Reflections on the Role of Traditional Authorities in Land Governance in 21st Century South Africa

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Abstract

This working paper offers a survey of recent South African literature on the role of the chieftaincy in issues of land administration and governance. It does so along three broad thematic areas which, I argue, underpin current debates around traditional authority in the post-apartheid context: (1) democracy; (2) bureaucracy; and (3) capitalism. In tracking the diversity of permutations that transformations along these three axes have produced in the chieftaincy and its relation to land, this overview emphasises the need for sustained and situated empirical studies.

Introduction

The outlines of this paper began as commentary on the forthcoming report by James Chakwizira and Funani Tshivhase, which was presented at PARI in July 2024. My thanks to Dr Gaynor Paradza for encouraging me to expand it into this working paper, and for offering editorial guidance along the way.

Writing in 2013, historian Phil Bonner drew attention to the urban-centrism that pervades both mainstream media sources and academic outputs. 'What gets missed by this focus,' Bonner wrote, 'is the bulk of this country, which is rural, semi-rural or small town – the localities. These deserve at least some of the same attention, both because of their extent, but also because … the less visible bottom-up processes of restructuring South African society have the greatest purchase and can be most easily discerned' (160–61). Among the most far-reaching and rapid changes unfolding in the South African countryside today relate to land. Institutions of 'traditional' governance – the multilayered chieftainship and the traditional councils – remain at the centre of land usage and administration in most rural areas, even as their role has undergone significant transformations and provoked ongoing contestation.

Recent academic scholarship has helped provide important glimpses into the changing fields of power that coalesce around rural land and shape the everyday life of rural residents. In what

follows, I reflect on several emerging sets of insights which relate to three broad themes underpinning debates around the role of traditional governance in South Africa today: (1) democracy; (2) bureaucracy; (3) capitalism. By considering these three intertwining sets of issues together, we are forced to recognise that the chieftaincy and its relation to land remains the subject of ongoing change and challenge in South Africa in the face of relentless transformations in power relations, patterns of capitalist accumulation and ecological upheaval in the countryside. In tracking the diversity of permutations that these changes have produced in the chieftaincy and its relation to land, this overview emphasises the need for sustained and situated empirical studies.

(1)   Democracy: Challenging the Analytical Chokehold of Decentralised Despotism

Mahmood Mamdani's widely-cited *Citizen and Subject* (1996) casts the chieftaincy in South Africa and beyond as having been irredeemably distorted by colonialism and apartheid, and operating as 'decentralised despots': as 'clenched fists' in which 'all moments of power – judicial, legislative, executive and administrative [are] fused in a single person' (86–95). And Mamdani implies these tainted institutions were bequeathed to the post-apartheid order. Such descriptions are, of course, not without substance. Lungisile Ntsebeza (2005) echoes Mamdani's description of chiefs in the Transkei, for instance (while challenging the idea that they were truly 'decentralised', insisting that they operated under the tight control of white officials). Land here is portrayed as a powerful resource through which chiefs have buttressed their autocratic powers. Ntsebeza argues that 'at the level of the local', traditional authorities today 'derive their authority from their control of the land allocation process, rather than their popularity amongst their subjects' (2005: 22). Several scholars have pointed to the continuing dangers posed by colonially-distorted notions of the chieftaincy among policy-makers of the post-apartheid era. Peter Delius argues that 'a coopted institution reconstituted to serve as an instrument of colonial control and formed by fantasies about primitive and tribal Africa, has served as the template for chieftainship in post-colonial South Africa' (2019: 78). This has animated continuing debates since 1994 about the rightful role of chiefs over land, with some echoing the misconception that chiefs owned the land or served as trustees of it (Delius, 2019: 71–72). Aninka Claassens has argued that, in reifying apartheid constructs of the chieftaincy, post-apartheid legislative interventions have perpetuated Bantustan-era chiefly abuses and robbed people of their land rights – and women foremost (see Claassens and Cousins, 2008; Claassens, 2013; Claassens 2019). Certainly, the legislative path followed by the African National Congress-led government has provoked serious cause for concern. For this reason, the success of civil society, human rights lawyers, academics and grassroots organisations in challenging problematic laws like the Communal Land Rights Act (CLaRA) – and subsequent bills which have threatened the land tenure of millions of ordinary rural residents (sometimes dubbed the *Bantustan Bills*), most recently, the Traditional and Khoi-San Leadership Act – is to be strongly encouraged (see Weinberg, 2019).

Yet while these battles continue at the highest level of state, it is worth considering the evolving forms through which the multitude of institutions of traditional rule are actually operating on the ground, in localities across the length and breadth of South Africa's diverse geographic and social landscapes. Just as chiefs are referred to by a variety of names – *inkosi, kgoši, hosi, khosi,* among others – and are laden with a range of different genealogies and histories, so a one-size-fits-all conceptualisation is insufficient to describe the place of the chieftainship today – nor indeed to capture the many kinds of relations that have come to articulate between different chieftaincies and rural residents in South Africa, including over questions of land allocation. What is needed instead are situated empirical analyses which take local histories seriously, and which together might present a more accurate composite picture of the lay of the land today. While the 'clenched fist' attribution may well describe many institutions of traditional rule, it is worth remembering that both Mamdani and Ntsebeza drew this characterisation from research in particular areas of the Eastern Cape which once fell under the former Transkei Bantustan – areas that served as the laboratory of colonial and apartheid reinvention of the chieftaincy, where 'tribal authorities' were imposed and almost entirely lacked popular legitimacy, and where chiefs perhaps most closely came to resemble the designs of white state ethnologists.

It is perhaps fair to say that the Transkei has come to be somewhat overrepresented in literature on the colonial and apartheid chieftaincy, along with Kwa-Zulu Natal and, to a lesser extent, Bophuthatswana – areas where the Bantustan project took its most autocratic manifestations, and where black political leaders accepted 'independence' from the apartheid state. Yet even within these regions, more recent scholarship has shown divergences in practice and popular pressures across different chieftaincies which contradict any simple sweeping attributions. In Mpondoland in the Transkei, for example, Sinegugu Zukulu insists that while 'there has been much top-down legislation … for day to day running of their lives people still went to the traditional gatherings, imbizo. They would debate whatever issue was on the table. Traditional leaders continue to rule through consensus. And whenever they tried to use top-down approaches, they were challenged. That was one of the triggers of the Mpondo revolt [of 1960]' (Zukulu, 2022).

My own research has concentrated on areas of Limpopo that once fell under the weaker and more fragmentary Lebowa Bantustan. And here, once again, historical scholarship suggests significant diversity in the dynamics and responses that shaped the chieftaincy over the course of white minority rule. While some certainly emerged as archetypical autocrats, other chiefs appear to have played a role of far greater ambivalence. In some areas, popular campaigns pushed to dismantle the chieftaincy completely, while in others, popular organisations pushed to replace despotic chiefs with more popular ones. The earlier Sebatakgomo movement in rural Sekhukhuneland was geared precisely around restoring a democratic vision of the chieftaincy, guided by the principle that 'a chief is a chief by the people' (Delius, 1996). In some instances, traditional leaders have been shown to have supported activists of the liberation movement to

varying degrees. As such, Dineo Skosana insists on the need for 'a comparative history of rural communities under the authority of traditional leaders' (2019: 86).

If historical scholarship urges an appreciation of the diversity of the chiefly form and substance in the colonial and apartheid eras, an emphasis on understanding local particularities should be carried through to studies of the post-apartheid chieftaincy. In the introduction to an important recent edited volume, *Traditional Leaders in a Democracy*, Mbongiseni Buthelezi and Beth Vale note that there 'continues to be astonishing fluidity and heterogeneity in the practice of traditional leadership, despite legislative attempts to homogenise the roles and functions of the institution. In this regard, traditional leadership has remained true to its form: ever changing and contextually rooted' (2019: 31). Each constellation of institutions that make up local traditional authorities should thus be considered on their own terms, rather than simply as a species of a general type – including when it comes to assessing levels of democratic practice.

At one end of the spectrum, we find examples of traditional authorities in the post-apartheid era which demonstrate profoundly anti-democratic tendencies. Some have been shown to serve as vehicles for the arbitrary dispossession of land and for pursuing elite enrichment at the expense of ordinary people (Skosana, 2012; Mnwana, Mtero and Hay, 2016). This appears especially prevalent in mineral-rich areas, where chiefly elites have often come to monopolise the proceeds of local beneficiation, hijacking communal trusts and reneging on their responsibilities to share mining wealth (a topic which we return to below). The case of the Ingonyama Trust in rural Kwa-Zulu Natal also offers a cautionary tale of the possibilities for extortion and authoritarianism on the part of those who have styled themselves as traditional elites. A recent high court judgment found that the Trust had been acting unlawfully in issuing leases and charging rent to those who were already the 'true and beneficial owners of the land' (LARC, 2021). In this and other cases, the judiciary has proved an important check on the potential autocratic powers of the chieftaincy in the democratic era, offering a platform for community members to challenge chiefly exactions. In 2023, for instance, representatives from seven traditional communities in Limpopo issued a court challenge to the imposition of taxes, levies and rates by traditional councils in the province (LRC, 2023). Nevertheless, the costs of lawfare remain out of reach for many, and often require the services of public interest litigation organisations acting on a pro-bono basis. Democratising access to legal services may thus go a long way to provide ordinary people with the tools to hold local authorities accountable.

If the exercise of rule in the name of tradition can at times carry threats to democratic values and equitable land access, we have also seen that institutions of traditional authority in some places also remain important safeguards to what remains of forms of 'commonage' – including protecting access to subsistence livelihoods – lands for small-scale cultivation and grazing, which many people continue to rely on as a supplement to wages). Delius and Beinart note that commonage still constitutes the largest proportion of land in the former homelands (2021: 103). In their recent report on several chieftaincies in Venda, for instance, James Chakwizira and

Funani Tshivhase (forthcoming) speak of the continuing importance that this access to communal land has in sustaining everyday livelihoods.

Given the extent of controversy that mining appears to bring, it is perhaps unsurprising that scholarship exhibits an overwhelming focus on chiefs in these areas. The politically fraught nature of the Ingonyama Trust, whose origins Hilary Lynd has recently identified in transitional negotiations aimed at defusing the Inkatha Freedom Party's threat to the democratic settlement (Lynd, 2021), has also rightly drawn significant scholarly attention. Yet, as Chakwizira and Tshivhase note, an astonishing 74 per cent of households in Limpopo fall under the purview of traditional councils (forthcoming: 13) – by far the greatest proportion of all provinces in South Africa, distantly followed by the Eastern Cape and Mpumalanga (46 per cent of households), the North West (45 per cent) and Kwa-Zulu Natal (37 per cent). While a great number of these areas are characterised by mining operations, a significant number are not. As such, Chakwizira and Tshivhase's forthcoming report opens a lens on considers dynamics around land in areas under traditional leadership beyond KwaZulu-Natal, and that do not (currently) host mining operations.

Chakwizira and Tshivhase suggest that there remain high levels of democratic consultation between traditional authorities and ordinary residents in the three traditional authorities under study, with the traditional councils holding regular meetings to discuss matters of community development and land allocation (forthcoming: 21; 33–34). They thus imply that they have not so simply become vehicles for elite capture. Many of these claims do, however, stem from testimonials of chiefs themselves, who were all eager to assure the researchers that all processes are transparent and democratic. Yet the authors also mention some instances of protest and land invasions (forthcoming: 41; 44; 51), which seems to suggest that processes are not quite as seamlessly unopposed as the chiefs suggest, and that there remains a great deal of contest over issues of land administration (even if many of these are ventilated in the traditional council).

It is crucial to emphasise the continuing role of popular struggle in holding the chieftaincy in dynamic tension across areas of South Africa – a tendency that extends well back into history, as several authors have demonstrated (among recent scholarship on this, see Weinberg, 2013; Bruchhausen, 2023). In Kally Forrest's recent biography of rural women's activist, Lydia Komape, she recounts how in the early 1990s, women in areas of the then Northern Transvaal gained concessions 'involving changes to the tribal system. Women wanted to send their own representatives and speak directly to the kgotla and the chief. They called for women's committees to be part of the traditional mechanisms for distributing land, in which men held power' (Forrest, 2024: 116). And in the years since democracy, communities have continued to engage in forms of protest (both within and beyond the courtroom) which have sought to challenge chiefly excess. Since 2013, Fani Ncapayi (2022) has identified a 'mushrooming of rural struggles across the Eastern Cape for the democratisation of rural governance', showing how residents have invoked ideas of democracy to retain ownership over popular forms of traditional

leadership (317–18). In the village of Bethanie in the North West, Kefuoe Makena has shown how young people have been galvanised against the chieftaincy in calls for access to job opportunities at the local mine (2024). In recent years in Mogalakwena in Limpopo Province, the destruction of arable land and the monopolisation of mineral wealth by the Mapela chieftaincy have provoked continuing protests – at one point, the offices of the traditional authority were burned to the ground (Claassens, 2019: 122).

Certainly, chiefly authorities have not always proved amenable to popular demands. Claassens describes the tendency of some traditional authorities to ban community meetings convened against their wishes – a practice that the apartheid government had condoned, and which began to reemerge with particular ferocity after 2003. And she notes with acute concern the rise in violent intimidation, and the assassination of anti-mining activists in particular (Claassens, 2019: 117). One might also add that while legislation introduced in 2003 stipulated that 'women should hold at least 30 per cent of the seats on the council, and that 40 per cent of representatives on the council should be elected rather than appointed', Buthelezi and Vale report that by 2018, 'that formal democratic transformation had failed' (2019).

Scholarship thus suggests that while the chieftaincy should certainly not be romanticised as an authentic bastion of democracy, entirely untainted by colonial and apartheid distortions – as some advocates of untrammelled chiefly power often suggest (see Holomisa, 2011; Nonkonyama, 2019) – neither should all be roundly understood as 'decentralised despots', even as recent legislative interventions of the ruling party have threatened to deepen the authoritarian capacities of the chieftaincy (more on this below). Rather, situated empirical studies reveal ways in which norms around land allocation and usage in rural areas have historically taken root and are being reshaped and contested at the interface between chiefly elites and ordinary people in complex ways.

(2)   Bureaucracy: Disaggregating the Chieftaincy

Ivan Evans (1997) describes how bureaucracy proved a foundational element of the apartheid project. If one key element of the Bantu Authorities Act of 1951 was the total reorganisation of rural settlement and land use patterns through processes of forced removal and enclosure, another was the institutional reconfiguration of the chieftaincy with the aim of transforming them into the 'administrative factotums' of the white state (Evans, 1997, 200). It was in the 1950s that the white state sought to shoehorn all of the many diverse institutional arrangements, protocols and procedure that characterised traditional governance into a single codified administrative form: the Tribal Authority.

Intended as the lowest rung of the subsequent Bantustan bureaucracy, the Tribal Authorities were iteratively shaped by the interventions of local white officials according to designs and policies laid out in circulars and memoranda issued by the Department of Bantu Affairs in Pretoria. Officials spoke of the need to 'modernise' the chieftaincy to achieve a 'viable synthesis of rational administration and tribal ideology' (Evans, 1997: 21). As part of these efforts, the chief and his/her council were to be joined by several new administrative positions – principally, secretaries and treasurers – who were to undertake standardised documentary practices. In addition to recording basic demographic data (age, births, deaths, marriages and so on) of their communities, these officials were above all expected to maintain financial ledgers for the purposes of external audit by the white state. Documentary surveillance in tandem with regular meetings with departmental officials were intended to serve as key mechanisms of control by the apartheid government. Contra Mamdani, my own research suggests that white state officials precisely feared too much autonomy on the part of chiefs (Pearson, 2024).

Of course, the extent to which these administrative designs were actually achieved varied widely on the ground and local white officials frequently complained about the poor uptake of documentary responsibilities. Nevertheless, these interventions have had a lasting impact in imbuing the chieftaincy with a set of bureaucratic characteristics which continue in the present day – continuities which are suggested in the fact that 'tribal authorities' were only partially renamed 'traditional authorities' in the democratic era. And indeed, the extent to which traditional authorities should serve as a 'primary level of local government' (Ntsebeza, 2005: 270) – and land administration more specifically – has remained an issue of debate.

This prompts further reflection on the institutional apparatus that actually constitutes what I have so far been loosely referring to as 'the chieftaincy' or 'traditional authority' in post-apartheid South Africa. There is a need, in short, to disaggregate the chieftaincy, showing the institution not simply as a monolithic entity at the top of which sits the chief, but rather a set of people, practices and processes which take different forms in different contexts. In this, Chakwizira and Tshivhase offer invaluable insights. They are among the few scholars who detail the continuing roles of treasurers and secretaries in relation to Venda chiefly councils, for instance (forthcoming: 25, 34). They describe the role of the council itself as both a decision-making body and a point of interface with the local community. And they detail the role of various committees which sit within the offices of the traditional authority, each chaired by a councillor to discuss several different portfolios (including land allocation).

The place of headmen/women (variously called *inkosana, kgorana, vhamusanda, litona, ikosana, induna*) also deserves special mention as actors within the formal orbit of the traditional authority and who are often closest to the issues affecting ordinary community members. In Mogalakwena, the relationship between izinduna and makgosi has at times prove fractious – especially in instances where the former have railed against the decision by chiefs to accede to requests for mining and the forced relocations that this entails. Yet Skosana has also detailed

cases in which headmen have ignored popular concerns about mining and sided with the chieftaincy in granting mining approval – at times even threatening local community members for pursuing forms of protest (2013: 74–75). It is thus clear that this layer of traditional authority once again plays varying roles in rural local governance. And this includes matters of land allocation. Avhtakali Sithagu notes, for instance, the role that headmen play in the issuance of Permission to Occupy (PTO) slips in Thembisile Hani Local Municipality in Mpumalanga (2022: 81).

As well as disaggregating the traditional authority, there is a need to understand the broader institutional system within which these structures operate. In Mamdani's rendition of the chiefs as 'decentralised despots' during apartheid, little is said about the fact that their local mandates came to be increasingly supplanted by the authority of other governmental structures of the Bantustan – above all, the departments of agriculture, public works, health and education – which came to exercise significant sway over the basic determinants of everyday village life. From this perspective, my research suggests, the growth of the Bantustan apparatus served to diminish rather than embolden the local powers of many chiefs (except those aristocratic chiefly elites at the apex of the bureaucracy, such as the Mphahlele family in Lebowa) (Pearson, 2024).

Similarly, chieftaincies today remain subject to a complex multiscalar institutional web – perhaps especially over questions of land. In detailing processes of land allocation, Chakwizira and Tshivhase (forthcoming) bring into relief the wide array of intergovernmental relationships within which traditional authorities are ensconced. Chiefly respondents frequently spoke of the sheer complexity of land administration processes, cross-cut as they are by a range of different government structures – local government, provincial and national departments – and a host of policies and procedures. Similarly, Emma Monama's report on land administration in the Lephalale Local Municipality in Limpopo shows the travails of the system of 'cooperative governance', with basic decision-making over land beset by competing governmental mandates and jurisdictions (2023: 28–38).

The relationship between local municipalities and traditional authorities has proven a continual source of debate in the post-apartheid context. Early on, Ntsebeza described a fractious relationship between these two sets of institutions, and argues that 'confusion over the land allocation function' has proven among the most acute sources of tension (2005: 275). Under the mantle of 'integrated development planning', municipalities were empowered in the post-apartheid era with far greater powers over land allocation, including in areas which fall under customary land (2005: 279) – a move which prompted an outcry from traditional authorities, Ntsebeza claims: 'They argue that they should play a central role in rural development, and by implication, they reject the democratic principles upon which post-1994 developmental local government is based' (2005: 281).

New research affirms that the relationship between newly constituted local government structures and the existing chiefly structures over the transition to democracy remained volatile in many places (Wotshela, 2022; Pearson, 2024). Yet in the decades since, it appears that a more complex set of working relationships has evolved between municipal officials and councillors, on the one hand, and chiefly representatives on the other. Chakwizira and Tshivhase describe of the Venda chieftaincies, for instance, moments of continuing contradiction and conflict, but also occasions when the goals of both institutions are broadly in alignment. In the case of Rammbuda Traditional Council, the chief recounted how disputes are often amicably resolved through consultative forums with municipal officials (forthcoming: 27). This accords with my findings in Mogalakwena, where a complex mix of contest and collaboration (and, indeed, familial connections) structures the relationships between officials and traditional leaders. And Monama similarly reports varying experiences and perceptions of the municipality among headmen in Lephalale (2023: 51).

While one cannot so simply describe the chieftaincy's attitudes towards local municipality's as one of unmitigated hostility, it is however clear that there remains widespread unhappiness over the fact that chiefs only have observer status in some key planning forums and application processes – an exclusion which only seems to have been exacerbated through recent land-use management legislation. Indeed, the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), which for the first time mandates municipalities to include chiefly areas in land-use schemes, is widely reported to be a source of continuing tension, given that traditional authorities are once again excluded from decision-making powers on Municipal Planning Tribunals (MPT) (Chakwizira & Tshivhase, forthcoming; Monama, 2023: 52). Nevertheless, scholars report some ad-hoc innovations in response: Chakwizira and Tshivhase note the introduction of provincial legislation in Limpopo which would give traditional leaders decision-making powers on the MPTs (forthcoming: 52); and Monama describes how municipal officials have delayed the onset of the planning process in order to 'collect data from headmen, including the direction in which they want their towns to grow and the number of stands they want. This data will be sent to [the provincial government] to provide layout plans for the villages' (2023: 60).

Notwithstanding these interventions, there remain those who argue for the chieftaincy to play a yet greater role in local administration – and land governance in particular. Chakwizira and Tshivhase note a crisis in planning in areas of the Venda traditional councils they study and argue that this partly stems from a lack of capacity within the traditional authorities themselves, along with the fact that real land governance is 'inadequately codified' and often 'unregulated' (forthcoming: iv). As such, the authors propose better integration and utilisation of traditional authority structures beyond the role of 'mere observers' and, presumably, to codify their role within land matters. They advocate for traditional authorities to be better equipped with basic bureaucratic capacities over land administration, including improving digital forms of record keeping, the use of sophisticated planning software, and the training of in-house officials – proposals which suggest a diminished role for municipalities, instead rendering traditional authorities key information gathering centres and planning agents.

Such proposals raise questions about democracy once again: whether further empowering traditional authorities in matters of land administration aligns with the values set out in South Africa's Constitution. Certainly, scholars have vehemently rejected the forms of chiefly elevation over land allocation promoted by recent legislation, warning especially of the consequences for rural women's land tenure (see Claassens, 2013). Elsewhere, Claassens highlights how some chiefs have manipulated the few bureaucratic powers they do possess to extort levies from rural residents: 'If a rural person's levies are not up to date, he or she will not be given the proof-of-address letter that is required when applying for an ID book, a driver's licence, or to get on the voters' roll' (2019: 124). However, in many cases it is clear that local municipalities which are democratically elected, are failing to provide any real advances in access to land – and, as Skosana noted, many rural residents point out that forms of corruption and authoritarianism afflict municipalities at least as much, if not more, than traditional authority structures. it is worth considering the words of an elderly woman villager from Mokopane whom Skosana (2019: 425–26) interviewed,

> [Chieftainship] *is good in rural areas where the 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 involved we would have problems because they privatise services [...] the existence of chiefs makes it possible to stay in areas for free.*

Perhaps, as Skosana suggests, however, it is precisely the impromptu and uncodified nature of traditional governance that provides it with its strength and abiding popularity (even as it remains contested). And perhaps the lesson to draw from apartheid attempts at bureaucratisation is the extent to which such efforts undermine what local forms of participatory governance and popular accountability do exist.

There may be other unforeseen problems involved in formally elevating the role of traditional authorities in local government – including those which stem from rural residents who do not wish to submit to chiefly forms of administration in the first place. If scholarship has frequently addressed relations between traditional authorities and residents who fall under their jurisdiction, it is also worth considering the significant numbers of rural residents who contest their status as chiefly 'subjects'. As Delius notes, even in the 19th and 20th centuries, 'not all African families and small groups ... accessed land through a chief and within an established system of customary law' (2019: 73–74). Tara Weinberg (2021) traces the fortunes of black land syndicates and, later, Communal Property Associations (CPAs) who bought land to prevent the intrusions of the white state and its chiefly proxies. Yet the course of the colonial and apartheid eras saw a great many autonomous communities penned into chiefly authority against their will – a tendency which Emma Monama reports to have continued in areas of the present-day

Lephalale Local Municipality. Monama (2023: 49) describes several communities who came to purchase land during the colonial period (so-called *borekoa* farms) and administer it on their own terms, resisting the administrative protocols imposed by the Seleka Traditional Council. Yet today, these same communities are forced to consult the offices of the chieftaincy to access the basic documents required for legibility from the state. Such cases demonstrate how imposing the chieftaincy as a singular form of local authority may risk enacting the same modes of forced 'tribalisation' imposed by the apartheid state.

(3)   Capitalism: Deepening Extractivism and Elite Capture

The extension of capitalist relations into the countryside formed part and parcel of processes of conquest and colonialism. The imposition of hut taxes in the late 19th century under the auspices of the Glen Grey Act, for instance, saw thousands of rural households forcefully inducted into a money-based system of exchange, left with little choice but to seek wage employment in the white economy. And the intrusions of capitalism into rural livelihoods would only deepen over the course of the 20th century. Apartheid policies of forced resettlement produced grid-like housing patterns which, as Delius (1996: 145) reported, came to be called *tickylaene* (three-penny lines), which 'signified both symmetry and the complete dependence on cash for survival within these villages'.

From the late 1960s, revisionist scholars like Martin Legassick and Harold Wolpe emphasised the continuing centrality of white economic extractivism in the Bantustan project. 'The institutional nexus of the Bantustans', they argued, 'formed the means through which the surplus-population could be dispersed around the peripheries of South Africa, where social control is easier and cheaper, and from where it could be mobilised, as and when necessary, through the contract labour system' (Legassick and Wolpe, 1976: 95). While these earlier scholars emphasised how this cheap labour system was intended to furnish the demands of industrial capital in the country's urban centres, my research in Mogalakwena also emphasises the dependence of white rural towns on Bantustan-based labour and purchasing power to generate wealth for white households (Pearson, 2024).

Within this extractivist regime, the apartheid state considered the chieftaincy as an elementary building block. In the first instance, the Tribal Authority would take responsibility for the imposition of local levies and taxes – one of the primary inducements towards forced labour. Secondly, from 1968, these institutions were expected to function as labour bureaux, registering workers and controlling the flow of migrant labour to the cities (Greenberg, 1987: 46). The results of these designs varied widely. In Lebowa, for instance, Greenberg notes widespread failure in attempts to establish chiefly labour bureaux. The imposition of taxes and levies in many communities proved a subject of ongoing contention and, by the 1980s especially, growing

popular opposition – especially amidst allegations of chiefly corruption. Nevertheless, on the eve of the transition to democracy, most rural households had come to depend largely on sources of cash-income for their survival.

Moreover, rural communities had come to be marked by significant class stratification, as Laura Phillips' recent work details (2018; 2019). Class distinction emerged not only between chiefs and their subjects, but also across the shifting social terrain of rural life more broadly. The expansion of the Bantustan state had drawn in significant numbers of rural residents into civil service jobs – including teaching, nursing, and clerical occupations. And, as Phillips explains, it had also produced an emergent and increasingly wealthy (if small) Bantustan elite, constituted by politicians and businessmen with access to state contracts and investment opportunities (and linkages with regional white businessmen). Yet while some benefitted from the Bantustan system, many others struggled to eke out an existence in the extractivist fallout zones – the impoverished villages and rural townships which could not provide for the growing armies of unemployed.

Yet if capitalist penetration in the countryside is today well advanced, it is not, however, complete. As mentioned above, traditional authorities have historically protected forms of non-commodified, agricultural subsistence and access to forms of commonage which remain important contributors to household survival. In presenting the forthcoming report, James Chakwizira described everyday scenes of cattle grazing along the dirt roads and in the brushlands in and around villages of Venda. Yet these modes of non-monetary livelihood are under increasing pressure, and subsistence agriculture is rapidly diminishing in the face of new forms of capitalist extraction which have been unleashed in rural areas since the end of apartheid – and at times, with the active collusion of traditional authorities.

The introduction of mining across many chiefly communities has perhaps introduced the greatest challenge to the subsistence possibilities for many rural residents. In Mogalakwena, where open-cast platinum mining has unleashed waves of environmental destruction and forced removals since its development from the late 1990s, villagers have seen their access to plots for household cultivation substantially diminish or disappear entirely. Sonwabile Mnwana, Farai Mtero and Michelle Hay describe the 'loss of access to and control over land and landed resources, loss of livelihoods, change in food security and interfamilial conflict that processes of [mining] resettlement have caused' (2016: 5).

In addition to land dispossession and ecological destruction, the introduction of mining has also introduced new opportunities for aggrandizement on the part of traditional leaders (see, among many others, Skosana, 2012; Mnwana, Mtero and Hay, 2016; Capps and Malindi, 2017; Claassens, 2019; Mnwana, 2019). While mines are by law mandated to invest a portion of their profits into the local community, this has been operationalised through trusts – vehicles which

have frequently been hijacked by chiefly cliques for their own narrow advancement, depriving local residents of significant compensation, sometimes to the order of several hundreds of millions of rand (Claassens, 2019: 127). The sudden prospect of accessing significant fortunes in otherwise poor areas has not only induced chiefly representatives to assent to mining against the wishes of their communities, in many places it has also provoked battles over the position of the chieftaincy itself and set in motion a series of crippling succession disputes (see, for instance, Skosana, 2012; Arde and Sole, 2024). Of great concern is the fact that ANC-promoted legislation has sought to shield chiefly dealmaking from democratic accountability to an ever greater degree. For instance, the Traditional and Khoi-San Leadership Act, which was recently suspended through a Constitutional Court judgment (de Souza Louw, 2023), contained a clause which, as Claassens puts it, effectively allowed traditional leaders to 'sign deals with third parties that apply to land within their apartheid-era tribal jurisdictions without obtaining the consent of those whose land rights are undermined or eliminated by such deals' (2019: 113–14). The fact that this legislation is being pushed so vehemently by the ANC draws attention to the nexus between traditional authorities and party political networks operating at the regional, provincial and national levels: corrupt mining deals are rarely advanced without the active involvement of politicians, and the decisions made by traditional leaders (or those hurriedly and conveniently recognised as such by state officials) should thus be understood within these broader chains of patronage and power.

If the introduction of mining in areas of the former Bantustan represents one major form of destructive extractivism, the growing presence of national retail outlets presents another. While it is true, as Chakwizira and Tshivhase suggest, that many residents have welcomed the access to cheaper and a wider variety of consumer goods (forthcoming: 43), this has also presented a major challenge to the livelihoods of small-scale producers and businesses in these areas. In broad terms, shopping centres often swallow local money into the upward value chains of major national retailers (Shoprite, Pick 'n Pay etc.) rather than circulating within communities. On a smaller scale, the introduction of Usave mini-marts in rural villages directly threatens the survival of informal spaza shops. Greater consideration might be given to how these retail outlets could better integrate into existing local economies by, for instance, purchasing stock from local producers.

Demands for new forms of local development like mall development exist in acute tension with the need to preserve land for local subsistence. In the Homu Traditional Council in Greater Giyani Municipality, Chakwizira and Tshivhase report that residents are 'running out of land for grazing', and they describe protests led by livestock farmers against building developments on grazing land authorised by the chieftaincy (forthcoming: 44) – which in turn causes conflict between developers and the traditional council:

> *Developers crying foul have sought legal relief to claim compensation in monetary* [form]
> *as they have lost resources, time and money on land application* [processes] *and*

development mobilisation overhead costs, and yet they cannot operate their proposed developments. It is now becoming common practice that developers are taking the Traditional Authority to courts (2024: 51)

In desperate need of land, the Homu Traditional Authority has also embarked on court action against the neighbouring Mabundla Traditional Authority in a bid to lay claim to vacant land. To fund this court action, every household within the chieftaincy has been forced to pay R50 towards legal fees at the threat of being denied specific services (2024: 44). Once again, there remain vivid concerns that these tendencies towards dispossession will only be further entrenched (encouraged even) through legislative reforms: the now suspended Traditional and Khoi-San Leadership Act would have meant that occupants of land affected by development deals would not have to give consent for changes to land they were using (Claassens, 2019: 129–30; Delius and Beinart, 2021: 91).

In the face of growing land shortages, Chakwizira and Tshivhase propose the introduction of more densified forms of farming (including vertical piggeries) (forthcoming: 52). Yet one might consider a more fundamental – and indeed historical – problem: the acute lack of land engineered the apartheid state through the introduction of its Land Acts (1913 and 1936), which allocated merely 13 per cent of the country for black settlement. Even with relatively smaller populations during apartheid, this allocation represented a cruel limitation in the face of the abundance of land set aside for white agriculture. Yet traditional authorities today largely remain bounded by the same Bantustan borders of the past, even if these no longer have the formal status they once did. The fact that traditional authorities today are unable to expand their boundaries to meet growing demands for housing, development and subsistence is a stark indictment of the failures of the post-apartheid state to address the land question.

In conclusion, thus, I return to the pressing issue of land reform and its limitations. Thembeka Ngcukaitobi is emphatic when he says that we need to pursue land reform ever more urgently in the present context, and more specifically, to challenge the prevailing modes of land governance and the unfinished questions around private property adopted during the transitional negotiations. Without this, he writes, 'it is impossible to think of freedom, equality and dignity' (Ngcukaitobi, 2021: 27). In 2017, a high-level panel led by former president Kgalema Motlanthe excoriated the state's performance in addressing land claims submitted almost 20 years prior, finding that some 9,000 claims remained unsettled while over 19,000 'old order' claims were yet to be finalised. At that rate, the panel found, it would take 35 years to deal with just these claims – never mind the torrent of claims that might follow a reopening of the submission process (Ngcukaitobi, 2021: 144). While land claims for historic forms of land theft remain unaddressed, one might also consider the ongoing forms of dispossession faced by many rural residents today, as acutely detailed by Mnwana, Mtero and Hay (2016) and so many others. This calls for the need, additionally, to protect forms of land tenure from these multiplying intrusions. If customary land continues to offer some means of subsistence, Delius and Beinart nonetheless describe tenure

in these areas as among the least secure in South Africa (2021: 87). While Motlanthe's advisory panel urged that land tenure reform should be built on 'traditional communal land administration systems', with chiefs and their traditional councils exercising jurisdiction, Delius and Beinart instead insist on the need to strengthen moves towards titling, accompanied by initiatives to bolster administrative capacity in state records registration and management (2021: 91; 104–06). These proposals remain subject to debate, but unless these fundamental questions are addressed, it seems likely that the possibilities for democratising institutions of traditional authority and empowering them to function as robust motors of welfare and development will remain elusive.

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