

# TRADITIONAL AUTHORITIES: KNOW WHERE TO LAND

(Traditional Authority and Land in  
KwaZulu-Natal)

1. History

2. Current debates and challenges

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## **TRADITIONAL AUTHORITIES, LAND AND POLICY: CURRENT DEBATES AND CHALLENGES**

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# History

## Introduction

On the one hand it is true that the affairs of Africans ‘away in the locations’ have been submerged and often overlooked – existing almost “outside the historical record” of much scholarship (Beinart et al 1987: 1)<sup>1</sup>. Nonetheless, the amount of material available to those interested in history is significant (even if, as is the case here, the history is limited to the kwaZulu-Natal region). So the task here is not reproduce it but to extract from it major themes and critical developments which might help unravel current challenges about land and traditional authority.

The first step is to periodise the historical account so that characteristic features in the evolution of these issues can be located against significant broader historical phases, changes and developments. Useful as periodisation is, it inherently runs the risk of imposing a generalised characterisation over dynamic and complex histories. That said, for the purposes of this section, the following periodisation is proposed: 1. pre-Shakan era; 2. Political centralisation; 3. Colonial and Union era; 4. Apartheid era.

The story of the ‘land’ plays out at least 3 levels which should be borne in mind though they do not constitute a formal organising principle for the discussion below:

- a. ‘micro’-level which is principally about the homestead (e.g., how land was acquired, used, passed on or lost)
- b. ‘meso’-level where land is understood in relation to a broader social group (e.g., chiefdom) and how its use is enabled and regulated through the activities and institutions of that social group
- c. ‘macro’-level where the function, meaning and extent of land for a group/s (e.g., clan, tribe, kingdom) is understood by reference to the location of that group against other groups and *their* activities and institutions which impact on the same land, as well as impacting on the broader political economy.

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<sup>1</sup> Beinart and Bundy point out that one of the reasons for this is that work on African political history tended to focus on formal organised political movements and their campaigns which usually represented and were led by urbanised and educated Africans. This in turn points to the underlying socio-economic reality that, at least from the colonial period, there was a discernible – but by no means impermeable – distinction within African society between ‘Red’ and ‘School’ responses to colonisation and modernity. These terms are used particularly by historians of the Eastern Cape area (see Beinart and Bundy 1987). ‘Red’ refers to those who either attempted to defend and maintain pre-colonial institutions in the context of colonial occupation or whose marginalisation from the dominant political-economy compelled them to draw on these pre-colonial resources for survival, while ‘school’ refers to those (mostly educated at mission schools) who tried to secure rights and position within the modernising process.

## 1. pre-Shakan era

to late 18<sup>th</sup> century

Although there is less historical evidence for this period than for later ones, it is possible to piece together a basic picture. 'Stone Age' and 'Later Stone Age' hunters and gatherers peopled the region for a long time but they were effectively absorbed or incorporated by 'later Iron Age' people who arrived between 2000 and 1500 years ago. These hunters and gatherers do not form an essential part of the remainder of this historical overview.

The 'Iron Age' people however were the direct ancestors of the current African population of the region. The people lived in scattered homesteads (*imizi*) established by the presence of a married man and his wives. Each homestead was essentially self-reliant: labour was drawn from among its members (on sexually differentiated lines); sustenance was drawn from the homestead's cattle and cultivated fields; and fuel came from firewood still sufficiently available in the area.

Good and sufficient land was important especially because of the centrality of both agriculture for homestead subsistence and cattle-keeping among the people (cattle required access to the grasslands). Cattle represented wealth, its transfer legalised marriage, and cattle were of ritual significance. Some land was also cultivated and this agricultural production was fundamental to feeding and sustaining self-sufficient homesteads but "the relatively inferior status of agriculture in a strongly patrilineal society is shown by the fact that it was normally the woman's task to cultivate and reap the crops" (Laband 1995: 5). Men and boys however were responsible for cattle.

Customs regarding succession reflected the patrilineal character of society too. The household would break up on the death of the male head and each son would establish his own household. After the household, the clan was the social unit by which people were identified and this was defined through the male line descended from a common ancestor. Marriage within the clan was not allowed and wives were taken from other clans in exchange for cattle. Since the chief son of a household inherited the bulk of the property, including of the cattle, he could marry more wives, produce more children (a source of both productive labour and *ilobolo*) and so contribute to growing size and dominance of the particular lineage within the clan.

Dominant lineage within a clan was the basis for establishing chiefly power. A chiefdom comprised people from a number of clans with a degree of political power vested in the dominant lineage of the strongest clan. Chiefdoms existed at relatively small scale and chiefly powers were not terribly substantial. Perhaps chiefs could best be characterised as being 'first among equals' and they certainly would have chaired

the councils which regulated the tribe, and they extracted tribute from their subjects. Given that chiefs' authority was exercised in the name of the subjects and in consultation with a tribal council of elders, the extent of their authority and the scope of their powers expressed the extent to which authority was given to them through the council by the subjects. As such, 'chiefly power' was a dynamic outcome of social processes at a local level. Certainly the chief would have been looked to as the guarantor of tribal harmony (by playing a key role in conflict resolution); of economic viability of homesteads (by playing a key role in managing the allocation of land rights and land-use rights to households); and social and cultural coherence and continuity (by playing a key role in social and ritual aspects of tribal life).

For this period, land was broadly understood as being held in trust for the people. The notion of 'ownership' in the broadly modern, western sense would not be an appropriate characterisation. (This is not because African claims to land were necessarily understood to be any less definite and secure in the long run but because western notions of 'ownership' are so tied to the idea of individual owners who exercise complete and exclusive rights over a piece of property.) A tribe's claim to an area of land would have been established essentially through a recognised right of occupation. That right of occupation may have been established through processes of, for example, conquest, occupation or negotiated allocation by a previous authority. Boundaries between tribal areas may have been periodically contested but, as there was not yet any significant pressure on land (this was to come later), these were generally not critical sources of conflict. In any case, the extent of a tribal land area was not primarily defined by surveyor's maps but rather by the allegiance of subjects to a particular chief – in a sense then, as a chief, the land you controlled was defined by the homesteads who paid you tribute.

As the base source for agricultural and other resources within the tribe, a chief's ability to allocate good land was critical to sustained and effective leadership. Conversely, an inability to do so - to provide followers with adequate land – could well see a chief's subjects effectively voting with their feet, shifting their allegiance and choosing to live under the leadership of another chief.

The possibility of this degree of fluidity reflects the fact that a chief's authority was not primarily derived from coercive power but rather derived from patronage and ritual and symbolic power. Furthermore, it makes clear that a chief's authority was effectively given to the chief by the tribal community (formally through the councillors with whom a chief consulted on decisions and who 'represented' the interests of the subjects). Even 'paramount chiefs', who exercised authority over subordinated chiefs, did not command significant centralised military capacity. Because people could shift allegiances, chiefdoms could expand, contract, split up and even disappear over time and the boundaries were never particularly fixed.

## 2. Political centralisation

late 18<sup>th</sup> century to mid-19<sup>th</sup> century

Among Africans in the region, this period was characterised by political centralisation, movement towards state formation, conflict and, later, the ascendancy of the Zulu state under Shaka. What factors precipitated these dramatic changes are the subject of scholarly debate but foremost was the influence of expanding trade in slaves, ivory & other goods (largely at Delagoa Bay but linked also with the intrusion of Cape-linked settler communities). Other likely contributory factors which fed into and exacerbated the changing context include population pressures, ecological concerns in terms of access to a suitable range of grazing and periods of severe drought.

The result was a period with territorial expansion by chiefdoms and associated reinforcement of emerging state formation. The subsequent wave of conflict and relocation is often referred to as the '*mfecane*' (or the crushing) but this is ultimately misleading because it suggests a specifically 'Zulu' origin and cause. The subsequent rise of the Zulu kingdom under Shaka is better understood as a culmination or consequence of a far broader (and somewhat earlier) process of social change and political centralisation within African societies of the region precipitated by their responses to colonial expansion from the Cape and commercial expansion from Delagoa Bay.

It should be noted that the resultant social disruption did not result in an unpopulated region with no black occupants who could have made legitimate and competing claims against white settlers who moved into the region. It is fairly clear now that the subsequent settler historiography which makes such claims is essentially a self-serving myth justifying white occupation.

There is a wealth of fascinating detail about the various chiefly rivalries and wars that were waged over this period but this is not the forum for representing or even summarising it. Instead it is important to characterise key thematic developments around those central concerns of this overview – especially chiefs and land.

Even under conditions of growing political centralisation, pre-existing chiefdoms continued to function. Chiefs remained in place and continued to regulate affairs within the tribe with a fair degree of autonomy as they had done before. The extent of a chief's political autonomy in relation to emerging concentrations of state power varied. Whereas strong central control was exercised over a core area, chiefdoms

more on the periphery could claim and/or be given greater political autonomy. For the central authority, this dynamic would need to be calculated fairly carefully. On the one hand, the allegiance of chiefs on the periphery was important to the integrity and security of the core - but equally, that allegiance could be jeopardised if a chief experienced central authority as a burdensome or interfering imposition.

In general then, the emerging state form might therefore be described as more like a federation of chiefdoms than a directly centralised union. Subjects were still directly ruled by their chiefs, and the chiefs still allocated land – but the chiefs were more clearly subject to a central political authority. Tom Lodge argues that African tradition and custom was ‘fluid and undergoing alteration’ during the 19<sup>th</sup> century and that as political units became larger they became more authoritarian and less consensual (IPT, 2002: 8).

There was also continuity in terms of the underlying state economy which still rested on the productive homestead as its essential base unit. As before, access to grazing for cattle was allocated to tribal commonage and homesteads were given rights to residential and arable land. For at least these reasons the capacity of a chief (and now ultimately a king) to allocate sufficient good land to subjects remained critical to the overall system. Indeed, the political stakes were probably higher than before and leaders could ill afford to have any ‘surplus’ population without sufficient access to land who might cast about for another chief to whom they could pledge allegiance. While the essential economy remained rooted in the productive homestead there was no political space for ‘unemployment’ and political centralisation had to be secured without undermining the homestead.

This last imperative, of centralising political power behind the new states, was secured not only through political and military struggle and intrigue but critically through the adaptive use of the ‘*amabutho*’ system. These groups of young men predated the *mfecane* and Shaka – probably in the form of youth cohorts brought together by the chief for circumcision purposes.

The resource that this represented – of young men extracted from the homesteads and placed under a chief’s authority for a period of time – provided the newly centralised authority structures with an opportunity to conscript the necessary coercive power for the processes of state formation and consolidation and wider territorial aggression and expansion.

Certainly under leaders like Shaka, the *amabutho* would be called upon to service the central polity in a range of ways; from working in the royal fields, to bolstering the ability to extract tribute from amongst subjects, and to waging war on neighbouring

rivals and political threats (and thereby extending the area from which tribute could be exacted).

In all this, the homestead remained the economic unit and chiefs still had to service the expectation of access to land. Indeed, the context of political upheaval made it imperative that favourites be rewarded and allegiances shored up. The currency remained cattle and their viability depended on good land.

One of the central challenges in getting to grips with the current issue/s of traditional authorities and land is that of succession and legitimacy and, whereas there is an abstract characterisation of traditional authority being hereditary down the dominant male line, the reality appears often more complex. If only for this reason, it is probably worthwhile noting that Shaka's claims to Zulu leadership were contested and argued on the grounds of both legitimacy and rights of succession by certain sections. The arguments continue today. For example, Laband's account of the circumstances of Shaka's route to leadership of the Zulu chiefdom (which for the early part of this period was itself only a small client chiefdom of the Mthethwa state under Dingiswayo) suggests many ways in which Shaka's legitimacy may have been suspect.

Shaka was the illegitimate son of the Zulu chief Senzangakhona and a young girl Nandi, a member of the Langeni clan. Laband says that:

“When it was reported that [Nandi] ... was pregnant, the Zulu unconvincingly tried to refute the claim by insisting that she had swollen up only because she was afflicted by a ‘shaka’, or intestinal beetle’. When the baby was born, that was the name duly given him. The consequence of her inopportune conception was that Shaka, although Senzangakhona's eldest son, was not recognised as his heir. That honour fell to Sigujana.... In about 1794 Senzangakhona eventually drove both Nandi and Shaka into exile.... [Later Shaka] placed himself under the protection of Jobe of the Mthethwa.... Jobe died in about 1807, and Dingiswayo assumed the Mthethwa chieftainship after deposing and killing his brother, Mawewe. ... The new chief swiftly recognised Shaka's extraordinary military aptitude and courage ... [and] Shaka continued high in Dingiswayo's favour. So, when Senzangakhona died in 1816 ... Dingiswayo supported Shaka's claim to the chieftainship, even though Senzangakhona should have been succeeded by his favourite son and designated heir, Sigujana. ... So, with the backing of his overlord, Shaka employed his half-brother to assassinate Sigujana. ... Then, supported by a military force sent by Dingiswayo, Shaka grasped the chieftainship” (Laband 1995: 17-18).

There were a number of rival emerging states but the end result of this period was the dominance of the Zulus – and this dominance was certainly associated with Shaka's

effective, if brutal and aggressive, leadership. By the mid-1820s, Shaka ruled a kingdom of more than 100,000 people with a standing army of probably between 12–15 000 men.

There has been a tendency to exaggerate the extent to which Shaka's rule was a project in the development of a broader Zulu nationalism and identity - perhaps writers and historians need to create an *ex post facto* justification for more contemporary expressions and claims for Zulu-ness in kwaZulu-Natal. In this mode, it is suggested by some that, for example:

- Shaka fostered a new national identity by stressing the Zuluness of the state and that all subjects of the state became Zulu and owed the king their personal allegiance
- Zulu traditions of origin became the national traditions of the state
- Customary Nguni festivals, such as planting and harvest celebrations, became occasions on which Shaka gathered vast numbers of his people and extolled the virtues of the state, and that
- Through such means, Shaka developed a Zulu consciousness that transcended the original identities and lineages of the various peoples who were his subjects.

It is unlikely or improbable that such processes had the cumulative effect suggested here however. Having conquered 100 000 people of different tribes, the Zulu family and clan identity was not something automatically conferred on subjects. In fact, 'Zulu' remained far more descriptive of the central core, the royal family. Those outside the central core would not have been encouraged to assume that they had legitimate expectations to relate to, and make claims on, that central family. This is not necessarily to deny a degree of political and military dominance in the region by the Zulu polity but it does point to the fact that subsequent claims for the 'Zulu-ness' of the African people of the whole region are made on historically weak terms.

Furthermore, certainly not until the twentieth century would black people south of the Thukela have thought of themselves as 'Zulu'. Indeed a consequence of the period of instability and state formation (including the actions of Shaka's successor, Dingaan during the 1830s) was the displacement of tribes out of the Zulu kingdom but within what is now kwaZulu-Natal. Those people and chiefs only recently conquered by the Zulu kingdom who fled into Natal, effectively rejected political Zulu identity, although retaining cultural affinity (Africa Policy Information Center, 1997). For such people, the establishment of colonial authority in Natal was partly welcomed as the protection it gave, provided them an opportunity to consolidate in a way which they had not been able to do under the disruptive threat of the Zulu kingdom. Some such tribes developed relatively close relationships with the colonialists and the relative protection it offered them provided opportunities for trade and material advancement.

### 3. Colonial and Union era

mid-19<sup>th</sup> century – mid-20<sup>th</sup> century

In 1824, not long after Shaka became chief of the Zulu, European traders established the first more or less permanent settlement at the bay at Port Natal (which was to become Durban in 1835) and in 1837-8, Voortrekkers arrived in Natal from the Eastern Cape.

Voortrekker leader, Piet Retief, attempted to negotiate with Zulu king Dingane for permission to settle in relatively sparsely populated areas south of the Thukela River but conflict (including the killing of Retief himself in 1838 and the subsequent Voortrekker revenge at the Ncome River battle (the battle of 'Blood River')).

The Zulu kingdom split into warring factions after this defeat. One group under Mpande, a half-brother of Shaka and Dingane, allied with the Voortrekkers, and together they succeeded in destroying Dingane's troops and in forcing him to flee to the lands of the Swazi, where he was killed. The Voortrekkers recognized Mpande as king of the Zulu north of the Thukela River, while he in turn acknowledged their suzerainty over both his kingdom and the state that they established south of the Thukela. The Voortrekker Republic of Natalia (the basis of later Natal Province) was established in 1839. Every male Voortrekker who had entered Natal before 1840 received two farms and those who arrived afterward received one. By 1842 there were approximately 6,000 people occupying vast areas of pastureland and living under a political system in which only white males had the right to vote.

But only in the mid-19<sup>th</sup> century did the region see the establishment of the colonial system – first in Natal (which was annexed in 1843 and became a Crown Colony in 1844 after the British achieved supremacy over the Boers), and then Zululand (which was annexed by Natal in 1887. In 1879 the British had laid claims on the whole of that region, thereby placing unacceptable conditions on Zulu King Cetshwayo and sparking the Anglo-Zulu War which until it ended in victory for the British in 1887).

Capitalism, in colonial and other forms, has a very different view of land compared to the location of land in pre-colonial South African political-economy. Whereas in the latter, access to good land was a necessary condition for the sustained reproduction of the homestead over time, under capitalism, land - like all resources - tends to be commodified through ownership and exchange and is a means for producing profit (and typically for a small minority of owners). The question arises then as to how to mesh the two?<sup>2</sup>

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<sup>2</sup> And indeed, as this current project indicates – the question is not easily resolved!

Effectively, the colonial resolution included enabling white farmers to take what land they could (which varied in different areas) and sharply differentiating this land from the 'reserves' where Africans would access land. Locating Africans in 'locations' or 'reserves' signalled their marginalisation – politically, economically and in all aspects. In terms of governance of African in the reserves, the authorities explored two possibilities:

“The first was to weaken the institution of the chieftainship and rule through the colonial bureaucracy and a council that attempted to involve ‘non-traditionalists’ in government – this was the system attempted in the Eastern Cape. The second was to rely on chiefs, appointed and hereditary, for (indirect) rule – the system developed in Natal. At first the first system was tried” (Mare et al 1987: 27).

In Natal, the colonial state was initially fairly weak. Some of its leading officials responsible for 'Native issues' (like Shepstone) understood part of their responsibility to interpose themselves between settlers and reserves since they recognised the possibly dangerous consequences of a complete erosion of the reserves which could well trigger political instability. Even so, reserves were insufficient and only accounted for about 1/6 of Natal. Nonetheless, largely as a result of the strength of Zulu resistance, Africans had not been completely decimated and they still retained access to enough land to enable them to secure a degree of livelihood security outside of the colonial economy. This meant that they could choose to take on short-term work on white-owned farms for cash payment – but the cash tended to be spent buying goods for improved production within the homestead economy. This remaining discretion meant that complete dependence on the colonial economy had not been achieved and it was a source of frustration within the settler community. (It was also a key factor behind the decision to draft in 'indentured' Indian workers to labour in the sugar cane farms of Natal.)

However this remnant independence was a declining characteristic and by the 1880s and 1890s the homestead economy was under sever strain as a generalised land shortage inevitably impacted. Once this process set in, non-discretionary migrant labour had to be increasingly resorted to. The migrant labour pattern kept alive the appearance of an ongoing homestead economy but it was increasingly a hollow shell without the key features which had sustained it (e.g., ability to access and allocate new land was stopped once rigid and limiting boundaries were enforced; young men now forced to take up wage labour were no longer deployed to service the system - neither directly in the homesteads nor in service of the broader polity in through periodic conscription into the *amabutho*).

As the resources and flexibility for patronage and governance (cattle, land, political power) which had characterised African society dried up, chiefs were increasingly disempowered. The colonial state, which had systematically sought to undermine the chiefs, recognised by the last decades of the 19<sup>th</sup> century that they needed to bolster the chiefs' powers in order to stabilise the remnant social structure in the reserves. The collapse of the homestead economy drove workers into wage labour but pass laws to prevent African urbanisation drove the same class back to the reserves when the work was done or oversubscribed. So from an instrumentalist perspective, homesteads in the reserves had become little more than a convenient mechanism for containing the costs of social reproduction within the African 'reserve' areas and re-producing cheap labour for the settler and colonial economy (whilst simultaneously inhibiting the development of a potentially dangerous black urban working class); and chiefs on the whole ruled over the reserves under colonial authority (the 'indirect rule' model characteristic of this colonial administration of Africans in the reserves for this period). In 1914 the Royal Commission on Natural Resources, Trade, and Legislation in Certain of His Majesty's Dominions heard just how useful black rural areas were as labour reserves. The reserve was "a sanatorium where [African workers] can recuperate; if they are disabled they remain there. Their own tribal system keeps them under discipline, and if they become criminals there is not the slightest difficulty in bringing them to justice. All this absolutely without expense to the white man" (cited in Bundy 1979, 126).

But there is a danger in characterising the whole enterprise as being simply driven by top-down coercive agenda – for many young men, returning to the reserve after a period of employment coincided with a desire to shift to 'manhood' and to mark such a shift with the establishment of a homestead with cattle. Anyway, while away doing migrant work, these men were dependent on the powers of the chief to look after their homestead resources - such as they were. So even if the actual currency of the homestead economy was so scarce as to make the whole system untenable in its earlier forms, there was at minimum the promise of some security and a residential plot that would be allocated to the chief's subjects. It is also the case that the ascendancy of colonial power did not signal the end of rural politics or resistance and at the local level, chiefs and others might align in various ways to respond to the power of the colonial project – some embracing it, others rejecting it, and yet others carving a path of ambiguity, but always from and within a marginal location in the broader South African context.

The basic shape and direction of themes continued from 1910 when South Africa became a racially segregated and white controlled Union (and thus assumed control of its internal affairs rather than being a colony of Britain).

Many of the central features already described took more explicit shape as they were nationally legislated. For example:

- perhaps most famously, the system of ‘reserves’ for Africans was concretised in the 1913 Land Act (setting aside 7% of the country for Native Reserves) and the later Native Trust and Land Act of 1936 ensuring that whites controlled the vast majority of land and resources and that black survival would be dependent on entering into wage labour as subjugated and right-less migrants in the dominant capitalist economy (in particular such sectors as mining)
- the 1927 Native Administration Act starkly illustrated the transformations of chiefly authority which had been wrought – the Act extended the system of tribal courts and tribal law and, as if the *modus operandi* of ‘indirect rule’ had not been clear enough until then, the Act formally imposed the white Governor General as the appointed ‘Supreme Chief’ with powers to appoint chiefs and *izinduna* and regulate their roles and privileges; to regulate land ownership in the reserves through the Department of Native Affairs<sup>3</sup>; intervene in local governance; and declare new tribal boundaries and force tribes to move between different areas (Letsoalo 1987: 37). Christiaan Keulder is quoted as saying that:

“The provisions of the Act are generally in line with most colonial policies implemented throughout the continent. The outcome of the policy in South Africa is accordingly similar to that experienced by many other countries, the hereditary principles of appointing traditional leaders to their stools and positions were ignored and consequently non-traditional leaders (government minions) were appointed to rule various communities on behalf of the oppressive government. These individuals ruled without much legitimacy, having their power base in the system that granted them extensive powers to rule, quite often by means of naked coercion rather than consent” (quoted in IPT 2002: 9).

Researcher Lungisile Ntsebeza concludes that the effects of these developments were that traditional leaders were effectively restricted to the homelands, their role was considerably redefined and their powers were reduced to traditional civil issues.

“They were paid by the government and answerable to the magistrates and no longer their people, thus becoming instruments of colonial rule. For example, it was through them that unpopular measures such as land rehabilitation, which was meant to check overstocking and erosion, were implemented. This made them unpopular.” (quoted in IPT 2002: 9). Ntsebeza notes that only a few chiefs did not act as colonial servants and that their influence was insignificant.

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<sup>3</sup> Run by white officials

As Shula Marks demonstrates in her seminal 1986 work on three African leaders in twentieth-century Natal, these various forces, while they certainly condemned the majority of the people to poverty and servitude, also continued to create ambiguities and opportunities for a range of responses from Africans. Since chiefs were a relative elite<sup>4</sup> some of them were able to exploit opportunities in their own interest, in alliance with other elite interests, or on behalf of their subjects. But in the historical context of South Africa, opportunities such as there might have been were flawed by structural relations of dependence and so the mask of resistance at one point might later be revealed to be the mask of a compromised puppet.

## 4. Apartheid era

1948 – 1990

Building on pre-existing systems, practices and fault-lines in South Africa, apartheid infused every aspect of life with the destructive imperatives of racist exploitation. Attempting a brief overview seems almost impossible but a focus on certain key themes - especially related to the unfolding story of African reserves – may allow it.

Under the National Party, who assumed power in 1948, racial segregation was recast as ‘separate development’ and in this ideology, the reserves occupied a central place. The ideological claim was that African reserves would be the basis for the gradual development of tribally/ethically defined independent countries. Introducing the 1959 Promotion of Bantu Self-government Act, the responsible Minister said he was offering the African “the possibility of bringing to fullest fruition his personal and national ideals within his own ethnic sphere... We grant to the Bantu what we demand for ourselves” (quoted in Harley et al 1999: 31).

It is fairly clear that the reserves never offered this potential – and that Nationalists making claims to the contrary were cynically well-aware that this was so. The ‘separate development’ myth was essentially an elaborate racist scam to deny rights to the majority of South Africans and ensure they had no access to substantial and independent livelihoods resources - whilst exploiting their labour power in the white South African industrial and agricultural economy.

Nonetheless the Nationalists were in power and the bizarre apartheid grand plan was rolled out with real consequences for the people – including chiefs, their subjects and their land. One of the major interventions required was to ‘consolidate’ the existing reserves into ‘Bantustans’ which would ultimately be the basis for the development of African nation states, independent of South Africa. ‘Consolidation’ demanded

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<sup>4</sup> keeping in mind however earlier comments about their marginal position in the broader context.

massive upheaval, removals, and the re-drawing of boundaries (this is a history with which AFRA is painfully familiar – see Harley et al 1999: 36-80).

Governance in the ‘Bantustans’ continued to be heavily dependent on the in-direct rule model and so the cooperation of traditional authorities was fundamental. The apartheid government secured this support partly through giving traditional authorities greater powers (and increasing their stipends) – but they were powers to be exercised in pursuit of, and within the confines of, the broader apartheid project. Indeed, Jacobs (2000) suggests that:

“in the modern history of South Africa, traditional leadership in its present form reached its zenith under colonialism and apartheid where the British or Afrikaner rulers saw it as an effective and cheap way of indirectly ruling African people. Traditional leaders actively collaborated in colonial and apartheid rule as the chief agents of social control in reserve areas and as local government functionaries accountable to those above, rather than the broad mass of the population” (Jacobs, 2000).

It is widely accepted that as a result of this effective complicity by chiefs in the administration of apartheid, the popular legitimacy of amakhosi declined even further as they were forced to implement unpopular policies. Thus Tapscott is quoted as arguing:

“The extension and strengthening of the tribal authority system was coupled with other measures of separation, including influx control. The homeland system and the incorporation of the institution of chieftainship into the state machinery by the Bantu Authorities Act laid the foundations for autocratic rule in the homelands. The attempt to place all Africans under the control of traditional leaders, however, was also an attempt to undermine the political power of the ANC and PAC, which were starting to show their muscle in the 1950s. ... The tribal authorities in their reconstituted form lacked the consensual base which was a hallmark of traditional administrations. Chieftainship was no longer strictly a hereditary right, and the appointment of all new chiefs had to be ratified by the homeland governments. In addition, traditional principles for the appointment of tribal councillors were discarded, in that some were elected and the remainder (usually the majority) were appointed by the chief himself. The outcome of this state of affairs was that the tribal authorities lacked the subtle checks and balances that had traditionally moderated the power of the chiefs in the pre-colonial era” (“The institutionalisation of rural local government in post-apartheid South Africa” in *Traditional and Contemporary Forms of Local Participation and Self-Government in Africa*. Konrad-Adenauer-Foundation, 1996; quoted in IPT 2002: 11; see also Bundy 1979: 226).

But the intervention was not merely geo-political. For example, government ‘development’ policies for the reserves – especially ‘closer settlement’ and ‘betterment planning’ – completely re-organised and distorted the spatial and livelihoods configurations of settlements within the reserves/homelands/bantustans and further undermining the integrity of traditional systems of land use management and livelihoods. ‘Development’ interventions like closer settlements and betterment planning illustrate well some of the contradictory characteristics of ‘traditional’ rural areas under apartheid. Even critics of apartheid generally concede such interventions reflected genuine alarm at the incipient livelihoods crisis within the homelands and that they were aimed at halting the disintegration of the rural economy. This was considered necessary because of the role these areas played in subsidising the cost of labour. The interventions were, however, only ever hesitantly and half-heartedly implemented and were predicated on a development model aimed at building the productive power of better off rural people and so tended to have the effect of making the poor poorer (Bundy 1979: 227).

As a result of direct and indirect pressures, life in the bantustans was not viable without access to supplementary resources drawn from outside the homelands – especially wages from formal labour<sup>5</sup>. Given the concentration of wealth and productive assets in white ownership, wage labour meant working in ‘white South Africa’. For black South Africans, working in white South Africa may have been necessary but it was far from ideal. This was not just a typically exploitative capitalist world of work, it was a racist, authoritarian context too. The ‘logic’ of apartheid required that blacks in white South Africa were discouraged from feeling ‘at home’. The single-sex hostels and bleak townships, accompanied by wide-ranging legislative and political measures to deny rights and permanence, were intended to accommodate a migrant work force - rather than a citizenry - whose real home was elsewhere – in the imperilled bantustans. Of course black South Africans resisted apartheid and never accepted their relegation to ‘pariahs in the land of their birth’. Nonetheless for many it was true that ‘tribal’ systems in the homelands and bantustans offered relatively secure access to at least a piece of land and cultural identity with its roots and validation outside of white South Africa.

“Traditional tenure systems offered poor people access to land and resources. Indeed, the traditional authorities’ system was the only channel through which many poor households were able to access the free land and resources which were critical to their survival. The continued influence of traditional authorities hinged on this fact” (Vaughan and McIntosh 1998: 4).

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<sup>5</sup> Of course especially from the period of minerals discoveries on, this had always been the intended outcome – namely to compel a supply of cheap labour.

People's livelihoods and survival typically required multiple strategies which invariably required that extended families 'straddled' urban and rural bases to extract what they could from both.

Traditional authorities therefore came to occupy a very ambiguous position in the lives and minds of many black South Africans. On the one hand, traditional authorities could be seen as collaborators in an oppressive system and co-opted partners in the implementation of apartheid, while on the other hand, they mediated and (to a degree at least) guaranteed access to a range of entitlements denied to blacks elsewhere (like relatively secure tenure, and a degree of continuity in an African cultural and value system).

Despite this ambiguity, the processes which, from the colonial period on, had tended to undermine the popular legitimacy of traditional authorities continued and were even accentuated under apartheid. Furthermore, even the bases of their positive appeal (especially land, livelihoods, and 'traditional' governance systems and cultural values) were increasingly undermined too.

The productive capacity of the land (especially in relation to the numbers of people dependent on it in the homelands) had long been in decline and growing populations increased this pressure. Supportive inputs for productive land use in the homelands (e.g., agricultural infrastructure, inputs, investments, skills, planning and so on) were also absent or woefully inadequate (both in terms of sufficient scale and appropriate type). Decline and even collapse were the inevitable result. Furthermore, a range of pressures tended to undermine effective land management by traditional practices and rules<sup>6</sup>.

'Traditional' governance, already distorted under colonial administration, was applied within - and sub-ordinate to - the rubric of apartheid. As discussed, the essential basis for governance was no longer drawn from the authority vested in *ubukhosi* by their subjects but from the laws and dictates of the broader apartheid project.

Cultural values across a number of fronts (but by no means all) were increasingly exposed to challenge too. The urban experiences of migrants and others also included exposure to, and involvement in, urban politics. This politics was defined not only by urban and industrial fronts of struggle but also by distinctly non-traditional systems of political thought and analysis. Furthermore this political world was one from which traditional authorities themselves were largely and effectively excluded - if only as a

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<sup>6</sup> "Processes of urbanisation have undermined traditional practices and rules on the urban peripheries. In rural contexts, the densification of settlement resulting from removals, farm worker evictions, and natural population increase has placed pressures on traditional land administration. In some areas, the rules have been abrogated" (Vaughan and McIntosh 1998: 9).

result of their geographic separateness since they stayed and governed the ‘rural’ areas. As the urban-led struggles coalesced into a more or less coherent popular struggle against apartheid, tensions inevitably arose between core struggle values of democracy and participation, of the empowerment of youth and women and the cultural values which underpinned the chiefly politics of hereditary male leadership and the representation of ‘community’ and the common good in the wisdom of elderly men.

Within this broader context, a more nuanced perspective is required to understand how the role of traditional authorities in relation to land and development evolved during this period. Vaughan and McIntosh (1998) point out that during the colonial period, even though their de jure powers were limited, traditional authorities were consulted on a wide range of matters of government policy by Native Commissioners and magistrates. Under apartheid and bantustan regimes however there was a progressive centralisation of service delivery functions into line departments and as a result, traditional authorities were “bypassed as officials from government line departments assumed increasing responsibility for decisions about the development and delivery of local services” (Vaughan et al, 1998: 3). The limited range of powers and functions which traditional authorities de facto exercised during the period still included land allocation and administration but even in this regard:

“traditional leaders were severely neglected by the responsible government departments. With a few exceptions, traditional authorities as local institutions have obtained little funding. ... Where local revenue raising abilities have been limited, traditional authorities have remained very modest institutions. They have often been unable to fulfil even their traditional functions adequately, let alone the development and service delivery functions provided for in the legislation of the old homeland legislatures.

“These difficulties compromised the integrity of traditional leaders and encouraged them to seek political authority and wealth through participating in the party political arena. ... Whatever the mode of access to power and resources, this derived from party loyalty, and compliance with the broader apartheid project of separate development, and was not rooted in a legitimacy and credibility derived from fulfilment of a local service delivery role” (Vaughan et al, 1998: 3-4).

The broad trends described above were true of the KwaZulu-Natal region too but, to some extent they were given particular shape and form by regional dynamics and political histories and developments. In the most recent history of traditional authorities in the KwaZulu and Natal region up to negotiations for democracy in South Africa (i.e., up to c. 1990), the political dynamics of the KwaZulu bantustan, Inkatha (later the Inkatha Freedom Party), and Chief Mangosuthu Buthelezi feature prominently.

Mangosuthu Buthelezi was born in 1928 and is the son of Chief Mathole Buthelezi and Princess Magogo ka Dinuzulu, the sister of King Solomon ka Dinuzulu. From 1953 he has been the chief of the Buthelezi tribe. In 1970 when the KwaZulu Territorial Authority was established in terms of the bantustan policy, Chief Buthelezi was its Chief Executive Officer. Two years later, he became Chief Executive Councillor of the KwaZulu Legislative Assembly and in 1976, Chief Minister of KwaZulu (Profile at <http://www.mbendi.co.za/vpsamgb.htm>).

He was pivotal in the revival of Inkatha in 1975, an effectively 'Zulu'-based political ('cultural liberation') movement which was closely intertwined with the KwaZulu bantustan. This combination was adroitly exploited to build a power-base in the KwaZulu and Natal region. Although the National Party was strongly centrist in many respects, the broader apartheid plan required allocating "many areas of competence and responsibility to the bantustans through the 'homeland' policy. Even without taking 'independence' the bantustans could legislate, have their own parliaments, police forces, civil services, defence force units, etc." (Forsyth et al 1992: 141). At the request of the KwaZulu Legislative Assembly, KwaZulu was granted even further powers of 'self-government' in 1977<sup>7</sup>.

In parallel to these processes of consolidating institutional power (though never accepting 'independence'), Inkatha mobilised Zulu-speakers to consolidate political power behind Chief Buthelezi. "This task was given form both ideologically and through various political measures, including violence and coercion at the local level where chiefs were under constant pressure to produce Inkatha members" (Forsyth et al 1992: 143). Notwithstanding the historical limits of the Zulu kingdom in the broader KwaZulu and Natal region, Inkatha based its core politics on an appeal to some sort of Zulu identity - even nationhood - and history to which all Zulu-language speakers in the region were expected to subscribe. Early in Inkatha's history, Chief Buthelezi said: "All members of the Zulu nation are automatically members of Inkatha if they are Zulus" (KwaZulu Legislative Assembly debates, quoted in Mare and Hamilton 1987: 57). It is important to acknowledge the remnant appeal of pre-colonial resources (including institutions like traditional authorities, resources like land, and non-material resources too like a history and identity of resistance and power) for marginalised Africans in a hostile South African milieu. To a marginalised constituency in the 'Zulu reserves', a re-fashioned version of Zulu history and identity was presented as populist rhetoric to secure the ideological and ritual authority required to govern the bantustan.

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<sup>7</sup> Forsyth and Mare note that: "By the time serious consideration was given to merging the KwaZulu bantustan into a Natal region, Chief Minister Gatsha [sic] Buthelezi could say this would only occur if the powers of the *bantustan*, rather than those of the [white] *province* were retained" (Forsyth et al 1992: 142).

Chief Buthelezi was relatively influential in initiating and shaping deals with conservative white elements in industry and government relating to the KwaZulu and Natal region<sup>8</sup>. In the mid-1980s, the state restructured local government by creating Regional Services Committees (RSCs) to rationalise bulk service provision under the authority of central government-appointed provincial administrators. KwaZulu opposed them and instead proposed the creation of Joint Services Boards (JSBs) which effectively operated as RSCs for the KwaZulu and Natal region. JSBs were under the authority of a Joint Executive Authority (JEA) agreed to by the state in 1986 under pressure from both the Natal provincial council and KwaZulu, and launched in 1987. These sorts of manoeuvres meant that by the late 1980s, administration and service provision in the KwaZulu and Natal were under regional bodies made up of both bantustan and provincial government staff and “a local government structure, centrally involving chiefs in much of the region, [was] in place. ... The existence of these structures led a central figure in their creation, Professor Lawrence Schlemmer, to comment that:

‘the IFP [Inkatha Freedom Party] controls the regional administration of KwaZulu and could, theoretically, destabilise that administration if it were to fall into different political hands or have its powers or policies altered from above.’” (Forsyth et al 1992: 148).

The processes of consolidation of power within the bantustan structures and with existing provincial governance structures, together with ethnic Zulu political mobilisation and the overlays between them (remember that Chief Buthelezi headed both Inkatha and KwaZulu), produced a strong interest in aligning traditional authorities politically behind defending the regional power base as a foundation for broader national political ambitions.

Since the support-base for the project was:

- a. very geographically specific within the KwaZulu and Natal region,
- b. articulated in terms of Zulu ethnicity, and
- c. held together with a significant degree of coercive power and patronage through the Bantustan system, Inkatha’s political interests in the national context were threatened by the possibility of a straight-forward unitary and democratic South African dispensation. Instead, they had an interest in securing greater regional autonomy and protection for ethnic groupings. (This created common ground with the National Party’s fears and interests in the coming national negotiations for democracy, and they shared a strategic interest in working together to undermine the African National Congress and organisations within the Charterist tradition. This is key to explaining covert support from the apartheid state for violence by Inkatha against those forces.)

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<sup>8</sup> For example, the Buthelezi Commission process (1980), the Ulundi Accord and the ‘Indaba’ process.

This is not to suggest that traditional authorities' interests were looked after only because of some crudely instrumentalist political game. The social importance of traditional tenure systems for the poor has been noted and continued to be recognised throughout this period. In KwaZulu, a Select Committee on Land Tenure (1975/76) reported in favour of reforming the tenure system in the interests of economic viability and environmental sustainability. Ultimately the reform proposals were rejected because of the linkages between traditional tenure and social security.

“[A]mbivalence with regard to reforming traditional tenure was reflected once again in a Land Bill promulgated in 1988. The Bill was intended to bring about strategic changes in the land tenure system without undermining the powers of the traditional authorities. It attempted to shore up and protect the traditional authorities whilst eliminating some of the disabling aspects of the system. The traditional authorities were to be drawn into the business of determining and handing out freehold rights. The Bill routed the introduction of freehold, which would have been only an option, through the traditional authorities, thus providing for the preservation of traditional land allocation systems alongside a modest tenure reform. (See McIntosh et al, 1996.)”  
(Vaughan and McIntosh, 1998: 5).

## Summary of argument

Homesteads, including residential and arable land allocated to particular families and communally accessed grazing land, were at the core of social organisation and reproduction of African society in the region. Patriarchal social structures also defined clan identity and succession and inheritance practice. Chiefs were drawn from dominant clan lineages. They derived authority from their subjects and exercised in consultation with (male) councils of elders. Chiefs provided leadership on a broad range of social matters, not least of which was the distribution of land-use rights within the subject community, and they were understood as holding communal land in trust for their people.

Even growing political centralisation and attendant conflict between emerging African polities in the 19<sup>th</sup> century did not fundamentally transform this essential core. It did ultimately impose a centralised over-arching authority over individual chiefs within the geographic area under Zulu domination.

Whereas many chiefdoms outside this area - some of whom had fled Zulu aggression – partly welcomed colonial protection, those under the Zulu kingdom provided significant resistance to colonial domination. Once the Zulu kingdom had been defeated, the colonials and later the apartheid government, adopted an ‘in-direct rule’ model of governance which assumed the continued existence of chiefs. Nonetheless, profound change followed because:

- a. the self-sufficient homestead economy underlying traditional governance did not ‘free up’ sufficient labour to service the labour demands of mining and agriculture and so needed to be undermined, and
- b. the social bases and subtle workings of ‘traditional’ governance were increasingly replaced with codified authority granted by, and in the interests of, colonialism and apartheid.

Despite the declining viability of life in the reserves and the distortions to traditional governance, traditional authorities still offered access to land and social/cultural resources that would otherwise likely be unavailable to poor Africans.