legal system still exists in South Africa, law that came in with the British colonial period superseded the earlier Dutch system. The proclamation of 1813 and later the 1912 Land Settlement Act under the Union government, mineral rights were vested in the state which would then lease these rights to whoever it pleased.[168] Years later, the mineral rights law was once more overturned to favour private owners. Subsequently, the Reserved Mineral Development Act of 1925 gave owners of alienated state land or their nominee's exclusive rights to prospect or to mine on their land. The state however declared the rights to royalty payments if the mine was established in this type of land.

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[166] Cawood, F. and Minnitt, R. (1998). A historical perspective on the economics of the ownership of mineral rights ownership. *Journal of South Africa Institute of Mining and Metallurgy*. Vol. 98(7). Pp369-371. p. 361

[167] Cawood F. and Minnitt R. (Ibid). Pg 370

[168] Ibid

The mineral rights legislation was modified again in 1942 to allow the state to intervene should the owners of land not exercise their exclusive rights to prospect for and mine base. Cawood and Minnitt state that with the formation of the Republic of South Africa, mineral rights ownership developed in a such a way that various minerals were regulated by separate statutes which added to the complexity of the system. The Mineral Act 50 of 1990 was a continuation of the existing private ownership of minerals. Even so, landowners on alienated state land or their nominees lost their exclusive right to prospect in favour of the state. For Cawood and Minnitt, this entailed the continuation of the past practice in which mining houses secured prospecting rights. On the other hand the state lost its control over proclaimed mining areas in favour of the surface owner.[169] The aim was to reduce government involvement and to create a market for state owned mineral rights. The ANC opposed the direction that the mineral rights legislation was taking in South Africa.'[170] Subsequently, the Mineral and Petroleum Resources Development Act, 2002 (the 'New Act') provides a dispensation which entirely replaced the one that was created by the 1991 Minerals Act and vested the state, as opposed to private property owners, with custodianship of South Africa's resources. Steve Lenahan argues that 'the interpretation of the Freedom Charter as signifying nationalisation of the mines was abandoned and replaced with the notion of state custodianship of mineral rights which would be leased to private sector applicants.'[171]

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[169] The Mineral Act 50 of 1991 Section allows for the disposal of the state owned mineral rights to the private sector.

[170] Cawood, F. and Minnitt, R. (1998). A historical perspective on the economics of the ownership of mineral rights ownership. *Journal of South Africa Institute of Mining and Metallurgy*. Vol. 98(7). Pp369-371

[171]Lenahan, S. (2002). 7 August 2002, *'The Minerals Bill Presentation to the Diggers &* Dealers' Conference – Kalgoorlie.

**Mining in Mokopane**

According to the Chamber of Mines of South Africa, 'in 2010, the mining sector accounted for 8.6% which amounts to R100.6 - billion of GDP.[172] Jones makes the point that South Africa has more than 80% of the worlds platinum reserves, and is the largest producer of platinum group metals. He notes that Impala and Amplats Platinum are two largest producers of platinum in the world. Limpopo Province contains the largest concentration of platinum reserves. The current exploitable South African reserves of the platinum group metals are concentrated in Merensky Reef, Plat Reef and UG2 Cromitite layer. The platinum reef is mined only at Potgietersrus Platinum (Amplat)'[173] Wilson shows that 'Limpopo Province's primary minerals income made up 10.3% of South Africa's total primary mineral sales in 2001 and that within Limpopo, the mining sector paid in excess of R 2.5 bn in remuneration in 2001.'[174]

Mogalakwena Municipality falls into the Bushveld Mineral Complex[175] which is said to contain one of the richest ore deposits on earth.[176] 'The reserves of chromium, platinum, palladium, osmium, iridium, rhodium and ruthenium are the world's largest. The Bushveld Mineral Complex is over ''67000km2 in extent, an area the size of Ireland. It extends from Rustenburg in the west through Mokopane, in the North Lydennburg and in the East.'[177]

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[172] Chamber of Mines of South Africa
http://www.bullion.org.za/content/?pid=71&pagename=Facts+and+Figures

[173] Jones. R (1999). Special issue on Platinum in South African to commemorate the 75th Anniversary of the discovery of the Merensky Reef .South African Journal of Science.

[174] Wilson, MGC A Summarised Mineral Profile of the Limpopo Province.

http://www.geoscience.org.za/index.php?option=com_content&task=view&id=428&Itemid=448

[175] See, Cawthorn, R. The platinum and palladium resources of the Bushveld Complex. *South African Journal of Science* 95, November/December 1999 pg 481/ 482. The Bushveld Complex is a location of the platiniferous layers, formed by the repeated injection of lava (or magma) into a sub-volcanic, shallow-level chamber. It can be is found in the Mpumalanga, North West and Limpopo Province.

[176] Holwell D.A. and McDonal d, I (n.d.) *'Variations in Platinum Group Element mineralization within the Platreef, northern Bushveld Complex',* South Africa.

[177] Wilson M.G A Summarised Mineral Profile of the Limpopo Province.

The Department of Land Affairs enjoined the Platinum Reef Resource mine to enter into prospecting negotiations with the Kekana. At this time Chief Alfred Kekana was still alive. A meeting took place between the royal family and the Platinum Reef mine on the on the 8th February 2000. The Chief Director of Platinum Reef Resources, Hyden then noted that it had been 12 years since their mine began to explore in the area of Mokopane. He stated that since then they had obtained certified exploration rights from the South African government on the 19th January 2000.[178] However, he explained that because of the difference of opinion between the Platinum Reef Resources Mine and some members of the government, they were coerced into making arrangements to meet with the Kekana family.[179]

The Director of Platinum Reef Resources in South Africa, Van Schalkwyk, said when he had to address the tribal council that:

> It is not our first time in the area of Mokopane as Hyden has already explained. We are here to come to some form of agreement with you because we would like to avoid a situation in which you see an aeroplane examining what's beneath the earth without your knowledge. We intend to continue with the prospection and should we come across what we are looking for, then you will receive royalties.[180]

At the time of this meeting, chief Alfred was still alive. Therefore the Platinum Reef mine could establish the rightful persons in the chiefly family to consult. It transpired in an interview with a retired employee who held a developmental post in a chrome mine, that one of the challenges that the mines encountered as they negotiated to explore in South Africa, was not being informed about who the rightful person to approach was. He further noted that immediately when a mine decides to prospect they approach the owner of a particular piece of land through the land registrar that is kept by the

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http://www.geoscience.org.za/index.php?option=com_content&task=view&id=428&Itemid=448

[178] See, Manson Andrew and Bernard Mbenga (2003). 'The richest tribe in Africa: Platinum -Mining and the Bafakokeng in South Africa's North West Province, 1965-1999.' *Journal of South African Studies*. Vol.29(1)

[179] Tribal council munite book 1993-2007

[180] ibid

government. He then highlighted the predicament that the people who appear on the registry as owners of a particular piece of land are in most cases not the ones occupying it. This creates tension between the owners of that land, the people who occupy it, the government and the mine that intends to explore it.[181]

Subsequently, a meeting took place on the 17 February 2000, in which the Kekana were advised to elect three trustees from the tribal council and to form a Development Trust named after the area of Vaaltyn. Abram Kekana, Mocks Mokhonwana, chief Alfred Kekana and his son Vaaltyn A Kekana were elected as trustees in the Platinum Reef Resources Trustee Committee.[182]Africon and the Plat Reef Resources [183] promised in this meeting that mining in Mokopane would open up employment opportunities.[184] The mine also assured the Kekana that they would help out with the installation of water pipes that would not only be used in the mine but by the community of Vaaltyn as well. The mine would also help reconstruct the old tribal office. The meeting was concluded with assurance from the Plat Reef Resource mine that they would get back to negotiate royalties.

Chief Alfred died on the 7 April 2000. Subsequent to his death, the succession dispute intensified and interrupted the prospecting negotiations.[185] When the government gave recognition to Vaaltyn B in 2001, the Platinum Reef Resource Mine began to negotiate only with the new recognised chief's tribal council. This sidelined Vaaltyn A and his tribal council. Moreover the decisions taken between the local, provincial government, Vaaltyn B and the Platinum Reef Mine affected communities within the authority of chief Vaaltyn B more negatively than positively. One of the positive outcomes about the Platinum Reef mine exploration in Vaaltyn has been the installation of water pipes and the building of some roads for the plant which was of benefit to the villagers. However it

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[181] Interview with VanOnseleen (psedo name), at Mokopane 18 January 2012

[182] Pg 26 of the Tribal council minute book

[183] Both mines had merged at the time.

[184] Pg 24 of the tribal council's minute book.

[185] See the illustration on pg 1 -2 and the outline of the dispute in pg 3 to 5

became apparent during the interviews that the residents of Vaaltyn and surrounding areas were aggrieved about the patronage networks between Plat Reef, its affiliate mines, the local and provincial government and the chief.

**The narratives about the struggle against the Platinum Reef Resource Mine in Vaaltyn and surrounding areas.**

Mr Molwatse who is chairperson of SANCO at a branch level recounted:

> It all started in 2001 when they came to Magongwa[186] okay! Then, the village was not informed about this company coming here and we had no knowledge about who did they negotiate with. We just saw things happening, machines digging outside our yards and in our fields. This is when we started to stand up to question what was happening, you see. Eh, when we enquired with the headman we didn't get answers and he threatened to get us killed'[187]

Apart from the headman's threats to kill them and police efforts to discourage people from mobilising, the Platinum Reef deployed a strategy in which they would temporarily employ the people who seemed to pose a threat. Molwatse recalls that:

> When we would gather to share information, they would approach us and offer us some piece job of about two weeks you see. The headman's children are also used to hire people. This made it difficult for us to investigate the issue of mines. Thus we decided to approach the royal house in Moshate (Vaaltyn). We reported this matter and they said that they will call the headman to come and meet with us.[188]

The payment of certain amounts to people, interruption of meetings and threatening behaviour seems common practice among mining houses. Andrew Mason and Bernard Mbenga drew attention to the royal Bafokeng case in which Gencor and Impala

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[186] Magongwa is a village that is 3 km away from Vaaltyn. Molwatse who is in the SANCO committee is a representative of all the villages that are under the authority of chief Vaaltyn

[187] Interview with Molwatse M .E by Dineo Skosana at Vaaltyn, 15 August 2011

[188] ibid

Platinum strategically, aligned itself with the Bophuthatswana government in order to attain mining rights in the deeps. The two authors show that Gencor paid the salaries of government officials, Leslie Young, who was the Bophuthatswana Minister of Finance at the time, being one of them.[189] The lengths to which mining houses would take to secure mining rights can also be deduced when Jeff Kekana (Vaaltyn B's tribal councillor) spoke about the inauguration of Chief Vaaltyn B. Jeff Kekana explained that the animal skin that the chief wore on the day of the inauguration was bought by the Canadians. In an attempt to explain why they had bought the inauguration skin, he remarked that:

> These people mine here in our area. We have the surface rights, they have mineral rights. So we negotiate, time and again when they want to extend the mine...Anything that we demand they would say, because it is the royal chief, let us get them whatever they demand. They would be trying to hypnotise us to give them the farm, you see. We are constantly with them, we sit with them in meetings, we are constantly negotiating, negotiating the farms. So at the time we were inaugurating the chief, we told the people from the mines, plus it is very expensive. They said 'no! We will inform one of our people and they got it.[190]

In order for one to get a clearer sense of how the mining company suddenly found itself in a position where they had to buy a tiger's skin, one had to ask the question, who do mining companies speak to when they desire to set up a mine in Mokopane? Joseph Kekana stated that:

> Initially they were supposed to come to us first. We who own the surface rights, but they go to the government which owns the mineral rights. They submit applications to the Department of Minerals and Resources. When they get there, they get directed to us. They are instructed to come and consult with us before their application can be accepted by the government. The government tells them that the land belongs to the chief, they [the government] owns what is underneath our land. So then they come to us. When they get to us, they have to pay *madume* (tribute'. They have to pay a certain amount before we speak to them because they are from the business side of things. The tribute is like the one you would pay to the traditional healers, only that ours is

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[189] Manson, A and Mbenga, B. 'The richest tribe in Africa: Platinum -Mining and the Bafakokeng in South Africa's North West Province, 1965-1999. Journal of South African Studies, Volume 29, Number 1 2003. p. 31

[190] Ibid

higher. It is about R30. 000 to R50. 000, depending on the mining company. They could be speaking informally with our council, then we say to our councillors that if it is those tell them to prepare in this manner and that manner.[191]

This perhaps explains why the local and provincial government opted to give formal recognition to Vaaltyn B instead of Vaaltyn A. I have suggested elsewhere that the local government may have given recognition to Vaaltyn B because his father had relations with the government dating as far back as the apartheid era. Secondly, that recognition of the right to chieftainship during the government investigations of the Kekana succession dispute may have been biased because of the already existing relationship. In Chapter 2, I suggested in addition, that the local and provincial government gave recognition to Vaaltyn B because of his personality, background and his tribal council who guaranteed a relatively less complicated working relationship compared to Vaaltyn A and his tribal council.

A mining company wants to develop a mine in Vaaltyn on a piece of land that belongs to the chief. The one chief is an advocate for the preservation of heritage and a sacred sites, on the other hand is a chief who is open to change so long as he can benefit monetarily. This is not to say that the more traditional chief would not consider financial benefits. However, I suggest that there is a greater possibility that the traditional chief and his tribal council might either refuse to give up that piece of land or may take a lengthy period of time to consider the proposal as compared to the chief who has a more contemporary set of aspirations. As a result it might be that the provincial government and local government gave authority to the chief who would be less difficult to work with. Broadly this resembles the colonial and apartheid pattern in which the Governor General could appoint a person as a chief or a headman in charge of a tribe or location.[192] Often these were 'persons' who would be appointed on the basis of their willingness to cooperate with the colonial or apartheid state.

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[191]Joseph Kekana, interview by Dineo Skosana at Vaaltyn, 15 September 2011

[192] 1927 Act, Chapter 1 of Section 1

SANCO and community members claim that for years, they have written memoranda to the chief and both the provincial and local government and have had no response. Mr Molwatse, a leading member of SANCO, states that he finally managed to meet with chief Vaaltyn B whose excuse was that he had not been able to get hold of his headman. Molwatse was disbelieving and said:

> When went back to them again to ask why they had not called a meeting, their response was that when they write letters to the headman he does not attend the meetings and that surprised us because they are the authorities. The headman should obey the chief, and when the chief summons the headman he must respond.[193]

He went further to explain that chief Vaaltyn B and his headman have never had good relations with the residents of Mokopane. He maintained that:

> We formed SANCO to fight for the rights of civilians. The police begun to intervene in our gatherings, I think because they received financial support from the mining company. They threatened people not to attend meetings outside the tribal court. They knew that if we held meetings at the tribal court we wouldn't be free to voice our concerns. We concluded that we would continue to have our meetings outside the tribal court and we tried to get as much information as we could so that people would know what was happening.[194]

Molwatse recounts that after a while he and other SANCO members were referred to the tribal office which was said to be in a position to respond to any queries that they had about the mines. In the 2003, due to their lack of faith in the tribal office they had decided to seek help in the municipal offices. They encountered the mayor Bob Mmola who denied any knowledge to the existence of the Platinum Reef Resource Reef mine in the area of Mokopane. He then promised the SANCO members who were in his office that he would investigate the matter.

Molwatse recalls that:

> It was on Friday when Mmola promised that by Wednesday, the following week, he would have met the mining company and conducted some investigations. He said "When you come to me on Thursday I will give you a

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[193] Interview with Molwatse M .E by Dineo Skosana at Vaaltyn, 15 August 2011

[194] Ibid

report". A week went by and the second week went by. When we went to his office they told us he is not present. Okay! Right, we left a note that he should at least call us to inform us what was happening about mines. We waited for his response and there was none and we went there once again. We were told that he is attending a meeting in Bakenberg. We said, this is going to be another waste of time. We didn't leave immediately after his secretary told us that he is not there. Bob Mmola thought that we left immediately [laughs]. He appeared on the very door when we had been told that he is not there [laughter] and he found us waiting for him. He was ashamed to see me and Magoro.[195]

In response to the sarcastic question from Molwatse about which door Molla used to enter the building since there was only one entrance, Molla confessed that he had been avoiding the SANCO delegates as he had not yet done the promised investigations. He assured them however that once he had conducted these investigations he would compile a report that he would send to them. Molwatse remarked that they never received this report. When they approached the mine management, Molwatse reveals that:

The managers were black people, the black capitalists. We found a man named Kwetse the manager, and the other one with the surname of Ramashala and Kekana the one who is still there presently. Eric the director was not there. Eh - they wouldn't give us an appointment or a specific date. They just said come back next week our big boss is going to be here.[196]

Molwatse continued:

We were fortunate one of the days we found Eric there, we were there with the people whose fields had been invaded. Eric then started to understand that there is a problem. He then instructed his managers to go to the headmen and meet with the people and discuss what was happening. We told him that we do not agree to go and meet at someone's house, we would like to meet at a neutral venue so that we can air our concerns and they should air theirs we should be free to talk. Because at that man's house it is a capital of abusive language, people won't be free to talk there, then we thought that will be sorted but the neutral venue was not arranged. And we found out that Kwetse is the cousin of the headman, they are related you see,

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[195] ibid

[196] ibid

he protected his cousin so that he should continue benefitting from this whole thing.

Molwatse explained that they then decided to approach the provincial government, which failed to respond to their queries. He claims that they kept writing to the provincial government. Finally, the provincial government intervened and wrote a letter to the headman to summon him to a meeting on 15th September 2010. On that day they went to the provincial government in Pietersburg and waited in vain for the headman.

Molwatse recalls that:

> The Provincial government was able to establish where the mining company office was and that the mine manager is Sello Kekana. They said they were going to do their investigations and they said that those people do not a have mining licence and the permission to mine here. We never heard from them again.[197]

SANCO then decided to approach the Department of Mineral Resources (DMR) who referred them to chief Vaaltyn Kekana B. Chief Kekana B was then called by the DMR and they agreed to meet with SANCO and community members. It was suggested that a task team be formed which would represent all the affected areas. On the day upon which the meeting was intended to convene, neither chief Kekana, his headman, representatives of DMR nor the provincial government showed up. Subsequently, the SANCO members organised another meeting on 17th October 2010 and again only SANCO members were present at. SANCO decided to try once again to get in touch with the DMR .

Molwatse recounted the course of events:

> On the 15th of November the [Department of ] Mineral Resources surprisingly pitched. They investigated the extent of the damage and discovered that it was severe in Magongwa. DMR sent letters to the headman to inform him that mining in Magongwa was wrong and illegal and that the mining should be suspended with immediate effect.[198]

Molwatse described the conundrum that people faced:

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[197] ibid

[198] ibid

We decided to get legal representation since the mine continued to do so without proper documentation. They mine at night when people are asleep. The machines come out and at night they take them back. They offer people small sums of money which are very little to what they dig beneath. It's like when you have chickens in your yard selling them, and someone comes and gives you R10 and say give me that chicken. The price that you selling could be is R45 you see, but now people determine a price for you. You are forced to take that amount that you are being offered because if you don't take it they will take it back. We want the mine to pay a standard fee to the community.[199]

Andrew Manson and Bernard Mbenga quote James Sutherland who was a lawyer to the Bafokeng who said that 'the playing fields are skewed'.[200] He meant by this that the relationship between mining companies and land owners is unequal. The government adds some level of complexity to this unequal relationship. In the case of Vaaltyn the local government of Mokopane is an ally of the Platinum Reef Resource Mine. This makes it difficult for people to raise their concerns with the local and provincial government. The relationship between the mines and the local government was highlighted by the Mayor of Mogalakwena municipality, Bob Mmola, when he recounted his success as the mayor of Mogalakwena in the 10 years that he had been in office. He spoke openly about being the first to developm the area of Mokopane through collaboration with the Anglo Platinum and other mining companies.[201] He stated that, 'since working in the municipality with the Anglo Platinum, we have reached a partnership of R91 million projects which include the development of pipeline, electricity and roads. Some of these projects are complete whereas some of them are not'.[202] Even though he was not referring to the Platinum Reef Resource mine, Mmola shed light on the long-standing relationship that he had with Anglo Platinum and he had

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[199] ibid

[200] Andrew Manson and Bernard Mbenga (2003). 'The richest tribe in Africa: Platinum -Mining and the Bafakokeng in South Africa's North West Province, 1965-1999'. *Journal of South African Studies*, Volume 29, Number 1, p22

[201] Anglo Platinum is one of the mines which the people in the area had complained about.

[202] Mmola Bob (former mayor in Mogalakwena Municipality), interviewed by Dineo Skosana and Prof Philip Bonner at Mogalakwena Municipality, 16 September 2010

mentioned that he knew some of the mine managers personally. It was obvious that he valued the role played by the Anglo Platinum Reef mine and other mining companies in the area. He also drew attention to the fact that he had natured his ties with the mining companies in the same way that he had done with traditional leaders and that it was through constant interaction and negotiation.

The problem with Platinum Reef Resource not only affected the community of Vaaltyn and Magongwa. Surrounding areas such as Mosesetjane and Kgobudi all of which fell under chief Vaaltyn B were affected as well. On 30 August 2011 it was reported that 'the community of Mosesetjane has successfully demanded the stoppage of 27 prospecting rigs owned by Plat Reef Resources. The action is being taken in conjunction with Jubilee Mokopane, using several different pickets of 15 people at each prospecting rig.'[203]

Mosesetjane community and Jubilee Mokopane made the following demand to the Plat Reef Resources:

> Plat Reef Resources and any subcontractors must immediately stop prospecting, the rigs be taken off the community's land, if Plat Reef or any other company or entity wants to prospect on their land, they must go through the proper channels to get the consent of the entire community, not just the traditional leader without the community's consent.[204]

In other areas the Jubilee South Africa[205] released a statement that 'The communities of Malokong and Rooiwal, near Mokopane in Limpopo province, will be marching tomorrow, Tuesday 12 January, in protest at the Royal Granite company mining in hills adjacent to their villages which include ancestral graves.'[206]

Jubilee South Africa added that:

> Platreef Resources is prospecting for platinum on the Kgobudi community land, a few kilometers from the notorious Anglo Platinum mine, on the basis of a deal with a self-imposed headman, Malose Kekana, and his section 21

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[203] Jubilee South Africa – Press Alerts, George Dor and others

[204] ibid

[205] 11 January 2010  titled Royal Granite mining Malokong and Rooiwal graves

[206] ibid

company. Malose Kekana's brother is the recognised headman, but Malose Kekana has assumed the role of headman without due process. There has been no inauguration or address to the community to this effect. Malose Kekana and his allies are dragging community members through a protracted court process on spurious charges of theft and intimidation. The allegation of intimidation has also been used as an excuse for failing to convene the tribal council to discuss the matter of prospecting. [207]

## Conclusion

Three consistent issues can be drawn from these narratives. First, the people were concerned about activities that took place in their area without their knowledge. Secondly, they were convinced that these activities, if entered into openly, could be of benefit in their communities. Lastly the patronage network between the current recognised chief Vaaltyn B, the mines and the local and provincial government created a sense of helplessness among the people. They feared that, there was no one who was accountable or to whom they felt they could voice their concerns. For this reason, people in the community decided to join the local SANCO branch. In turn these concerns influenced people's perceptions about the legitimacy of the current chief and in general, the institution of chieftainship.[208]

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[207] Jubilee South Africa – Press Alerts, George Dor and others

[208] This is discussed in the next chapter.

**Chapter 5**

**People's perceptions about the succession dispute and the continuing existence of chieftainship**

This chapter focuses on people's perceptions about the succession dispute between the two contenders of the Kekana chieftainship and the effects it had on community members. It shows how villagers perceive the relationship between chief Vaaltyn B and the local government of Mokopane. It probes whether the people do in fact support chief Vaaltyn B or whether his authority only stems from his recognition by the local and provincial government. Furthermore, the chapter investigates whether the villagers under the authority of chief Vaaltyn B support the persistence of the institution of chieftainship.

In the second chapter, the background to the contenders for the chieftainship was considered. It illustrated how the background of Vaaltyn B, the place where he grew up, the nature of his relationship to the tribal council, his social setting and his personality worked in favour of his being recognised by the local and provincial government as opposed to his rival Vaaltyn A. It demonstrated various determinants for the legitimisation of a chief from above. However, this does not necessarily mean that since chieftainship in the case of Vaaltyn is legitimized by the local and provincial government, that the recognised chief always becomes 'a dummy of the state'.[209] Instead, it sees the legitimisation of Vaaltyn B, as a depiction of a collaborative relationship which could be of benefit for both traditional leadership and local governance. The third and fourth chapters show how the dispute provided a platform to exclude members of the faction whose views collided with Vaaltyn B and his tribal council. Vaaltyn A and his tribal council seek to preserve the Northern Ndebele language, aspects of traditional identity, culture and land practices. The need to

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[209] See, Ntsebeza, L. (2005). *'Democracy Compromised: Chiefs and the Politics of Land in South Africa'*. Leiden: Brill Academic Publishers, (writing in the context of South Africa) and Mamdani, M. (1996). *'Citizen and Subject, Contemporary Africa and the Legacy of late colonialism'*. Uganda: David Phillip Publishers, (writing in the context of Africa).

preserve these features collides with the modern economic aspirations of Vaaltyn B and his tribal council.

The data for this chapter was gathered from group interviews,[210] after I was informed about a forthcoming community meeting in the area of Magongwa which was called[211] in order to mobilize for a march against the Platinum Reef Mine, the Nduna (the headman) and chief Vaaltyn B. Although, Magongwa is not in the exact same area as the case study for this thesis, it is relevant as it is one of the villages under the authority of chief Vaaltyn B. Each village is allocated a headman who in turn appoints his own tribal council.[212] SANCO members pointed out that their vision was to organize briefing meetings in all eighteen villages under the authority of chief Vaaltyn B. However, due to the proximity of the submission date for the memorandum that would be given to the Platinum Reef mine, the final meeting took place on the actual day of the march. The villagers who were present were from Vaaltyn, Mosesetjane, Magongwa, Mozumba, Tshamahantshe, and Mahwelereng.[213]

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[210] Eighty eight people participated in the group meetings. Of the 88 people, 15 were above the age of 60 and therefore received a pension. Thirteen people were between the ages of 18 and 21, 8 had been in secondary school while 5 were still in primary school. Only 6 people worked for a wage or a salary. This means that 54 of the 88 people who participated in the group interviews were unemployed. There was an even balance with regards to gender and age. However the majority of the people who participated in the interviews were not employed and could therefore be said to be of the same class.

[211] A village near by the area of  Vaaltyn, under the authority of Chief  Vaaltyn Kekana B

[212] Interview, 15 September 2011.  Jeff Kekena indicated that the position of a headman  is hereditary. However, the current composition of the tribal council comprise only 3 headmen who are members of the royal family while in fact 7 *headmen* were elected by the community. Jeff Kekana admitted that the lesser number of family members among the headmen in the villages was not the convention.

[213] These are areas under the authority of chief Vaaltyn B, which are affected by Platinum Reef Resource mine.

**People's perceptions about the dispute and its effects on their areas**

The villagers who had been interviewed were informed[214] about the succession dispute between the incumbent chief Vaaltyn B and his rival, Vaaltyn A. However, not everyone understood the contours of the succession dispute. One old man attempted to give details about the dispute in the following way:

> Chief L V Kekana is from the family of the uncle to the late chief Alfred. Thus there have been efforts taken to ensure that he steps down from power. We are of the view that he should abdicate his position as chief and let the rightful successor Vaaltyn A, take over and conduct things as they have been in the past.[215]

He is not the only person who shared the sentiment that chief Vaaltyn B should step down from the chieftainship. The majority of the people concurred that chieftainship in the area of Mokopane was in a better state at the time of Alfred's rule and during the earlier times of regents such as Kojela. The crowd echoed the view that should chief Vaaltyn A takeover, things might go back to where they were during his 'fathers' chieftainship. It was apparent from the responses that the local residents were not in good terms with Vaaltyn B. A number of issues seemed to compromise chief Vaaltyn B's relationship with the people of Mokopane. The villagers believed that his economic aspirations did not coincide with theirs. They are of the opinion that he looks after his own interest and the interests of his allies. Phago gave an example when she stated that:

> He has gone around installing two headmen per village. He installs headmen who are most likely to agree and collaborate with him. He does not support the headmen which he found installed when he came to power. Headmanship is hereditary, by the way, and so is chieftainship. We do not vote for a chief.[216]

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[214] It is common cause among the villagers that Vaaltyn A is the rightful regent, especially among the elders. This is because Vaaltyn A has always been known as the son of the chiefly kraal as opposed to his rival Vaaltyn B whom they had only meet and got to know of in 2001. Some of the SANCO members, who are also part of the chiefly family, seem to have been the ones who had informed the people about the succession dispute.

[215] John Chauke, group interview on the 18th January 2012

[216] Phago, group interview on the 18th January 2012

Arguably the manner in which Vaaltyn B is said to have appointed his headmen resonates with the way in which he was appointed by the government.[217] Personality, similar economic and political aspirations seem to have played a role in the formation and consolidation of his alliance with the government and the Platinum Reef Mine. The residents also said that his tendency to align himself with the government clouds his judgment because the economic and political deals he strikes with them and potential investors have detrimental impacts on communities.

The alliance struck between the recognised chief, his tribal council and the local and provincial government can be described as a patron-client relationship. There was a consensus view that the latter refers to individuals or a group of people who occupy different social ranks and exchange goods, services, favours and rewards.[218] The meaning of patrons and clients is often discussed separately. Patrons are construed as actors who hold higher authority as compared to clients. The latter are described as being on the receiving end, as in need of services.[219] However, as Michael points out, patrons can become clients and vice versa and they possess different kinds of authority which can be of benefit to each. [220]

 In this case study the democratic local government is the 'patron' with access to various kinds of resources and distributive powers.  The mining houses and the chief are part of the networks.[221] Each actor in this patronage network holds authority of a different kind. Thus It could be said in the case of Vaaltyn, that each actor in the patron-client relation is in possession of some kind of goods and services, favour and rewards to offer

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[217] See the argument in chapter 2

[218] See, Eisenstadt S. N. and Roniger, L. (1980). Patron-Client Relations as a Model of Structuring Social Exchange. *Comparative Studies in Society and History.* Vol. 22(1), pp. 42-77 and Powell, J., D. (1970). Peasant Society and Clientelist Politics. *The American Political Science Review.* Vol. 64(2), pp. 411-425.

[219] Michael, K. (1960). Patterns of Patronage in Spain. *Anthropological Quarterly.* Vol. 33(1), Modern Community Studies in the Circum-Mediterranean Area (Special Issue), pp. 14-23. . p. 14

[220] Ibid, and see pg 50 See, S. N. Eisenstadt and Louis Roniger Reviewed. *'Patron-Client Relations as a Model of Structuring Social Exchange.'*

[221] Micheal, K (ibid) sees the patron –client relationship as hierarchical with the patron occupying the top. P 15

and that this makes each actor equally important rather than one being classified as being on the receiving end. Eisenstadt and Roniger point out that often patron-client relations are fused by 'a strong sense of solidarity that is couched in terms of interpersonal loyalty and attachments'. They argue that solidarity is often closely related 'to conceptions of personal identity, especially of personal honour and obligation...' [222] As a result those excluded from the patronage system – in this case 'the people' - are concerned that chief Vaaltyn B does not represent their interests but instead advances the interests of those he strikes deals with.

Another dimension that adds to the tension between the people of Mokopane and Chief Vaaltyn B, is his remote style of leadership. A middle aged woman from one of the villages said: 'Chief Vaaltyn is a distant chief. It's as if when he came to power he was only told about the mines and not the communities.'[223] Her analysis about the type of chief Vaaltyn B, coincides with that of the Vaaltyn A tribal council who emphasised the fact that Vaaltyn B's residence in town in a house that built by the mines, distanced him from the people.[224] This made him inaccessible in a context where conventionally, the chief's area of residence is close to his subjects.  Mr Molwase added his view that:

> L V Kekana is nothing. We take it as if he is renting. He was lucky to have been connected to some powerful members of the Kekana family thus he became a regent. He is not a chief. A chief is a chief of the people. He came here to divide the people of Mokopane. The war that you see, is a war against the mines. We are divided by him. He has a group that supports him. He owns shares in the mine. These are returns which he should trickle down to the people but instead he gets all the returns. The day he leaves to go back to where he comes from, he will leave a very wealthy man.[225]

The Vaaltyn B tribal council revealed that the chief had a tribal office in Vaaltyn which he visited on Mondays, Wednesdays and Thursdays. The tribal council added

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[222] See pg 50 See, S. N. Eisenstadt and Louis RonigerReviewed. *'Patron-Client Relations as a Model of Structuring Social Exchange'*

[223] Phago, M.  A,  group interview on the 18th January 2012

[224] See, chapter 2

[225] Molwatse, Interview in Magongwa on the 14 August 2011

that people were aware of this office and often went there for assistance. The villagers confirmed his weekday visits. An old woman from the crowd said:

> His seasonal visits cannot yield the same effect as in a traditional case in which the chief resides in the village. Traditionally a chief stays in the village! The term, a chief is the chief of the people, describes a chief who acknowledges and serves his people.

Terrance Kekana echoed the same view during a community address when he said that:

> We would like to see people being hired in the same manner that they have been in the past. During the time of chief Alfred when you were unemployed people would say go to the chief house, he will find you a job. This is no longer the case. People get hired telephonically.

This illustrates that traditionally, the chief's homestead was perceived of necessity to be close to his subjects. This would allow for easy and direct access for his subjects. Even though the institution had clearly defined rules and procedures, people seemed to point to the idea that bureaucracy and formality still permitted the people to access the chief more or less when they needed to. Since Vaaltyn B lived in town, there was no possibility for his subjects to knock on his doorstep with grievances.

From the statements uttered by the members of the village and froM informants generally, it is obvious why Vaaltyn A is preferred by the villagers over the incumbent chief. The fact that he resides within the community makes him an insider and promises to better communicate their needs. The community also believes that his ascent to power will return the structure of chieftainship to its traditional status and position as it was during his father's rule. The need to go back to a previous style of chieftainship was driven by a general assumption among community members that chieftainship had become democratised post-1994. [226]

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[226] The idea that chieftainship has been democratised will be discussed in detail on the next section.

**The legitimacy of chieftainship in Vaaltyn and surrounding villages**

Legitimacy is a contested concept. It is intertwined with general notions of power, authority and compliance[227]. Max Weber described legitimacy as an understanding or justification for why people comply with a system of rule.[228] He argued that a 'system of authority attempts to establish and to cultivate the belief in its "legitimacy"'.[229] Weber identifies three types of legitimate authority: rational legal authority 'perceived as authority rested on a belief in the legality of normative rules and a right of those elevated to authority under such rules to issue commands'; traditional authority, which is 'based on established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them'; charismatic authority, which depended on the 'devotion to specific and exceptional sanctity, heroism, or exemplary character of an individual person and of the normative patterns or order revealed or ordained by him'.[230] In his work about the emergence of modernity in the West, Weber argues that traditional and charismatic authority is progressively replaced by rational-legal authority.[231] Debatably, apart from other shortcomings, Weber's limitation is that he discusses the different types of legitimacy as disconnected concepts. He does not demonstrate an understanding that these types of legitimacy are interlinked. Moreover, his assertion that traditional and charismatic authority may be replaced by rational legal legitimacy assumes that there is no legality or rationality in traditional or charismatic authority. To some extant Max Weber's shortcomings illustrate the Eurocentric[232] narrowness and limitation of his concepts in the African contexts. The concepts he uses cannot be deployed to analyze traditional African institutions, systems, practices and beliefs.

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[227] Also see Simmons, A. (1979). '*Moral Principles and Political Obligations.*' In which Lockean argues that it is consent that makes government authority legitimate

[228] Weber M (1947) *The Theory of Social and Economic Organization*

[229] Ibid ,p. 325.

[230] Weber 1947,p. 328.

[231] Barker, R. (1990). *'Political Legitimacy and the State'.* Oxford: Clarendon Press. p. 59

[232] See, Cornel, W. and Brown, B. (1993). 'Beyond Eurocentrism and Multiculturalism' *Modern Philology:* Vol. 90, pp. S142-S16. The University of Chicago Press.

David Beethams has argued along the same lines as Weber that 'A given power relationship, is not legitimate because people believe in its legitimacy but because it can be justified in terms of their beliefs'.[233] Barker attempted to simplify the complexity by offering a two-sided view when he proposed that legitimacy- 'is both a belief held by subjects, or by some subjects, and a claim made by rulers'.[234] Friedrich has also contributed to this concept when he argued that 'the question of legitimacy is a question whether a given ruler-ship is believed to be based on good title by most men subject to it.'[235] Within the same line of thinking, Lipset framed legitimacy as that which 'involves the belief that the existing political institutions are the most appropriate ones for the society'[236]; and Easton's, for whom legitimacy is 'the conviction on the part of the member that it is right and proper... to accept and obey the authorities'.[237] There is a conceptual difference between a normative and empirical approach over the meaning of legitimacy. Barker[238] and Beetham[239] have argued that 'normative and the empirical approaches to legitimacy may have divergent purposes however should not be regarded as antithetical concepts.'[240]

Tyler (1990) elucidates that 'Political philosophers use the normative approach to identify standards by which a regime or action must be judged if it is to be regarded as legitimate. The normative approach would attempt to identify for instance why should a government be obeyed or why should citizens obey a government? Or under what

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[233]Beetham, D. (1991). *'The Legitimation of Power'*. New Jersey: Humanities Press International. p. 11

[234] Barker, R. (1990). *'Political Legitimacy and the State'.* Oxford: Clarendon Press.

[235] Friedrich, C., J. (1963). *'Man and His Government: An Empirical Theory of Politics'.* New York: McGraw-Hill., p. 234. 7. Loc. cit.

[236] Seymour Martin Lipset. (1981). *'Political Man',* p. 64

[237] David Easton. (1965). *'A Systems Analysis of Political Life'*, p. 278

[238] Barker R (1990) *'Political Legitimacy and the State'.*

[239] Beetham D (1991) *'The Legitimation of Power'*

[240] See, Barker R (1990) 'Political Legitimacy and the State' and Beetham D (1991) '*The Legitimation of Power'*

conditions is authority legitimate?'[241] In contrast, an empirical approach to legitimacy in Tyler's understanding is not concerned with normative standards. It seeks to explain 'why people obey a particular government or institution or why they revolt against it. The empirical approach is more concerned about whether the normative standards of people hold, however defined. It does not focus on what standards should hold.'[242] This section engages with some of the ideas raised above. It probes people's ideas about the legitimacy of chieftainship. It questions whether people continue to support the existence of chieftainship. Or whether they prefer the authority of local government.

Barbara Oomen conducted a study about people's perspectives on the legitimacy of traditional leadership in Sekhukhune. One of the questions she attempted to answer was how do people support chiefs? She showed in her findings that's 80% of the people interviewed supported chiefs.[243] She argues that the reasons why people support chieftainship are multifaceted. The majority of those who support the chief do so because they feel that chieftainship offers resources and services within a community. Support for a particular chief in Oomen's perspective can be determined by the characteristics of a community and the personal characteristics of that chief. In Sekhukhune, for instance, she argues that chiefs are supported because they are perceived as closer to the people than elected local government leaders. Those who were interviewed for this study echoed the same sentiment that they did not support the current chief Vaaltyn B; however, they support the institution and an ideal of chieftainship because it is more accessible to the people than the local government.[244]

Oomen shares the view that people's perception or support for the institution of chieftaincy is influenced by the character of the individual chief. She writes that 'those whose chief is performing well are most likely to also support traditional leadership

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[241] Tyler, T, R. (1990). *'Why People Obey the Law'*. New Haven, CT: Yale University Press.

[242] Ibid

[243] Oomen, B. (2003), "'Walking in the middle of the road': people's perspectives on the legitimacy of traditional leadership in Sekhukhune". p.5.

[244] This is discussed in the next pages

whereas those who are not gratified by the chief's performance or character often do not support the institution.'[245] Among those interviewed, a few do not support chieftainship because they are not content with Vaaltyn's performance, his character and his style of leadership. However the majority continue to support chieftainship for cultural stated reasons.[246]

The general consensus is that it is a particular form of chiefly rule that they are opposed to and not necessarily the chieftainship institution itself. Citing Ribot[247], Francis B. Nyamnjoh[248] states on his paper on chieftainship in Botswana, that although the presumed representivity and accountability of chiefs to their populations have been questioned, this does not seem to have affected the political importance of chiefs in a significant way. While majority of the interviewed villagers, support chieftainship for cultural and identity reasons, others support chieftainship because it is seen to some extent as an alternative form of governance. Very few expressed abhorrence of chieftainship. One old man from one of the villages angrily expressed his opposition to chiefs: 'Support my foot! These chiefs are thieves! They do as they please. We don't support anyone!'[249]An old woman had much the same to view: 'Aww no! No! No! We are not happy with chiefs. It was better back then. They all work for their homes! (A chorus joined in agreement). They don't care about us. Our children are unemployed'.[250]

There were some shared views among those villagers who do not support chieftainship that chiefs are inaccessible, corrupt, not accountable, pursue their own interest, and they tend to align themselves with the 'much more corrupt' democratic state. It became

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[245] Oomen, B. (2003), "'Walking in the middle of the road': people's perspectives on the legitimacy of traditional leadership in Sekhukhune". p. 19

[246] This is not astonishing given that the Northern Ndebele, discussed in Chapter 1 have a long history of adherence to chiefs.

[247] Ribot, J. 1999. "Decentralisation, Participation and Accountability in Sahelian Forestry: Legal Instruments of Political-Administrative Control" *Africa*. Vol. 691, pp. 23-66.

[248] Nyamnjoh, F. (2003): Chieftaincy and the Negotiation of Might and Right in Botswana Democracy, *Journal of Contemporary African Studies.* Vol. 21(2), pp. 233-250

[249] Interview in Magongwa 14 August 2011

[250] Ibid

apparent that the succession dispute shaped some villagers choice not to support chieftainship. However, the majority of the people who were interviewed responded positively about the existence of chieftainship. Tshepo Maponya for instance said that:

> 'Chieftainship is our culture. It is where we come from. For us to grow as old as we have is because of chiefs and headman. Normally, chiefs work according to our culture and the African culture. Their responsibilities are totally different from that of the municipality. But at the moment if you asked me, I would say that our chiefs are failing us.'[251]

Tshepo Maponya's view that chieftainship forms part of his identity and culture resonates with the majority of people's reasons for why they support the institution of traditional leadership. Most respondents saw a chief as the custodian of culture and identity. Both culture and identity are comprehended as essential for 'grounding'. The latter is interpreted as self mastery- being aware of one's historical and cultural roots in a rapidly changing universe. It could be argued that among the reasons as to why Vaaltyn B is not supported is because he does not seem to share the villagers' sentiments about culture and identity. [252]

Andries Matshotshwane mentioned that he supports chieftainship. However, his reasons were slightly different from others when he said:

> Chieftainship should continue to exist. Without chiefs we cannot succeed in instances where we have to deal with mines. If the mines could only come through local government, then it would be worse. When the government has taken a decision then it is final but chiefs and headman are usually accessible and open to suggestions.[253]

Others concurred that it is much more effective when the chief is involved in mining deals. This is because the chief has his own networks in the village. The kinds of deals that are struck by the chief and his networks have potential for being

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[251] Interview with Tshepo Maponya, 18th January 2012

[252] See Chapter two, where I argue that Vaaltyn B had not been to an initiation school therefore he was not considered traditionally circumcised. Since he took over as chief in 2003, he had not organised an initiation school. His tribal council speaker and uncle had said that although he does not converse in Northern Ndebele, since he had become chief he had learned it, but that he conversed mainly in Pedi.

[253] Andries Matshotshwane, group interview on the 18th January 2012

disclosed by one or two people. This makes it easier for the people outside of these social networks, 'the villagers' to get an understanding of what is going on around their communities. In essence those who support the chief do so for the reason similar to those expressed by Andries Matshotshwane, that chiefs are more accessible. Moreover it is believed that it is possible to confront or overturn decisions that are taken by the chief but not the case with those taken by the government. The rationale behind their reasoning was that it is often not clear who or at which office to confront local government. In cases where it is clear who should be confronted, the bureaucratic procedures make it difficult to confront those responsible. This raises some theoretical and practical questions about participative democracy.[254]

Phago raised another case when she said that:

> Chieftainship is good to safeguard culture. It is also good in rural areas where majority are unemployed and uneducated. Parents hardly have money to pay for school fees, water and electricity. However, if it were the municipality which was directly in involved we would have problems because they privatise services. It is now worse with this rotten ANC. However, the existence of chiefs makes it possible to stay in areas for free.[255]

The point which Anna Phago raises is that chiefs are considerate of the social and economic status of people. Vaaltyn and its surroundings are areas that have been deeply affected by the privatisation of water and electricity during the process of demarcation.[256] What seems to have been a major concern for those interviewed had been incorporation of villages that could not afford the rates and meter reading with more affluent areas. The faction now in support of Vaaltyn A, stood against this incorporation for the above reason and also because incorporation entailed that some parts of the land that was declared as belonging to the Ndebele tribe would be appropriated by the government.

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[255] M A Phago, group interview on the 18th January 2012

[256] See chapter 3.

In light of the consensus among the interviewed villagers that Vaaltyn A should take over as chief and that they were not against chieftainship as an institution but rather a particular chief and his style of rule, it seemed necessarily to probe the relationship that the villagers had with local government. Every informant had some negative perceptions about the local government. The general perception was that government officials are corrupt. The villagers complained about not knowing who the officials were. One old man gave an example that: 'It has been 10 to 15 years since Ngoako Ramathlodi has been in power but if you asked people if they have seen his face before- they would say no'.[257] Service delivery was of concern. Unemployment and lack of education added to the grievances of those interviewed.

It was obvious during the interviews that there was a lack of understanding about what local government was and what its responsibilities were. This majority spoke of local government as responsible for delivery of services and the creation of jobs and building of schools. The villagers employ the word 'government' in a manner that does not make a distinction between local, provincial and national government. This perhaps has to do with the fact that failure at any level of a democratic institution within these villages is comprehended as a failure of the government.

David Marupe holds the perception that:

> Things were running accordingly. The only problem which is also responsible for development in Mokopane is the mine. Mining changed everything, completely. The mines penetrated the very same chiefs who were our alternative government.[258]

The majority were of the view that chieftainship was at some point very effective and thus was an alternative to local government. One old man recalled that with time 'chiefs started to work in a democratic manner. Chief are now the ANC. They

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[257] group interview on the 18th January 2012

[258] David Marupe, Interview in Magongwa 14 August 2011

are unable to rule. Now as you see we are in conflict. Chiefs are involved in mines and they fail to rule people. So does the municipality.'[259] The patronage network that the local government, chief and the mines have created, had developed to a point where they had failed to make a clear distinction between each faction with regards to their responsibility. J. Michael Williams in his study about democratic consolidation in Mvuzane Tribal Authority in Kwazulu Natal observes that the institution of chieftainship had 'chiefed' the process of democratisation and while the democratic institution had incorporated chieftainship. He observes that chieftaincy and democratic local institutions 'blend together in complex ways'. He concludes that this make it difficult for people to choose between chieftainship and local government. [260]

The Mogalakwena local government officials, the mayor of Mogalakwena municipality, the councillor of Vaaltyn and the councillors of areas around Vaaltyn had positive views about chiefs and the manner in which Mr Mmola, the former Mayor of Mogalakwena, engaged with them. During one of the interviews the question about how traditional leaders in the area of Mokopane engaged with local municipal government of Mokopane, the former mayor Mmola's response was that: 'that is why I had invited you to joins us in Bakenberg. It would have helped you to witness how 'we can be a good model across municipalities'.[261] He claimed that: 'we have a good relationship with traditional leaders in the area because we engage with them.'[262]

Councillor Kekana said that:

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[259] Interview in Magongwa 14 August 2011

[260] J Williams, J, M. (2004). Leading from Behind: democratic consolidation and the chieftaincy in South Africa. *Journal of Modern African Studies.* Vol. 42(1), pp 113-136. United Kingdom: Cambridge University Press. p. 131

[261] He had said on more than one occasion that Mogalakwena municipality could be used as a model for how chieftainship and local government could engage without tensions.

[262] Mmola, Bob (former mayor in Mogalakwena Municipality) and Kgosana S (Councillor of Vaaltyn), interviewed by Skosana Dineo at Vaaltyn, 12 August 2011

> When dealing with chiefs, you must go to them, you must not say they must not come to you. You as a politician you must go to them, you see, you must. That's how we manage risk, everybody counts, that is why we involve everyone, you see now, I think we work well in that regard.[263]

Mr Mmola had emphasised that during his early days in office there were tensions between municipal councillors and chiefs. However, he mentioned that these tensions ended once he began realising the importance of negotiating with traditional leaders. He has boastfully stated each time I had asked him about his relationship with traditional leaders, that he has the most pleasant and efficient relationship with traditional leaders and that Mogalakwena municipality could be used as a model for this reason.

## Conclusion

This chapter has explored people's perceptions about the succession dispute, whether they were conscious about the dynamics of this dispute and the impact that it had on them. It explored whether people still supported the institution of chieftainship and the reasons behind their support. It became apparent during the interviews that those interviewed were aware of the dispute even though not everyone understood its cause. The majority were of the view that Vaaltyn B should step down and let the rightful chief, Vaaltyn A, take over as chief. There was a shared assumption that as chief, Vaaltyn A would restore the institution of chieftainship to its 'previous form'. Vaaltyn B is not supported because the community believes that his administration is corrupt, his leadership style is distant, and he is perceived more like an outsider since his homestead is not in the area of Vaaltyn or surrounding villages. He is also blamed for the manner in which the mine has conducted itself in the area of Mokopane. By contrast Vaaltyn A is perceived as bringing hope in the villages. They believe that as he resides with them and speaks the same language, that he would be more likely to have the same economic aspirations as they did.

Generally the dispute has impacted negatively on the villages of Mokopane. People do not know who to consult in cases of grievances. The relationship between them and

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[263] ibid

local government has been further tainted by the mining houses. They feel helpless because the incumbent chief, his headman and the local government and the mines are interlinked within a patronage system which keeps them loyal and accountable to each other instead of being accountable to the people. I have argued that the patron in this case is the local government of Mokopane and that the chief and mines are patrons who are not necessarily at the receiving end but hold some goods, services, favours and rewards which allows them to play a role in the formation and consolidation of their patron-client relationship.

The dispute has created a platform that divides the community and chief Vaaltyn A and his tribal council from political and economically binding decisions. On the other hand it has allowed for the creation and consolidation of a patronage system. Some of the people interviewed have therefore decided against the continuation of chieftainship. The majority of those interviewed however made it clear that it was not the institution of chieftainship which they are against but chief Vaaltyn B. They continued to support chieftainship because chiefs are custodians of their culture and identity. They are more accessible as compared to the local government. They mentioned that their decision can be overturned if needs be. Although the interviews carried out for this study may not necessarily be enough to conclude whether people in Vaaltyn or Mokopane as a whole continues to support chieftainship, the interviews highlights that there are those who still support the institution for various reasons. Further studies need to engage with the issue of support, if at all for traditional leadership and the reasons behind.

The findings raise a number of questions which will be discussed in detail in the conclusion. Scholars tend to criticize the idea of the institution of chieftainship existing alongside a democratic government, with the assertion that chieftainship is undemocratic. In the conclusion I engage with the concept of participatory democracy, its strength and limits. The conclusion argues that embracing principles of democracy is no guarantee that people will not be excluded from politically binding decisions. The very argument that scholars use to criticize the existence of traditional leaders can be used to criticize the democratic government as well. The point is that we may need to understand the context in each case before it can be concluded that chieftaincy should be overthrown as some scholars have suggested.

**Chapter 6**

**Conclusion**

**Scholarly ideas about the existence of chieftainship within the democratic dispensation**

The existence of chiefs alongside democracy has raised contested and prolonged arguments among scholars. Traditional leaders continue to be recognised by the South African government and the Constitution. This is irrespective of the fact that prior to democracy, chiefs were deemed to be 'puppets' of the colonial and the apartheid state.[264] This section concludes by looking at some of the critical debates that have been raised in the work that has been published with regards to the subject of traditional leaders and democracy.

Arguably, there are at least three dimensions to the debate about the coexistence of chieftainship within democratic institutions. The first dimension is presented by scholars who contend that chieftainship should not be given recognition within a democratic system, because it undermines the democratic values and principles espoused in the South African Constitution.[265] The second dimension is presented by scholars who believe that certain aspects of the traditional principles are not as contradictory to democratic principles as conventionally comprehended. They are of

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[264] Mamdani, M. (1996). *'Citizen and Subject, Contemporary Africa and the Legacy of late colonialism'.*

[265] See, Ntsebeza L. (2005). *'Democracy Compromised'*, who argues that 'upholding principles of democracy while at same time giving recognition to unelected and unaccountable traditional authorities is inconsistent with and contradictory to the Constitution'. p. 20, Bank, L and South Hall, R. (1996). *'Traditional leaders in South Africa's New Democracy',* in concert with Ntsebeza argues that 'to achieve a mixed government, chieftaincy in South Africa requires a fundamental transformation' as it upholds principles that are contrary to the Constitution of South Africa that prohibits among other elements, gender inequity. p. 427. Drawing on his work on Ghana which focuses on chiefs, the state and legitimacy, Ray, D. I. 1996. Divided Sovereignty: Traditional authority and the state in Ghana. *Journal of Legal Pluralism and Unofficial Law*, Nos 37-38 (special double issue), argues that both forms state and chiefly forms of governance derive their powers from separate sources and that the legitimacy of both institutions is in tandem. At no point does Ray foresee a system in which both institutions rely on each other to gain or sustain their legitimacy.

the view that traditional leaders can coexist with democratic institutions. These scholars also assert that chieftainship can enhance democracy, as chiefs in some cases influence the vote of their constituencies.[266] The third facet neither supports nor dismisses the coexistence of traditional leaders within democratic dispensations. These scholars hold the view that whichever system that is functional among people should be studied and explained, in order to understand whether and how that particular system operates and is efficient.

The study that stands out with regards to the first dimension is Ntsebeza's, in which he explores traditional leadership and its relation to land in the context of democracy through a case study of Xhalanga Eastern Cape. In his book, he looks at two questions about the survival of traditional leaders into the post-colonial and apartheid era and how traditional leaders obtain their authority and legitimacy. In order to answer the question about the survival of traditional leaders, Ntsebeza focuses on the land question and suggests that it is important to understand how traditional leaders have survived. He investigates the legitimacy of traditional leaders through the tensions and the implications that resulted from the 1996 South African Constitution and both the Traditional Leadership and Governance Framework and the Communal Land Rights Act.

Drawing on Mamdani's analysis of decentralized despotism[267], Ntsebeza maintains that 'the powers that traditional leaders possessed during the colonial and the apartheid era forced communities to abide by tyrannical chiefs, otherwise they would stand little chance to acquire land'. [268] As a result he argues that 'traditional leadership throughout

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[266] See, Williams, J, M. (2004). Leading from Behind: democratic consolidation and the chieftaincy in South Africa. *Journal of Modern African Studies.* Vol. 42(1), pp 113-136. United Kingdom: Cambridge University Press. p. 115. Williams suggests that chiefs plays a role in democratic consolidation in areas where local government has not deeply entrenched itself. Sklar, R. (1994). *'The significance of mixed government in Southern African studies: a preliminary assessment',* paper delivered to History Workshop Conference on Democracy: Popular Precedents, Popular Practice and Popular Culture, University of the Witwatersrand, July 13-15.

[267] See Mamdani, M, (1996), *Citizen and Subject.*

[268] Also see Meer, S, (1997), *Women land and Authority: Perspectives from South Africa* and Nhlapo, T. 1991. Women's rights and the family in traditional customary, for similar arguments

its existence has been dependent on the state for survival and that chiefs derived their authority from being involved in the land allocation process rather than support from their subjects'.[269] In the case of Xhalanga Ntsebeza argues that land issues such as 'the struggle of landholders against the apartheid's engineered 're-tribalisation' gave traditional leadership in this area a specific trajectory.'[270] He observes that in Xhalanga traditional leaders failed to establish themselves among their subjects and that their authority survived because of their role in the land allocation process and not necessarily because of popular support. Ntsebeza points out that throughout the history of Xhalanga, traditional leaders had a complicated and ambivalent relationship with their subjects.

Additionally, he argues that the ability of people to choose their own leaders is central to the concept of liberal democracy. He looks at democracy in both its participatory and representative forms to argue that both are crucial aspects in a democratic system.[271] For the reasons above, and that 'chiefs are not elected' and uphold principles that are contradictory to democracy, Ntsebeza argues against the continuance of chieftainship in a democratic dispensation.

Ntsebeza's argument that traditional leaders have been dependent on the state for survival is relevant to the argument taken in this thesis. The local and provincial government of Mokopane legitimised the current chief Vaaltyn B. This was done irrespective of the fact that the tribal council of Vaaltyn A and villagers regard Vaaltyn B as illegitimate. The chance of survival for the unrecognised tribal faction in the long run, is questionable. Although their candidate, Vaaltyn A is considered by the people as the rightful heir, the fact that their claim was dismissed by the local and provincial government denies them the possession of political and economic resources that maintains the legitimacy of a chief.

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[269]L. Ntsebeza, (2005), Democracy Compromised: Chiefs and the Politics of Land in South Africa (Brill Academic Publishers, Leiden, p. 20-22

[270] Lungisile Ntsebeza (Ibid) p. 37

[271] Lungisile Ntsebeza (Ibid; p. 23-33)

Even so, Ntsebeza's suggestion to do away with chiefs is overstated. His argument is proposed from a case study in which traditional leaders have never been favoured by people. His study cannot be generalised as it is inapplicable for instance, to areas such as Sekhukhune (Limpopo) where chieftainship has been supported for a long period of time for various reasons.[272] In Sekhukhune chiefs did not so much collaborate with the colonial and apartheid government but formed part of the broader national liberation struggle to overthrow the colonial and the apartheid government.[273]

Ntsebeza's use of democracy in his study is too narrow. There has been no consensus about the meaning of democracy. However, there has been an agreement about what constitutes democracy. These elements vary from freedom, equality, and justice, the right to vote and to representation and to majority rule. Pennock (1979) states that the component of representative democracy is the ability of people to elect the leader whom they believe would take action on their behalf. He explains that 'elections are thought to constitute the great sanction for assuring representative behavior...'[274] Arguably, there is a normative assumption among scholars who contend against the existence of chieftainship on grounds of their hereditary status, that election of government officials gives way to representation and therefore accountability. There is a gap in principle and in the practice of representative and participative democracy. There have been major service delivery protests across South Africa in the previous years and currently.[275] Most of them were about access to resources, unaccountable,

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[272] Oomen, B. (2003). 'Walking in the middle of the road': people's perspectives on the legitimacy of traditional leadership in Sekhukhune'. In O. Vaughan (ed). *Indigenous Political Structures and Governance in Africa.* Ibadan: Sefer Press.

[273] See chapter 1, p 16-17

[274] Pennock, J, R. (1979). *'Democratic Political Theory'*. Princeton, New Jersey: Princeton University Press. p. 10

[275] Business Report. 20 May 2011. 'Survey shows 2011 quiet year for service protests.' Reported that the Municipal IQ reported that 'there were 10 protests in 2004. This jumped to 34 in 2005, dropped to just two in the last municipal election year in 2006, rose again to 32 in 2007, dropped slightly to 27 in 2008, but jumped steeply to 105 in 2009 and to 111 in 2010. There have been 23 so far this year.'

distant and corrupt leaders. The frustration was that although people voted during national and local elections, there were no major improvements in their standards of living. The same frustration could be deduced from the interviews in Vaaltyn and surrounding areas. People articulated grievances about not knowing who the actual government representatives were, of their being corrupt and of not knowing whom to approach for complaints.[276] Even though the residents of Mokopane had problems with the current chief they believed that conventionally a chief is more accessible as he resides within the community. Thornton encounters similar sentiments in his case study of traditional leadership in a Swazi chiefdom in Barberton, Mpumalanga. Thornton states that 'even if chiefs are unable, or fail to provide services, they nonetheless often earn respect simply because they are resident and share the miseries of poverty, in contrast to the politicians who are notorious for only making appearances at election times.'[277] Additionally, in Vaaltyn participants continually suggested that decisions taken by chiefs could 'potentially' be reversed as opposed to decisions taken by the democratic government. They believed that traditionally, they could knock at the chief's door with grievances about a certain decision as compared to the government in which they would have to deal with the bureaucratic system. This shows that even though voting is an important component of democracy it is not assurance for representation or participation in binding decisions in a democracy.

In her study about people's perceptions on traditional leadership in Sekukhune-Limpopo, Oomen illustrates that '-80 percent of the 607 questionnaires on traditional leadership, land, local government and customary law in Sekhukhune, were in support of traditional leadership.'[278] Their reasons for the support of chieftainship as in Vaaltyn,

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[276] See, chapter 5

[277] Southall, R and De Saskropiwnicki, Z. *Canadian Journal of African Studies.* Vol 37, No.1 (2003), pp 48-82 p. 78, cites Thornton, R. (2002). 'Traditional Authority' and Governance in the Emjindini Royal Swazi Chiefdom, Barberton, Mpumalanga: An empirical study'. Draft Report for Taarn-SA. Taarn Workshop, University of Natal, 9-10 October

[278] Oomen, B. (2003). 'Walking in the middle of the road': people's perspectives on the legitimacy of traditional leadership in Sekhukhune'. In O. Vaughan (ed). *Indigenous Political Structures and Governance in Africa.* Ibadan: Sefer Press. p. 5

ranged from traditional leaders being an alternative to the inaccessible, corrupt and not so deeply entrenched local government in the areas of Sekhukhune. The same study elucidates that chiefs would give financial and personal support to women whose husbands would be working in mines and did not send a share of their wages back home. This is contrary to Ntsebeza's argument that traditional leaders are oppressive to women's rights and should therefore be dispensed with.

It is not this thesis' objective to defend the existence of chieftainship alongside democracy. This thesis illustrates the need to comprehend in each case, which chiefs remain legitimate and why they do so. This thesis sheds some light on people's ideas about the institution of chieftainship and how they understand and experience democracy. Williams points out that it is 'incorrect to assume that people will necessarily choose between chieftaincy and democratic institutions, as these institutions are blending together in complex ways.'[279] In chapter 1, I have shown that Vaaltyn B's personality, background, tribal council and social setting played a role, among other reasons such as his father's (Molalakgori) long standing relationship with the commissioner and then the TLC, to award him authority. I have shown in chapter 3 and 4 patron client agreements that occur between the local, provincial government, mining houses and the current chief Vaaltyn B. In addition, I have shown how those who are excluded, such as the unrecognized chief Vaaltyn A, his tribal council and the communities recount the manner in which these political and economic ties between Vaaltyn B, the Platinum Reef mine and the local and provincial government affect them. These in turn shapes people perceptions about how they view chieftainship and local government. The majority of the participants did not support the current chief Vaaltyn B because he is said to be absorbed by aspirations and tendencies of corrupt government officials. Instead, they support Vaaltyn A, who arguably seems also to be the legitimate candidate for the position of regency even though he is not recognised by the

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[279] Williams, J, M. (2004). Leading from Behind: democratic consolidation and the chieftaincy in South Africa. *Journal of Modern African Studies.* Vol. 42(1), pp 113-136. United Kingdom: Cambridge University Press. p. 131.

government. Chapter 5 also illustrated that even though the participants in this study support Vaaltyn B, they support the continuing existence of chieftainship.  They support chieftainship for cultural and identity reasons and for the view that traditionally, a chief is closer to the people compared to the local government officials. However, this does not mean that they dismiss the existence of local governance. It could be deduced from the interviews that people simply support the legitimacy of any institution which promises to serve their needs. The findings in this study may not be a general reflection of the whole population of Vaaltyn or Mokopane but they illuminate that people in certain areas still support the existence of chieftainship. Thus there needs to be more intensive research focus dedicated to understand the support for traditional leadership in a democratic dispensation.

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