TRADITION ON THE MOVE

Chiefs, democracy and change in rural South Africa

Barbara Oomen

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Painting by Bon Chadyamba, Witrand, Z.A. (www.bonarts.co.za)
Design by Anneke de Bruin, Amsterdam
Printed by Raddraaier b.v., Amsterdam

Financial support by the Nederlandse Organisatie voor Wetenschappelijk Onderzoek en the Stimuleringsfonds Universiteit Leiden

ISSN 1387 – 604X

Barbara Oomen works at the Van Vollenhoven Institute, Leiden University. A lawyer and political scientist, since 1991 she has been studying African development, and has published extensively on South African law and administration. The scenes described in this booklet were collected during a one-year stay in Hoepakranz and in Jane Furse, Sekhukhune. She wishes to thank everyone who assisted in the realisation of this booklet, particularly the people in Sekhukhune who unfailingly opened up their villages and their lives to a curious outsider. The booklet is dedicated to them.

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PREFACE

by Albie Sachs

Did the new democratic, non-racial and non-sexist South African Constitution go far enough in protecting traditional leadership and law? This was one of the liveliest issues raised in the First Constitutional Certification case. Elegant in traditional attire and eloquent in modern argument, two traditional leaders argued that the proposed constitutional text fell short of what the guiding Constitutional Principle required. In rejecting this argument, the Constitutional Court stated that the text gave 'express guarantees of the continued existence of traditional leadership and the survival of an evolving customary law. The institution, status and role of traditional leadership are ... protected. (The drafters) cannot be constitutionally faulted for leaving the complicated, varied and ever-developing specifics of how such leadership should function in the wider democratic society, and how customary law should develop and be interpreted, to future social evolution, legislative deliberation and judicial interpretation'. The court also pointed out that the way was open for traditional leadership to be involved in democratic government without any particular form being prescribed.

Sekhukhune is one area of the country where the 'complicated, varied and ever-developing specifics' of traditional leadership functioning in the wider democratic society can most usefully be studied. An area rich in struggle, it might today be poor in resources, but it is by no means a stagnant backwater isolated from major social movement. People stream backwards and forwards. There are returning migrant workers, educated city dwellers going home, traditional leaders formerly expelled by their own people now reintegrating themselves; there are a host of non-governmental organisation (NGO) personnel who flow in and out, as well as mining and housing development

entrepreneurs, company officials building roads, hospitals and schools, electricity supply engineers; and there is Barbara Oomen.

A young Dutch lawyer and political scientist, she learnt the Sepedi language and spent the year October 1998 to November 1999 in the area. This book is a narration of some of her experiences. I read it with total absorption, great pleasure and extreme sadness.

The pleasure came from the spirited and seductive manner in which she slips the reader into the situations which she describes. She poses issues sharply and provides an evocative sense of time, place and personality. This is the account of a participant observer in the fullest sense of the term, and we share her sense of engaged scientific involvement.

Her contact with the people included attendance at an infinite number of meetings, as well as formal interviews with prominent individuals and informal discussions with neighbours and friends. Together with two colleagues drawn from the community, Patson Phala and Tsepo Phasha, she conducted an opinion survey based on interviews with a representative cross-section of 500 persons. The views she received were forceful and frequently harsh. She recounts them as part of the lived experienced reality, without purporting to take sides or suggest who was telling the truth or not. Gossip and rumour are part and parcel of the existence of any community, and become intensified when the community is simultaneously interdependent and fragmented.

The fact is that these communities are divided between conservatives and progressives, members of traditional authorities and elected councillors, elders and youth. Women, mostly young but also older, are demanding more space for themselves. The young activists of the 1980s are now prominent in the civic organisations, commonly known as ‘the civics’. There is competition over land, over who should settle disputes and how they should do so, over control of government resources for infrastructural development, and over the granting of planning and development permission.

Life in Jane Furse, where there is a supermarket, a garage, a big taxi-rank, running water and some street lighting is quite different from life in the mountain village of Hoepakranz. Yet in both areas the tensions are similar. We are introduced to active encounters between the various protagonists who meet both to establish their own particular positions but also to attempt to harmonise their functions and activities. Typically, the issues are debated in a concrete manner: women school teachers say they will go on strike if they cannot wear trousers; the prospective vanadium mining company wants to know with whom it should deal; debates are held as to what should go into a new tribal constitution. Yet the implicit themes are broad and philosophical, relating to the role of tradition in an

evolving democracy. Barbara Oomen's tentative conclusions on these wider questions call for serious reflection.

My sadness at reading these pages derives from a sense of intellectual desolation flowing from the fact that few if any South African scholars are doing this kind of work. Abstract debates are conducted in the press and various legislative bodies. The journals have their quotas of articles on the question. Various political figures touch on the matter, frequently and understandably to advance their own particular interests. But as Barbara Oomen points out, the general tendency is to submerge the lived reality into simplified ideological positions. On the one hand, tradition is trivialized as if it were a rather unfortunate relic of the past that stands in the way of progress and is doomed to disappear in a modern democracy. On the other hand, tradition is romanticised in a manner that gives it a pristine, timeless, pure and sovereign character that is completely incompatible with its actual entanglement and functioning in contemporary society.

Hopefully the excitement and interest of this sharply observed and crisply told study will encourage South African lawyers and political scientists to immerse themselves in our extraordinary rural and urban reality. In the meantime, these chapters will enrich the international debate on broad questions of how best to integrate and harmonise tradition and democracy while fully respecting evolving concepts of human rights.

Albie Sachs
Justice of the Constitutional Court of South Africa


Pietersburg
Groblersdal
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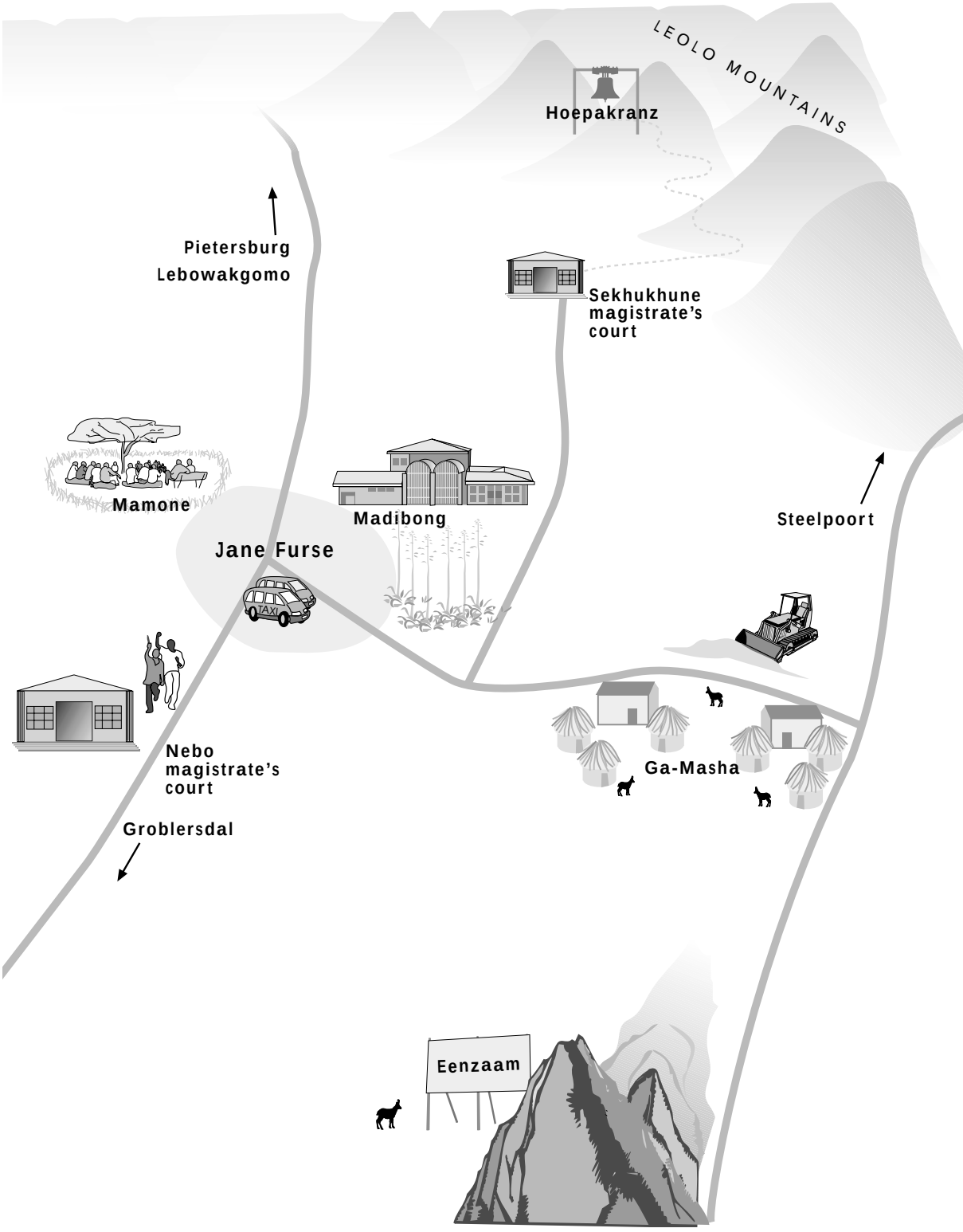
Capetown


LEOLO MOUNTAINS
Hoepakranz
Pietersburg
Lebowakgomo
Sekhukhune magistrate's court
Mamone
Madibong
Steelpoort
Jane Furse
TAXI
Nebo magistrate's court
Ga-Masha
Groblersdal
Eenzaam

INTRODUCTION

It is 18th April 1997 on a sunny afternoon in Cape Town. The stately South African parliament, with its well-kept lawns, white pillars and red carpets, is filled with unfamiliar sights and sounds. The slow pounding of cow-hide drums, the ululating of women and the shrill voices of half-naked praise-singers. Dozens of chiefs in leopard-skins, beads, colourful flowing robes, sporting knobkerries and assegaais. Today the normal parliamentary debates have to give way to the inauguration of a special body: the National Council of Traditional Leaders.

Behind the festivity, tension lurks. As they listen to a speech by Nelson Rolihlahla Mandela, who addresses them as 'my leaders', some traditional leaders grumble in the back benches. What does the government have in store for them? Won't the newly elected local government councils take over most of their duties? What about the rumours that the land they command will be 'democratised'? Why are there still such great differences between their salaries? And when will they finally get an answer to all these questions in the promised White Paper* that will supposedly set out official government policy on traditional leaders?

This scene tells us a lot about the central theme of this book: traditional authority and democratisation. To outsiders, traditional authority might look like an exotic indigenous pendant adorning the uniform necklace of democracy. But further scrutiny reveals all kinds of tensions between the two institutions. Tensions that are very hard to solve. For today, three years later, most of the questions the traditional leaders posed in parliament remain unanswered. Carving out a role for traditional authority within democracy has turned out to be one of the most politically sensitive issues in the new South Africa. One that not even the majority party agrees on, as one ANC*-politician illustrated: 'the discussion on the future of traditional leadership tears our party in half.'

Absent is the rural voice

The debate is waged in parliament, in conference halls and in the newspapers. Between traditional leaders, local councillors, politicians and non-governmental organisations. What is oddly absent is the 'rural voice': the thoughts and

* Terms marked * are explained in the glossary, page 70.

experiences of rural communities on this subject. Every paper in the rapidly-rising pile of policy documents seems to lament that so little is known about what is happening in the countryside, about how life has changed in the villages since the first democratic elections, to what extent traditions are still followed, or have long since been ditched.

This is why this booklet centres on the rural communities themselves. It is about democracy, tradition and change in one small part of the Northern Province: Sekhukhune, and describes how people try to get to grips with the tension between traditional authority and democracy in everyday life, and what solutions they come up with. In doing so, it also offers a local perspective to those questions that keep cropping up at national level. What and where is tradition today? Who is in charge of the communal lands? What is the relationship between traditional authority and local government? How democratic are the traditional authority areas? And what is a traditional community anyway?

But that's for later. First, let us look at politics and policies, and linger a bit longer with the national discussions on democracy, tradition and change – discussions that are rooted in history, and always seem to be about the same topics: land, local government and customary law.

What is traditional authority?

In the hallway of the government department of traditional affairs there hangs a giant map on which the country's 800 traditional authority areas are marked in different colours. While these areas – all in the former 'homelands'* – might cover a mere 12 % of South Africa's territory, they are home to the majority of South Africans.

The traditional authorities who rule in these areas make up a group that is as colourful and dissimilar as the patches on the map. Most leaders are male, but then there are also the proud female regents of the North, the famous rain queen, and the woman doctor who is a chief in KwaZulu. Most don't have a background in higher education, but many of their representatives are slick lawyers kitted out with cell-phones, Armani suits and stock-options – and who also happen to be chiefs. They might lead half kingdoms, or be landless. There is one similarity: no traditional leader operates alone. All of them are embedded in traditional and neo-traditional structures – royal councils, tribal councils, general advisory groups – together with whom they form the traditional authorities.

Opinions differ on the nature of traditional authority in South Africa today. On the one hand, chiefs represent the remnants of pre-colonial leadership. The African Renaissance proclaimed so enthusiastically by president Thabo Mbeki should, according to many commentators, also be a tribute to this autochtonous form of governance.

But the public image of traditional authority is shaped not only by the pre-colonial past, but also by more recent time. The Apartheid government made culture, and traditional governance with it, into one of the cornerstones of its policy. Black people were – often forcibly – sent to the homelands*, where they were supposed to live under traditional rules and customs. Building upon the remnants of old structures, the Apartheid government moulded a different form of traditional authority. It appointed chiefs, even where chiefs had never previously existed, paid them salaries and told them what to do – everything from recruiting labour to eradicating weeds. Those like Mandela's father who did not wish to co-operate lost their positions.

The resulting unpopularity explains why the struggle in the eighties was often also directed against the chiefs, with their positions in the homeland parliaments, their state salaries and their roles as oppressors. Democracy, it was widely held, would bring elected local government to the rural areas. As Thabo's father, the ANC stalwart Govan famously wrote in the fifties: 'If Africans have had Chiefs, it was because all human societies have had them at one stage or another. But when a people has developed to a stage which discards chieftainship, when their social development contradicts the need for such an institution, then to force it on them is not liberation but enslavement.' A South Africa freed from the shackles of Apartheid would, it seemed, also be liberated from chieftainship.

Traditional authority and democracy

But history was to take a different turn. When Mandela walked free from prison and explicitly greeted the traditional leaders, 'many of who continue to walk in

the footsteps of great heroes like Hintsa and Sekhukhune', it was clear that they would not simply disappear into the new South Africa. Through intensive lobbying, the traditional leaders managed to have their 'status, role and position' guaranteed in South Africa's brand new constitution. Still, in the years to come it would remain unclear what those guarantees would mean, and what position traditional leaders would occupy in the democratic state.

Land

A central topic in the debate on the position of traditional authorities is land. In the 'traditional authority areas' in the former homelands, land has the title of communal property.* It is often held in trust by the government, who gives traditional leaders and their headmen the right to allocate it to their subjects. The government now wants to give this land back, but is confronted with an essential question: to whom? To the individual traditional leaders? To the 'tribes' as communal entities? To individuals? People who plead in favour of this last option are always confronted with the 'Kenyan example'. In Kenya communal lands were given back to the people under individual deeds of covenant. Many of the rural dwellers then mortgaged these titles in exchange for loans. As a result, many of them saw their lands – and thus frequently their only source of livelihood – confiscated by the large banks a few years later when they could not pay back the money. Little wonder that the equitable character of communal tenure, where land is divided over the whole community, is often cited in favour of such a system of tenure.

Opponents of this tenure system sneer that the power of traditional leaders over the land often leads to discrimination rather than equitable division. Women, youth and people who somehow don't fit are refused access to land. In addition, the communal system leads to insecurity and hampers investment, as banks and other institutions still require individual ownership titles instead of the 'permissions to occupy' issued by the traditional leaders.

Until now, however, every attempt to tamper with the power of traditional authorities over land has met such ferocious opposition from the chiefs that, as yet, nothing has changed.

Local government

Crucially, the insecurity over land ownership also influences the second unresolved issue: the relationship between traditional authorities and local government. Under Apartheid, the traditional leaders constituted local government in the rural areas; they were 'decentralised despots' with all kinds of judicial and administrative functions. Democratisation brought the notion of wall-to-wall elected local government – not only the cities, but also in the traditional authority areas, which would be run by elected municipal councils. These councils, first elected in 1995, were made responsible for development, services and many other tasks formerly carried out by traditional authorities.

'Two bulls in a kraal', is how the resulting situation has often been described. For a number of reasons, the traditional authorities continue to play a role in local government. The first of these reasons is that many of the pre-1994 laws* continue to apply, including the dog-eared 1927 Black Administration Act and its counterparts, which allocate to the traditional authorities such duties as public health, the eradication of weeds and the registration of births and deaths. Apart from the laws, there's also the material legacy of fifty years of governance-through-chiefs: large tribal offices, tribal cars, tribal secretaries and (as they are called) tribal cleaners. Yes, there is also broad administrative experience, but there are generous salaries, too. The elected councillors in the rural areas often miss all this: they have tiny offices and a meagre stipend that has to be supplemented by other jobs. And even if they have the capacity to plan development projects, these are often obstructed by the traditional leaders who control access to land.

Two bulls in a kraal

Yet there is another reason why traditional authorities continue to play an important role in local government, one that is less tangible, but often felt acutely. It concerns tradition, culture, and the many rural people who consider the chief the leader of the community. These people, often the older community members, find it hard to accept that an elected local government, 'all young boys who should still go to school', now runs local affairs.

Again, government has not yet managed to clarify matters. There is a Municipal Structures Act*, which states that traditional leaders may participate in the meetings of the municipal councils, but leaves the details for provincial premiers to decide. And, as it so often does, setting boundaries has also proved to be a contentious issue. The traditional authorities have protested vehemently against the process of municipal demarcation that has often split their communities in two, leaving each half to fall under a different elected local government.

The long-awaited White Paper on Traditional Authorities might help resolve this lack of clarity with regard to the role of the chiefs in local government. All the

same, while a discussion document came out in March 2000 as a first step towards such a White Paper, it succeeded merely in pointing out the inconsistencies in policy and legislation. It entirely refrained from offering possible solutions.

Customary law

As well as land and local government, there is the law. What should be the role of customary courts and traditional laws? Just as traditional authorities vary in size and content, so, too, do customary courts. A customary court can consist of a small gathering between two families, a group of men discussing cases under the shade of a thorn tree, or a more bureaucratised get-together in a tribal office. The latter – bureaucratisation – was something else that took place under Apartheid; at that time, traditional authorities were allowed to try cases such as petty theft, family disputes and land matters, against which appeal at the magistrate's court was possible.

The South African Law Commission has recommended that this continue to be the case. In the discussion, it has pointed out the advantages of the traditional system of dispute resolution, which is quick, close to the people, and involves much of the community. Neither would the under-resourced magistrate's courts ever be able to deal with all the cases currently resolved in the communities. Nonetheless, customary courts also have disadvantages: their decisions can be haphazard, they often implement a patriarchal normative system, and corporal punishment is by far from unusual.

Another theme to recur not only in the debate on the future of customary courts, but also in the wider discussion of traditional leadership, is the position of women. Traditional authority often seems to stand for a patriarchal culture, and thus to be diametrically opposed to the new constitution, which promotes equality. This is why, back in the early 1990s, the traditional leaders tried to exclude 'culture' from the Bill of Rights: this would allow them to continue discriminatory traditional practices. In this they were unsuccessful, and all areas of the officially-recognised customary law now also have to comply with the Bill of Rights. In the case of the customary courts, for instance, the law recognising these courts states that the full participation of women should be allowed. A similar provision was made in the Recognition of Customary Marriages Act*. This Act, for the first time in South African history, puts customary unions on a par with civil marriages, allowing for polygamy and the payment of a bride-price. But while it recognises these typical features of customary marriages, it also explicitly states that women are, for all intents and purposes, equal to men. 'This is a complete change of our custom, making it into a westernised institution,' as one traditional leader complained.

Discriminatory traditional practices

Even if the government decides to make customary law less discriminatory by adopting new laws, the question is what effect this will have at the local level. Professor Vilakazi, of the Centre for African Thought, is clear about this: 'You can't change tradition from Pretoria, it has to change from the ground.' But what is happening on the ground? In the debate on tradition and democracy, little attention is paid to the changes in rural South Africa. The whole debate seems cast in dichotomies: African and western, rural and urban, modern and traditional. The reason for this lies with the people who are involved in making policies and drafting laws. 'Most of them are city people, who don't have an idea of what's going on in the rural areas,' says Herbert Vilakazi. This leads the importance of traditional authority either to be trivialised or romanticised. The trivialisers see traditional authority areas as little different from the cities, and the traditional leaders as leftovers from a time that is swiftly fading. The romanticisers, on the other hand, nurture parochial images of traditional leaders as shepherds of coherent communities who still live off the land and follow traditional norms and customs. This accords with the African Renaissance, the whole search for an African identity.

It has to change from the ground

The romantic image is fed by the traditional leaders themselves, who are often considered to be the only spokespersons for the rural communities. If information is needed on life in traditional authority areas, policy-makers generally turn to the Houses of Traditional Leaders, or to other organisations that represent them. But these traditional leaders, just like many of the anthropologists consulted by government, have an interest in painting a conservative picture of culture, one in which traditional leadership is immensely important.

If both approaches – the trivialising and the romantic – are not realistic, then what is? To have a glimpse of rural reality, let us now turn to one particular specific area: Sekhukhune.

Sekhukhune: setting the scene

The four-hour drive from Johannesburg north-east to Sekhukhune is like a journey from one world into another – from the world of sky-scrapers and turquoise-roofed mega-malls, through 'white rural South Africa' with its large-scale farms whose robotic sprinklers hover over endless rows of grain or cotton, and finally to the former Lebowa homeland. Officially, the border may have disappeared, but the boundary between affluent rural South Africa and the former homeland is clear. Suddenly, potholes appear in the road. Barefoot children in never-quite-fitting school uniforms trek long distances to decrepit schools, while goats and donkeys scurry on the side of the road in the futile hope of finding some grass there. At the bottle-stores youngsters hang around, listening to pounding kwaito and lamenting the lack of jobs in the area: even the mines where there fathers work as migrants are firing people. Some hang around the 'chop shops' where cars hijacked in the urban centres undergo a metamorphosis.

Women walk tall, with bundles of branches or water-filled buckets on their heads, and babies strapped to their backs. Often, they are on their way to the fields where they grow maize, sorghum or beans. 'Don't give Aids a chance, use a condom', shouts a huge billboard in Sepedi while another calls 'A better life for all. Vote ANC'. Under it stands a group of women in the characteristic yellow-and-green outfits of the Zionist Christian Church – only one of the churches to which people in this poverty-stricken area turn. Behind them a village spreads out, with clay and corrugated iron houses separated by skinny papaya-trees and large cactuses.

What many an outsider might consider a dusty and ramshackle backdrop is *magaê* – home – to others. Many Sepedi-speaking people who work in the urban areas consider Sekhukhune home. Home, where the roots are. Home, where traditional values still count and there is still respect for the authorities. Home, a place to return to from *makgoweng* (the land of the whites); also the place to return to for burial. A place to send your children, so that they can grow up far away from big-city perils.

In this image of Sekhukhune, traditional leaders play an important role. 'Traditional leadership ensures stability in the community. All our customs and traditions are enshrined in it. Where there are traditional leaders you will find respect between people,' in the words of one school principal. Even if many of the 32 chieftaincies in Sekhukhune are creations of the era of Apartheid and of the homelands, and even if the struggle in the eighties also involved a ferocious campaign against the chiefs, 80 % of the people who live there indicate that they still support a traditional leader.

A whole cocktail of factors make Sekhukhune an interesting area for a consideration of democracy, tradition and change in the new South Africa: the recently installed local government, the glorious history of the region, in which old king Sekhukhune resisted the Boers in the nineteenth century; not to mention the dubious role of many chiefs under Apartheid.

Instead of providing abstract surveys, this books describes some scenes collected from everyday life in five Sekhukhune villages in 1998 and 1999. Nearly all the traditional authorities described fall under one elected local government: that of Greater Ngwaritsi Makhudu Thamaga, which has its seat in Jane Furse. Jane Furse is a fast-growing township-like settlement, built around a taxi-rank and an American-style shopping centre. It straddles two of the chieftaincies described here: Mamone (see chapters two and three) and Madibong (see chapter four). Both are large chieftaincies, comprising many villages (such as Eenzaam, which features in chapter three). How different from Hoepakranz (chapter five), a tiny settlement high up in the Leolo mountains, where the traditional leader is not even recognised by the government. Ga-Masha (chapter six) officially falls under another local government, but this has effectively broken down, forcing the Masha people to turn to Jane Furse for assistance.

Set in a different village, each scene shows how people get to grips with the tension between tradition and democracy, and thereby come up with solutions. In doing so, they afford us insight into the many questions that keep cropping up in the debate. What is tradition today? Who is in charge of the communal lands? What is the relationship between traditional authority and local government? How democratic are the traditional authority areas? And: what is a traditional community anyway?

WHAT IS TRADITION?

Retraditionalisation in Mamone

'Tradition,' one can often hear in the debates in parliament and the news, 'is the way things have been since time immemorial.' But is that really the case? Sometimes it seems as if traditions are constantly being reinvented – renegotiated according to the balance of power of the day. Mamone is one such instance.

The coronation of the young Billy Sekwati Mampuru has led to a passionate debate on the position of traditional authority and customary law in the chieftaincy. Conservative forces in the community are trying to reimpose traditional authority, while progressive counterparts are working on a tribal constitution. Mamone, clearly, is retraditionalising. But the actual powers of this revamped traditional authority are still unclear .

It all started in December 1998, when the exuberant festivities surrounding Billy's coronation held the Mamone community spellbound. The migrant workers, who spend their days 'in the belly of the earth' and come home only a few times a year had collected money for the festivities, and convinced Douglas Colliery to sponsor it. Local women spent weeks brewing the traditional beer, which is made from grains that are allowed to sprout in the sun on a layer of cow-dung. Initiation school regiments met up again, practising praise-songs and collecting money for gifts to the young regent; church choirs mugged up on new repertoires, and the drum majorettes twirled up and down the dusty streets.

The excitement was understandable. After all, Billy's father had died in 1978, causing a war of succession between Billy's mother and uncle that had raged throughout the area for twenty years. Apartheid also cast a shadow over the chieftaincy: a large neo-gothic tribal office had been erected, and Billy's mother had received electricity, a television and a car with the tribal logo. In return she had been expected to co-operate with the repressive Apartheid and homeland policies – such that when, in the eighties, embittered youth all over Sekhukhune rose against everything old and traditional, their torches and guns were also directed against the tribal authority.

> It is time to restore law and order

On 19 December, coronation day, all that seemed long ago. Thousands of people had gathered to see the chubby 32-year-old Billy, dressed in a bright pink suit with gold epaulettes, step out of the rental limousine and be addressed by all of Sekhukhune's high society. Religious leaders prayed, a brass band played, praise-singers recited ancient

poems, and traditional dancers waved rainbow-coloured feather-dusters. The leader of Mapogo, the vigilante organisation that has practically taken over the role of the police in controlling Sekhukhune by taking the law into its own hands, handed the young chief a whip: 'it is now time to restore law and order in your area.' A royal advisor put it somewhat differently: 'you are now like a garbage-heap; the rubbish of the whole community will land on you.'

Two particular moments got the crowds roaring and the cameras clicking. The first was when Billy's mother draped a leopard-skin (which may have looked ancient, but had actually been purchased by the migrants in Johannesburg the week before) around her beaming son's shoulders. And the second came when a government official handed over the symbols of state recognition: a stamp and a certificate in a crimson felt case entitling the chief to his royal salary.

That evening, Strauss was played during a banquet at which the celebrants dined on asparagus and salmon flown in by the mining company. 'We love the Mamone Pedi, they're our best workers', a woman with large blond hair said, in explanation of the company's involvement. 'Where's the maize-porridge and meat?' an old man complained as he resolutely shoved away his fancy plate. But

his grumpiness disappeared when discussing the future of Mamone traditional authority: 'The time has come to get back to our traditions.'

The traditional court

But what are these traditions? In the subsequent months, the question has kept cropping up. And in the discussion, certain factions have emerged. There are the conservatives who wish to re-establish traditional sovereignty in the area, to make Mamone a separate sphere in which the traditional authority have full legal and administrative power. And then there are the progressives, who are trying to bring traditional authority into line with the new South African constitution and the requirements of democracy.

The traditional court is the playing field of the conservatives. It is centred around an old umbrella thorn tree in the middle of Mamone, a stone's throw from the royal palace. Passers-by witnessing a Wednesday court session – with dozens of men perched on worn-out tree trunks – could be forgiven for thinking it has always been like this. They would be wrong: the court sessions only resumed after Billy's coronation.

Most of the cases are quite small, and involve quarrels over land and family disputes. Take an ordinary Wednesday, May 1999. About 50 men, all in jackets and all bare-headed, listened diligently while Billy's brother, who, as a member of the royal family can preside over cases, set out the problems of the day at the speed of a sports reporter. As is often the case, Billy himself was not present. In the background, women – who can only attend cases as witnesses or parties – strolled past on their way to the palace; on their heads were buckets of home-made beer covered with leaves against the sun.

One case involves a woman who wants to divorce her wife. In Pedi tradition, as in so many other African cultures, a woman who remains childless can marry her own wife by paying a bride-price. The wife's children, whether they be from an earlier engagement or begotten by a relative of the older woman, then officially belong to the latter. 'This wife is giving me too much trouble,' moans a woman with a scarf on her head. She is kneeling, the only position in which a woman may talk in the traditional court. 'She never cooks and her children insult me. I want to divorce her.' Dressed in a trendy T-shirt, the pretty wife responds. She complains that the older woman doesn't pay the children's school fees. As the men discuss the case, the shadows cast by the thorn tree lengthen. A bucket of water is placed in the middle of the court, and they drink thirstily from a single enamel cup. Slowly, a consensus arises, which is summarised by Billy's brother. 'You can divorce your wife, but if you do so you must give her all your belongings. The saying goes "a man who divorces takes his jacket only," and because you have

married a wife, you are now like a man, and must act accordingly.'

The court also discusses the traditional laws themselves, as in the session when Billy's brother suggested restoring the traditional rule stipulating that no-one was to work in the fields on Wednesdays. 'What rule is that?' asked one old man grouchily, 'my father went to the field on Wednesday, as did my grandfather before him.' But the royal family was adamant: 'this rule has been there since time immemorial and we should return to it.'

Since the traditional court resumed its work, more and more families have taken their problems to it. Billy's brother concludes with some public relations patter: 'Look how many cases we have solved here. So many people come here crying, and leave happy.' He is a driving force behind the process of retraditionalisation, to the extent that people now whisper that he would make a much better chief than Billy, and that 'Billy might even be the child of a different father, which would make his brother the rightful heir.'

The brother dreams of a museum. ' I saw a woman on television the other day painting a Mercedes in Ndebele patterns. Do you think that she does that for free? I tell you, there is money in these traditional things.' In the museum, Pedi history might also be put straight: one recurrent frustration for the Pedi of Mamone is that it is not their leader the government recognises as the paramount chief of Sekhukhuneland, but King Sekhukhune. 'And do you know that a paramount earns about 300,000 Rand a year, while a traditional leader only gets 77,000?' the brother grumbles.

This wish to put Mamone back on the map might be the reason that, a few weeks later, the traditional court decided to welcome the Guardian Angels Catholic Girls School into its midst. For once, the thorn tree was not surrounded solely by men, but also by scores of young girls who looked as if they had walked straight out of a Tommy Hilfiger advertisement. Coca-Cola kids in red, white and blue, with straightened hair, expensive sneakers and faded jeans. Their parents – ministers, businesspeople – probably believed the same as the migrants: that the rural areas are the cradle of traditional values, a sanctuary from the city life. In the particular month, the girls were reading a novel on traditional courts; a Mamone teacher had organised their excursion.

> There is money in these traditional things

They fidgeted on the trunks, giggling and staring at Billy, who for once was

attending the session. And they asked questions that normally remain unspoken. ‘Why is it that people have to pay tribute to the chief?’ But the old men answered patiently. ‘Everybody shares in that beer and those cereals. And if there’s a guest, there’s always enough to receive him properly.’

And there were questions about the candle-wife, the one to give birth to the new chief. ‘The chief can marry as many wives as he wants, out of love. But one woman, from a royal family, is married by the whole community. And then we all contribute cows to the bride-price.’ A girl frowned under her baseball-cap: ‘What if that wife can’t have children?’ The chief’s main advisor answered: ‘Then her family will have to send her sister to stand in for her’. ‘And what,’ asked one big-eyed girl, ‘if the chief doesn’t want to sleep with her?’ ‘That’s not possible,’ replied the royal adviser firmly, ‘a heir has to be raised. If the chief is too old when he marries his candle-wife, one of his brothers can do the job for him, but that will remain a secret in the royal family.’ A pretty girl asked shyly, ‘What if someone is destined to be a candle-wife but doesn’t want to?’ ‘She’ll end up very poor and lonely,’ was the answer. The teacher whispered: ‘That girl is of royal family and has been promised to a chief, but she has a boyfriend she’s madly in love with.’

After the sitting of the traditional court, the girls were taken to visit the royal palace. A combination of thatch huts and face-brick villas, the last of which – a gift from the community to their new chief – was still under construction. True to Billy's brother's aspirations, the chiefly advisers have turned the palace into a veritable open-air museum. Tortoise-shells, animal-skins, baskets for grain and portraits of the royal family surround an ornate throne. A busby – the black feather headgear of the type worn by guards at Buckingham Palace, and given to the royal family by King George during his visit in 1947 – was clearly one of the most prized possessions. Billy, who had continued to frown since the issue of the candle-wives was discussed, sits on the throne as his brother lovingly drapes the leopard-skin around him, its tail between the young chief's legs.

The excursion ended with a walk up the secret mountain. In the winter air, this is a strangely lunar landscape, of rounded red rocks and giant cactus-trees, of leafless coral-trees with flaming flowers and long lianas draped between them. Hiding in the caves where the Mamone polity once sought shelter from the Boers, the girls admired the wide panorama. The land seemed as if painted in pastels: from the pinks and peaches of the fruit trees and the huts to the ochre of the dried-up maize.

Reinforcing order

Most of the cases taken to the traditional court are minor matters: people who have insulted each other, or cases such as that of Mr Matjageng, whose goats ate his neighbour's crops. But the lengthy debates serve to restore community consensus, and to ensure that both parties agree to the court's decision. Sometimes, however, the traditional court – the royal family, advisers, village elders – demonstrate just why one might wish to regard it as the conservative faction in Mamone. For those cases are not about restoring relations, but about restoring traditional authority. About showing who's the boss. As with the beating up of Jerry Lethamaga.

Showing who is the boss

Let us digress for a moment. As is often the case in South Africa, corporal punishment is not an uncommon sentence in the traditional court. Boys who have stolen watermelons, a man who threatened with a knife during a pub brawl: during such cases, the amount of lashes are determined as if by auction. Twigs are cut from a special tree near the palace, and passers-by can hear the men laughing as the punishment is administered. 'Whoosh! Whoosh!' Swift, fair and logical, according to the participants. After all, 'if you have a donkey and it doesn't want to walk, what else can you do but beat it?'

But Jerry's case was different. Jerry Lethamaga was someone who had

appointed himself as a headman and – without the permission of the Mamone traditional authority – had started to give out plots of land, one of the most important and lucrative functions of traditional leaders. One day the traditional court decided that this had to end. And because 'if things are very hard, they need a hammer,' they drove over to Jerry's house, beat him with sticks and whips, and dragged him back to Mamone. There he was tied to the thorn tree and smeared with Vaseline to make him more attractive to the red ants.

Much to the fury of the traditional court, Jerry took the case to the police. 'What kind of say do these people have over us?' they fumed, 'the royal palace is in charge here, and maintains law and order. We've already tried Jerry, so what more can the police do?' Quite a lot, it turned out when a court summons arrived: Billy's brother and two others were to appear before the magistrate's court.

On the day of the court session, about 200 men gathered around the thorn tree. After a prayer, the antelope horn was blown, the traditional war-call. On the way to the magistrate's court the men sang the slow, deeply-moving songs normally reserved for after an initiation school. The procession attracted a lot of attention: all those men squeezed into the backs of cars, some waving branches, some wearing traditional clothes, all singing and looking as if they were going to war. They filled up the small stone building, glancing angrily at the magistrate in his black gown. But the magistrate had weapons of his own: the case was adjourned immediately.

Billy Sekwati Mampuru III

Billy was absent from the session at the magistrate's court. As is often the case. The young regent spent his youth far away from Mamone, and at present lives in Lebowakgomo, an hour's drive away. The position of the young regent demonstrates why the national discussion on the future of 'traditional leaders' should really be about 'traditional authorities'. It is others who work on reshaping traditional authority, and often he feels powerless. 'You can't really rule the Pedi people. They're very hard-headed, they do just what they want. And you have to accept everyone in your community; you can't throw the bad ones out,' Billy complains.

Sitting in his unfinished villa with marble floors and brass chandeliers, he gestures towards the window to where his advisers sit drinking beer. 'I don't know those people. I wasn't raised here, because of all the trouble, so I only arrived during the coronation. But I don't trust them. That's why I don't live in Mamone: people can try to practice black magic on you.'

The extent to which the chief is ruled by the factions around him becomes clear from the issue of a new candle-wife. The tribe married a wife for Billy years ago, and he had a son by her. 'It's very strange; you marry your own cousin, and suddenly have to call her lovey-dovey and sweety-pie. But I did it because of culture.' She died last year, just before the coronation. Billy would like to stay with his second wife, a teacher and also a Christian. 'Even the Bible says that kings shouldn't have too many wives.' But he fears that the community won't agree. And he's right: all his advisers agree that they will have to find a new wife for the chief as soon as the mourning ends. And what if he doesn't want to marry? 'That's not important. We want to marry, we'll contribute the cows, and she'll be the wife of the community'.

Instead of attending the traditional court meetings, Billy slowly works on a power base outside the village of Mamone, in the so-called satellite villages. Every week the new chief, with a handful of confidants, visits one of about fifteen villages falling under the jurisdiction of Mamone, but where over past

decades the headman has often had a great deal of autonomy. 'Billy's roadshow', the people in Mamone call it.

The first visits were characterised by Billy's inexperience. As in Ga-Moripane, for example. It's not that there wasn't enough enthusiasm for the royal visit in the dusty settlement. The whole morning, the schoolchildren in tattered clothes had stood in line in front of the run-down school. Once the royal pick-up truck and the two-car retinue arrived, women in bright pink and yellow performed traditional dances. The local choir, Green Pastures – a solitary soprano accompanied by warm baritones – sang in praise of their chief. And the headman speechified: 'a chief is a chief because of the people' and ' a community is a community because of the chief.' But Billy sat slumped in a threadbare green cardigan, looking bored and cleaning his nails. A few village youths, barred from the headmaster's office where Coca Cola and bread were served to VIPs after the meeting, could not help but comment on their new ruler's lack of regal bearing.

One day culture won't be there

So did the royal advisers, apparently. In the course of the following meetings, Billy gradually metamorphosed into a right royal ruler. A new suit – shining black satin fit for a king; a straight posture and a deeper voice. The royal advisers proudly stood next to him and urged the villagers to contribute the 100 Rand levied for the chief's new house. 'After all, the Bible also says that you should respect your kings.' Billy's speeches also became more and more confident as he promised the people computers and a variety of development projects. This, he explained later, is the role for a traditional leader today. 'Some people adhere too much to tradition. Culture, culture, is all you hear. But the world is changing and one day culture won't be there. It's better to work on projects, development, gender equality.'

Tribal constitution

While some Mamone villagers – like many of the people who attend the traditional court – would shake their heads in dismay if they heard their chief's words, others would nod in agreement. For it is not just the conservatives who are trying to reshape traditional authority, but others too, such as the more progressive factions.

Take the Commission on the Tribal Constitution. This consists of migrant labourers – the same people who paid for much of the coronation – and progressive thinkers from Mamone, often well-educated ANC-members who also have links with the royal family.

Even if they only manage to come home a few times a year, many of the

migrant workers adhere strongly to traditional authority. The presence of a chief to keep an eye on things makes it easier to leave their women and children behind. A visit to the mines makes clear how different the worlds are between which these migrants commute, even if the two are only a few hours apart. Rather than maize fields, lost goats and specks of purple bougainvillea, *makgoweng* – the land of the whites – is characterised by an industrial drabness. Here the earth has become an earthworks Swiss cheese, with man-made mountains and holes covered with a layer of coal-dust. Hundreds of steel contraptions, an army of robots from Star Wars, carry electricity away from the power-plant next to the mine and into the wider world.

Inside the rundown hostel, one of the members of the commission explains the plans for writing a tribal constitution. The meeting is conducted as if it were around the thorn tree instead of in a cramped office. 'Honourable people of the porcupine', one man exclaims as he stands up and straightens his jacket, 'We are here today to tell you about the Tribal Constitution in which we will write down all the tribal laws. As this concerns our village, the one we govern though we're often not there, we must be involved in discussing what these laws are. Our new chief is our child, he needs directions on how to rule us'.

Back in Mamone, the chair of the commission, Nkopodi Kgalema, explains the idea: 'We have to revamp the institution of chieftaincy, but in a democratic way.' The school principal sits under a blossoming peach tree in his yard outside a new face-brick house. It's just after the baptism of one of his daughters. The commission has drawn up a questionnaire to find out how people think about customary law and traditional authority. Once these ideas have been collected, they will underlie a document stipulating the laws that govern the community. He shows the typed paper: 'Do you like the traditional rule in our village?' 'What are the roles of the chief, his advisers and the clan heads?' 'Who should be responsible for land planning?' – but also: 'Should Christians be allowed to the initiation schools?'

The questionnaires are discussed in meetings with all the stakeholders: church leaders, the 'youth for peace', choirs, traditional healers with beaded hair, clan heads, and large women with babies on their backs. The members of the commission first hand out Sepedi versions of the national constitution, and afterwards discuss issues such as whether the custom of working for the chief is 'forced labour' under the terms of section 13 of the new South African constitution. 'How can it be illegal,' frowns an old man with a long beard, 'is it not something we do voluntarily?' Time and time again it becomes clear how little agreement there is on the actual content of custom. What should the chief do? And the councillors? Can women attend the traditional court or can't they? Which traditional rules apply in which instances?

Separate circles

The enthusiasm with which many Mamone villagers embraced the new chief shows how it is by no means certain that traditional authority will wither away in the new South Africa. In searching for a new identity within democracy, many rural people turn to traditions – traditions that may seem age-old, but can actually be as new as the leopardskin around Billy's shoulders. 'I'm being ruled again,' as one praise-singer shouted when first seeing the new chief.

But even where there is process of retraditionalisation, as there is in Mamone, the substance of that tradition is subject to debate. There are con-

servatives, who would like to see Mamone become a separate kingdom in which traditional authority is omnipotent. Where the chief can beat up lawbreakers and bar women from the court. At the same time, there are the progressive forces that seek to bring traditional authority and customary law into line with democracy, and to keep those laws which seem right and discard those which are discriminatory. The writing of the constitution shows that it is possible to change traditional laws, and that at a local level there is a lot of keenness to do so.

It is a debate reminiscent of the discussion between two old men outside the Mamone court, just after Jerry's beating. 'You know, we're not a separate nation like this, where the constitution of the land doesn't count,' said the one as he drew a circle in his wrinkled hand. The other disagreed: 'Of course we are. Why else would we have a chief?'

TO WHOM DOES THE LAND BELONG?

The Eenzaam youth revolt

Dusty plains, maize fields full of rocks, rolling hills covered with cactuses: at first sight, much of the Sekhukhune land does not look very attractive. Still, the most violent cases in Mamone, like that of Jerry Lethamaga, are all about these barren plains. The power to allocate land, as it becomes clear time and time again, is central to determining the position of traditional authority in relation (for instance) to the municipalities.

Officially, the old Apartheid laws on land allocation still apply. This legislation considers most of the land in the traditional authority areas to be communal tenure: held in trust by the government on behalf of the community. The traditional authorities, according to these laws, are responsible for the allocation of this land. If someone asks for a piece of land they – or the sub-chiefs, the headmen – ask the state magistrate to give the person a PTO: permission to occupy. This title allows people to occupy a piece of land for generations, but not to sell it. Because traditional leaders give out the land, the theory goes, they can control the flow of applicants, sending away wrongdoers and ensuring that every community member has a plot of land.

Land allocation is a mess

In practice, in the Mamone area as in so many others, land allocation is a mess. Whoever wishes to settle in the area turns to the village headman. While, officially, people only have to pay an administration fee of 40 Rand* for the application, the headmen often charge sums up to R.1,000 and pocket the difference. As one Mamone inhabitant put it, 'strangers have to pay more than local people, so the Jane Furse headman now prefers them because he can make more money out of them.' In some areas women can apply for a plot of land, but in others this is considered to go against tradition.

To make things worse, it is often unclear who the headman is. Some are elected, others have inherited their position, some are appointed. As with all lucrative posts, it is often contested. Many of the cases in the Mamone traditional court stem from this insecurity. Like the man who came from the Leolo mountains to settle in Mamone: 'I arrived here, asked someone where the headman lived, and was pointed towards a house. I paid the person living there

R.60 and he allocated me a plot. Once I had started building my house there, people from Mamone came and told me I was living there illegally'.

Such uncertainty has existed for years. But now the local government has also come onto the scene. There are, for instance, provincial circulars saying that people should now turn to the local councillors to be allocated plots. This has led to the incomprehension of all concerned, including the local councillors. In the words of one official: 'How can the local government allocate plots? It is such a big area, they have no experience and are hardly ever there.'

But the real clashes between traditional authorities and local governments over land come with large-scale projects: hospitals, roads, shopping centres, state-sponsored houses. The local government is responsible for setting land development objectives, and planning these types of projects. But they cannot use the land without the permission of the chiefs. And often, the government departments and large investors behind projects want even more than permission: they want to own the land they are going to invest so much money in. This – turning part of communal land into an individually-owned plot – requires a so-called tribal resolution.

Who is authorised to issue such a tribal resolution? It is uncertain. The laws say that anything that effectively boils down to signing away part of the communal land should be done during a meeting attended by a representative part of the community. But in many of the cases in which Mamone has already signed away part of its land – for a shopping centre, a hospital or a computer project – the document was drawn up by the tribal council, an old Apartheid structure with little legitimacy; or even by the royal family acting alone.

And so confusion reigns.

Eenzaam

We can find a typical example of this in one of the most remote Mamone satellite villages, which has the appropriate name of Eenzaam, which means 'lonely' in Afrikaans. While this is a case that will never make the South African papers, it nonetheless affects the lives of many people.

One day a large group

of girls and boys arrived at one of the meeting halls on Mamone territory. 'We don't want fields, we'll burn the Mamone royal palace,' they sang, their feet kicking up dust and their fists clenched in the air. Along with their green, yellow and black ANC flags, they waved cardboard signs proclaiming 'leaders are produced, not born.' Tirelessly they toyi-toyi'd around the office building, where a meeting was being held on the contentious Eenzaam housing project.

Breathlessly, the demonstrators explained the situation. In their village, the civics – the people's organisations – had applied for a so-called housing project, and now the government had agreed to build 500 houses. But there was one problem: they had never asked the chief for permission to use the land. Because they didn't know they had to, said some. Because they didn't care about traditional leadership, said others. So now the project had been approved, the Mamone royal palace was threatening to burn down the building equipment. In response, the youth of Eenzaam had taken recourse to the old South African method of showing discontent: dancing around the local government office and singing slogans: 'The chief must control the people, not the land.'

'We really didn't know that we had to ask the chief for permission,' Danky Lešaba and Richard Magalwa said. The two frail boys sat in the back of the car, their arms around each other, and ANC conference bags on their laps. On the long drive from Mamone to Eenzaam, they told their story.

Leaders are produced, not born

'In 1992 we started a civic organisation in the village, so that the people could develop themselves. We set up projects for brick-making, sowing and gardening. Also, we applied for 500 low-cost houses from the government. We don't really need these houses, because people in our village can build their own mud huts. But we thought this was the only way to get electricity and tap-water to Eenzaam.' They laugh out loud, but then continue seriously:

'The village headman, who represents Mamone, was supportive in the beginning. Later on he became jealous of us, especially because, as civics, we had also started to allocate land – for free, whilst he charges a lot for a plot. So, together with some village elders, he went to the Mamone royal palace and asked the chief if that same land could be turned into ploughing fields. Without even mentioning the housing project!' When the village elders started ploughing, the boys consulted their lawyer, who advised them to do nothing. 'Those old people will only soften the ground for the building.'

By this point in the drive, the village of Eenzaam was getting close. The bumpy dust road lined with cactus trees leads to a desolate settlement in an empty land. The most important landmarks are an old white-washed church in need of paint, a school with solar panels for the electricity, and the headman's kraal where a girls' initiation school is currently being held. A group of youngsters listlessly sits

on a large stone, listening to thumping music. 'When people finish school here they have nothing to do, there are no jobs,' Danky explained.

He indicated the disputed site: a field full of yellowed maize, with a large billboard in the middle showing people building a wall, from behind which rays of sunlight seemed to be radiating. 'Eenzaam Housing Project. 7.5 million Rand allocated', it proclaimed. A few scraggy goats were grazing around it.

Fighting over the land

It was the erection of this board that got the whole revolt going. On the day it happened, the cell-phone of Billy's brother rang just when he was addressing the

Mamone traditional court. He listened intently, and after hanging up spoke to the men around the thorn tree.

'In Eenzaam there are youths who think that the soil belongs to God or to them. They are our children, but they want to rule us. They are spreading rubbish in their communities, telling people to disobey the chief. It is because they disrespect elders; I even heard them mocking a man on crutches one day, saying that he had four legs.' The men in the traditional court clicked their tongues and shook their heads in disapproval. 'And now the headman has called. The village elders want to pick up their spears and fight. We must help them: this land was acquired by blood and we should not be scared to lose blood in protecting it.'

It is because they disrespect elders

The next day dozens of men gathered in the Mamone traditional court, spears and sticks in hand. But Billy's brother was remarkably silent and called the men to sit down on the tree trunks before leaving to bring the rebellious outpost to heel. 'I have spoken to the ancestors and to our lawyers, and both tell us that we should not go today.' Instead, the lawyers recommended that there should be a meeting between the municipality, the traditional authority, the government, and the Eenzaam civics.

And so the youth of Eenzaam gathered again, happy with this diversion in their dull lives. The municipality had even printed t-shirts bearing a poem by Danky: 'The people's patience is not endless. Yes, victory is certain. At last the people of Eenzaam shall sing'. Amongst the stampeding, ululating crowd were many women; the government housing project represented their only chance of living alone, as the headman would never grant a plot of land to a single woman.

One of the cars driving through the crowd was Ferdi Schoeman's BMW. The Afrikaner town planner, with his shirtsleeves rolled up and an amicable grin, explained the complexities of building in an area belonging to a chief. 'We see this all over. In nearly all of the rural projects we work on, there are problems with chiefs. The Apartheid government gave them the idea that they owned the land, whilst it belongs to the government. Still, you need to get the consent of the chief for a housing project like this by means of a tribal resolution.' This resolution, Ferdi explained, does not have to come from the whole tribe. 'As long as it is signed by the local government, the developer and someone representing the tribe, it's fine.'

Though in the case of Eenzaam, Ferdi said, there was a mystery. 'You know, a tribal resolution was signed. We once had a meeting and someone stood up and put his signature on behalf of the Mamone tribe. Now the traditional authority vehemently denies it was one of them. But why should we have questioned whether that person really represented the royal house?'

Eating djodjo

Nobody seems to know which mystery man claimed to represent the tribe, signed the tribal resolution, and thus effectively gave away Mamone land to the future home-owners. But there are rumours, such as the explanation given by one local politician, who is scared to talk. He sits on a wooden bench outside a caravan with 'Coca Cola' painted on it, where maize-porridge and tea are sold. His eyes keep darting around the busy Jane Furse taxi-rank, as if he fears that, somewhere among the colourful market stalls with roasted maize, hair-straightener and dusty reggae-cassettes, someone might overhear what he has to say about corruption in the municipality.

'To me it's clear: the mayor and other people in the municipality organised that tribal resolution. They just bypass the royal palace and find someone to sign on its behalf. For this, those Afrikaner developers offer them a lot of money, 100,000 or 200,000 Rand. I haven't seen this for myself, but I know that it happens. Look at the mayor's shiny car and his new villa! Do you think a stipend of 2,000 Rand a month buys you that?' He gulps down his tea and briskly walks away: 'please don't tell anyone what I said. In the ANC we aren't supposed to talk about these things. They say we must keep the ranks closed.'

Ferdi Schoeman denies the local council was paid to come up with a tribal representative. 'Who would have paid them? We haven't seen a cent ourselves yet, and we've been in this project for two years.' And the mayor only laughs at the allegations: 'Those people are just jealous; I paid for my car with money I made in the mines.'

Still, this allegation is not the only story about 'eating djodjo' or 'hands washing each other in the dark'. Among the women cooking or looking for wood, or the men hanging around smoking sweet-smelling boxer tobacco rolled in newspaper, the new culture of entitlement is a recurrent theme. The women talk about how the mayor was caught red-handed stealing bricks from a school building-site two years ago. A case was opened against him, but the police did nothing and now people are scared to report other cases. Or cases like the sewerage project, where the mayor fought with the developer because he wanted a large chunk of the worker's salaries. Because the developer refused to pay people such a low wage, the project did not go ahead at all. Or the instance of the female councillor, a motherly lady with a friendly smile and grey hair, who is rumoured to have pocketed 20 Rand out of every 45 Rand she was supposed to pay people as their daily wage for working on a water project. The people, many of whom voted for her, say they didn't dare complain: jobs are too scarce a commodity.

Money-spinners

With the millions of government Rand they involve, housing projects are notorious money-spinners. Not only for the municipality, but also often for the

tribal authorities. Next to the Jane Furse shopping centre, for instance, there is another housing project. Here, the Mamone royal house did sign a tribal resolution, and received 100,000 Rand from the government. But where that money went is not sure.

That housing project has now got under way, and offers a glimpse of what the future may hold for the Eenzaam project. Hundreds of people have put their names down for one of the future houses. 'They're not going to live there themselves, but rent them out,' says a villager. 'Those houses are much too small, like matchboxes on top of each other. Even if they have brick walls instead of mud, you can still hear your neighbours having sex at night. We're used to having peach trees, goats and cattle around the house. No Mamone citizen wants to live in them, but they're all right for outsiders.'

So, while the government thinks it is helping local people to a roof over their heads, the housing project is actually more of an income-generating project. Not only thanks to the future rents, but also thanks to today's jobs. When the project started, there was a long line of people outside the small demonstration house that stood where a thousand more were supposed to be built. They had arrived at six in the morning and stood waiting in the sun until yet another day has gone past without the jobs being handed out. 'They don't stand a chance', sneered one villager, 'you have to pay the mayor at least 50 Rand to get work on that project.'

Viva housing project viva

The same may happen in the Eenzaam project. If it goes ahead, that is. As yet, the meetings continue. And the rift between old and young in the village widens. For the Eenzaam revolt is a revolt of the young. An old man with a beaded walking stick and twinkling eyes above his blue overall is the only veteran amongst Danky's troops. He stands aside as the group moves rhythmically round and round the threadbare Eenzaam soccer field, singing their leaders through yet another meeting. Their songs come from their brothers and sisters, who were in the struggle and part of the great Sekhukhune youth uprising of 1986: 'We're going to Lusaka to fight', 'Viva housing project Viva'. 'Amandla!' A small boy chasing a car tyre tries to keep up, but fails and falls in the dust.

> They must stop asking money

It is not that they are against tradition, explains Danky. He points to the headman's kraal, at the end of the village. 'Look at that circle of reeds. Inside, there is an initiation school going on. It's only the girls; they finish after the boys, because in our culture girls should always follow boys. We all went to that school, and we respect our culture. We don't even mind the headman making a lot of money out of the initiation school. The traditional authorities should do that

kind of thing. But they must stop asking money from their people for nothing. And stop halting progress. Because who can sleep in a ploughed field?' The youngsters grouped around him roar with laughter.

Danky: 'We would like to go straight to Billy, Mamone's chief. But at the same time we don't want to be disrespectful. That's why we meet with his representatives, and they won't give in.' The youth leader is worried about the lack of progress: if a decision is not reached soon, the Department of Housing will withdraw its grant.

And then the housing project, because everybody wanted to benefit by it, will end up benefiting nobody.

THE CHIEF AND THE TWO COUNCILS

The case of Madibong

The dispute about the Eenzaam land for the housing project was between the Mamone chief and the local council, and was played out locally between the headman and the civics. It is the kind of fight found in many cases where traditional and elected local government coexist.

While new laws call for co-operative government, and allow the traditional leaders to attend local government meetings, this hardly ever happens: the worlds are too far apart, the relations too tense, interests too diverse. But sometimes, sometimes, there are exceptions. One of them is Madibong, the area next to Mamone.

Mamone and Madibong fall under the same local government, whose office is in Jane Furse Plaza, a glitzy shopping centre housing a giant supermarket, discount clothes stores, and furniture stores that sell baroque lounge-sets on hire purchase. Anyone who comes for the local government office can easily get lost between these moguls: the premises are tiny, squeezed between a cafeteria and a record-store. The councillors, most of whom have day-time jobs as teachers, rush here in the afternoon to conduct meetings on water projects, housing, electrification and everything else that has to do with 'local development' – their portfolio. 'Local', in this instance, means 90 villages which fall under 24 traditional leaders; a daunting task for 12 part-time councillors with little experience and even less administrative support.

Which is why another type of council – the tribal council – still plays such an important role. Like its counterpart in Mamone, the Madibong tribal council is only a few kilometres from Jane Furse. To get to it you cross the bustling taxi-rank with dozens of women selling apples and bananas on cardboard boxes, past the general dealer where billboards noisily advertise Sunlight Soap, and where today's paper can – sometimes – be bought inside. What people think of as 'the real Madibong' starts at a dusty main street lined with blossoming sisal plants, and winds past the water pump where women and children cart jerrycans back home. Then, behind a small mountain, emerges a gothic building, dazzlingly modern between the traditional homesteads: the 'tribal office'.

A tribal office with a tribal council, a tribal secretary, tribal policeman, tribal cleaner and a tribal car. Madibong has one; so does Mamone. This was the type of

local government championed by the Apartheid government when the area was still the Lebowa homeland. The bureaucratisation of traditional authority took place inside these brick buildings. Government officials decided how many paid members the tribal councils could have, and gave these councillors a whole set of new tasks, from recruiting labour for the South African mines to killing off excess cattle. And so, weaving a few strands of their own into traditional structures, they modelled an agency for implementing Apartheid. 'Why would black people want democracy? They have their own traditional government,' the argument went.

And now there are two bulls in one kraal. The elected council, its young ANC members moulded in the struggle, who suddenly have to make million-Rand decisions in an office which frequently doesn't even have electricity. And the tribal council, often a strange mix of royal advisers and other men assumed knowledgeable, where the tribal secretary still gets paid by the government, and knows how to type a birth certificate, a business permit, or an application for a water pump.

In most of the area the two councils are at loggerheads, and the saying rings true: 'where two bulls fight, the grass underneath suffers.' But Madibong is a different story: the tribal council has been thoroughly transformed. It even includes youth and women, who work hand in hand with their brothers and sisters in the elected local government.

The revamped tribal council

'Since the chief has welcomed democracy, things are going well here,' Kgoputso Morewane smiles. With his adolescent build, bashful demeanour, bald head and

his perpetual blue overall, he looks more like a grown-up herd-boy than like one of the most important community leaders. Still, the young comrades fall silent when he comes in, and whisper stories about how Phaahla (the great one), as they call him, was a hero in the struggle. He is the head of the civics, one of them. But instead of fighting the traditional authorities, as the civics do in so many other places, Phaahla presides over the Madibong tribal council. And the councillors, old and young alike, listen to him. Like the old councillor, bare feet in sandals, who asks: 'Please guide us. We are living in a changing world, and as the chairman, you must teach us how these changes affect us. Don't be scared to give direction.'

Landownership: a burning issue

And Phaahla is not. Every Wednesday he guides the councillors through a long list of cases and issues inside the tribal hall, a high office with anti-Aids posters stuck to the walls. Today's topics are varied. The tombstones in the graveyard should be numbered. For the villagers, and for those people who moved to the cities but will one day want to be buried back home. Madibong is going to get electricity, and Eskom will hold an information meeting on Sunday. There is a letter from a girl who wants to use the tribal office to show movies. And there are the cases. One involves a builder who was paid but then disappeared with the money. Another one a young woman whose husband died: she wants to go back home, but her in-laws state that they paid the bride-price and therefore still have the right to her presence in their house and her assistance in cooking and cleaning. Each issue is discussed extensively, democratically, with the councillors putting up their fingers, 'point of order, Mr Chairman', and Phaahla wrapping up each topic with a summary and a point of action.

Landownership, as in all debates on local government, seems one of the most burning issues. A young man in a bright yellow shirt stands up and describes a case reminiscent of the problems in neighbouring Mamone: 'I had a meeting with some developers and the chief. They want to build houses for teachers and other government employees, but they also want a tribal resolution that says that they really own that land. They are prepared to pay 40,000 Rand for land for 20 houses. The chief agrees but what does the council think?' A heated discussion follows. 'This council is responsible for development, and those people

should have come here instead of to the chief. Those white people can easily strike a deal with him without us even being informed.' Still, they agree, it is good that the developers come. 'When the government develops the community we get nothing, while with these white developers we at least get some money.'

At Phaahla's side sits Godfrey Mogoatša, the secretary of the council. Again, not a typical councillor, but an alert figure in a denim jacket and a Burberry cap, who has spent much of his life in Soweto. After years as a local administrator in the township, he came back to his place of birth in the rural areas. 'I came to help launch the ANC in 1994. At that time people were resistant to democracy because they saw the chief as a supreme being and they were scared of politics. But they came to understand democracy through the ANC, as we informed them of their supreme rights. And now the members of the tribal council are elected and we have organised a pre-school, a woman's project, and now even electricity for the community. Yes, the changes are quite dramatic.'

The changes are quite dramatic

The changing chief

Dramatic indeed, if one considers Madibong's recent history. Of all the wars that raged between the youth and the elders, the civics and the chiefs during the struggles of the 1980s, hardly any flared up higher than those in Madibong. To have chief Kgoloko removed, the youth marched, sang and threw stones. Phaahla: 'We saw him as a collaborator because he was in the homeland parliament. He would get money and a car from the government, and was the only person in Madibong to have electricity.' At one point the chief shot five of the comrades, and had to flee to Botswana. When he came back in the early nineties, the police and the South African army had to guard him against his own community. The dreaded 'hippo' tanks stood in a circle around the palace, their guns pointing towards the village.

It was through the intervention of high ANC officials that the chief and his community were reconciled. At the beginning of the 1990s a delegation led by éminence grise Albertina Sisulu, wife of ANC stalwart Walter Sisulu, encouraged the rebellious youth to forget about the dirty eighties and to look back further into history, to the heroic past of the Kgoloko. Was it not chief Kgoloko's mother herself who shot his father because he supported the introduction of the homelands? Didn't she spend time on Robben Island with Mandela, and wasn't a regiment of the ANC military wing named after her?

We saw him as a collaborator

It took time to convince the youth to make peace with their old enemy. But the fact that those ANC heavyweights

came all the way to Madibong, and that the chief was prepared to revamp the tribal council afterwards took away the worst tensions.

And now all that reminds of the old days is the barbed wire around the royal palace, a luxurious villa that overlooks the yellowed plains of Madibong. Chief Kgoloko has little time to look back. He's a jolly man in yellow overall who often bursts out into a roar of laughter. And there is a lot to laugh about these days. Kgoloko is back in favour with his tribe, he still gets his handsome state salary – and even an extra allowance as a member of the provincial House of Traditional Leaders. An agile politician, the chief thinks his transformation from supporter of Apartheid to preacher of progress is only logical. 'Politics is a dirty game. If one party does not offer you a good deal, you go on to the next one.'

Local politics has changed, he agrees, now that there are also municipalities responsible for local government and development. But Kgoloko doesn't see them as a threat. 'This is a new thing, and they're not doing their job properly. Ask

Chief Morwamoche Kgoloko (left) with mayor Abraham Mafiri

anyone in my tribe what the elected council does, and they won't be able to answer you. You have to be educated to even understand that thing. Those elected councils, they must go to the government for money, and to the chiefs for land. They can't do anything themselves. And they'll run into big problems once they start charging for services such as water. No, the real local government still lies with the chiefs and the tribal councils.'

On paper, the jolly chief is wrong. The elected councils are now responsible for local development and for all the administrative tasks that were previously carried out by the chiefs. In practice, too, his words can easily be understood. The rural municipalities are bogged down by the chiefs' control over land. They have neither the financial capacity nor the staff to do everything that is expected of them. The government pays rural local councillors much less than it pays the traditional leaders. Which is why the fact that many of them are building houses and drive around in new cars causes so much speculation.

The speculation has also reached the chief. When he is asked about corruption in the elected council, another roar of laughter bellows over the kitchen table in the palace, where the television plays and the cell-phone constantly rings. 'Of course there's corruption. If you look at our old order, no one can be clean. Like Mafiri, the new mayor. I know him well. He used to be my driver, and now he suddenly has a brand-new Mercedes and a big house, while he hardly earns anything.' More giggles. 'It's an obvious case. And it's natural, a question of hunger. Those people weren't working before, and they must make sure they enrich themselves during the five years they're in power. That's why being a chief is different. If I want a house, I just call my tribe and tell them to build me a house. How could I steal money? Everything here belongs to me anyway.'

Of course there's corruption

The mayor

'It's all jealousy', is all mayor Mafiri has to say when the allegations come up during one lunchtime discussion in Kopula, the only restaurant in Jane Furse. With just a few chairs, a zinc roof and a choice between stewed chicken or beef, and maize porridge or rice, this is a meeting place that is popular with everybody who has made it in this 'rural township'. And, within that small group, Abraham Mafiri is top dog. Of all the young boys throwing stones, burning houses and preaching revolution in the eighties, he is the one who has, at the age of 32, now landed the cushy job of mayor of the massive Ngwaritsi Makhudu-Thamaga local government district. There is still something very boyish about him: the jolliness, the short pants, and the glee about his new Merc. But his eyes turn serious when, over lunch, he talks about the relations between 'his' chief Kgoloko, the elected council, and the tribal council.

'You know, the comrades thought that we sold them out when we started negotiating with Kgoloko. But I had a vision of how local government in these areas would have to work. And now the chief has admitted the wrongs of the past and shown the will to change. This case shows that we have come a long way towards reconciliation.' While the mayor talks there is a permanent trickle of

passers-by to give a quick handshake, a high five or a shouted greeting. Phaahla, the lanky leader of the Madibong tribal council, pulls up a chair and starts eating from Mafiri's plate.

The mayor points to his friend: 'We also reformed the Madibong tribal council. You just need people who are intelligent enough to influence the community, and then you can get development going. Now, together, we have brought electricity and other projects to the people.' He praises the progressiveness of chief Kgoloko: 'He's really a good guy, he just sometimes needs some guidance from me.' And then he's off, to yet another meeting with developers and town planners.

Resistance

New faces and mentalities within the old structures, close co-operation between the chief and the councils: it sounds like a possible solution for similar tensions in the rest of South Africa. Still, there is also protest against the Madibong way. As in Mamone, it is not only progressives who are thinking about the future of traditional authority: conservatives do, too.

And again, royal advisers constitute the more conservative faction. This is not surprising: under the old order, these royal advisers often had a salary as 'tribal councillors' and now feel threatened by more progressive forces. William Ntjana, nicknamed 'Nine' because he misses one finger, is one of the royal councillors. He gently pushes away a cow and points at a few hand-carved tombstones inside the cattle-kraal in front of his homestead, traditionally the place where the dead have the least chance of being disturbed – houses can be rebuilt, while the cattle-kraal stays in place. 'Look: my father, my grandfather, my great-grandfather. They all were advisers of their respective chiefs. Now we're supposed to be ruled by children! They've just taken over, and don't even give financial reports of the sort you see in every other organisation. And these women! I've never heard of women attending the meetings of the tribal council, and I don't agree with them being there…'

It is an attitude the new woman tribal councillors are often confronted with. Emily Magabe is one of them. A pretty, svelte pre-schoolteacher who tells airily of the resistance that has made up her life; against the boy to whom she was promised at birth, against the Apartheid authorities, and now against her colleagues in the tribal council. 'Do you know that some old men even try to keep us women out by citing an old Apartheid law that said tribal meetings should only be held during the week? In those days the law was written to make sure that tribal meetings could be attended only by old conservatives, and not the young radicals working in town. And now they use it against me because I have my job at a training centre for pre-school teachers during the day.' She persists anyway

because she likes meetings, and believes in the importance of projects. 'It's a lot of work, but it will get easier once we have electricity; I can then use an electric iron and a stove to do my chores in the house, instead of having to go into the mountains to look for firewood.'

What has disappointed her is the conservative attitude of all the councillors, not only the young ones. ' They don't mind us sitting in when there are legal cases, but don't want women to debate development issues.'

It is true that the young comrades show a surprisingly strong support for traditional laws, especially where these discriminate against women. When a woman comes in alone to report a case, Phaahla often sends her back home: 'You must come back with a man representing your family to speak for you.' And the case of the widowed daughter-in-law who wants to go back to her parents – with the money from her late husband's life insurance – is solved with more respect for custom than for the new constitution. The revamped tribal council decides that she has to stay with her in-laws – after all, they paid her bride-price. 'We have our own constitution and settle things traditionally', says ex-Sowetan Godfrey Mogoatša.

As in Mamone, power relations in Madibong are still fluid, changing every day. Although there is a lot of daily contact between the elected and the tribal council, there is also competition. 'Wouldn't it be a good idea if the tribal council took over the work of the elected council here in Madibong?' someone suggests in one of the council meetings. 'The important thing is that, as the elected council, we get the control over land,' mayor Mafiri philosophises in turn. And both of them wonder whether or not it is a good thing that the chief has appointed one of his wives as tribal secretary.

Whatever the outcome is, chief Kgoloko will be less a part of it than before. In April 1999, two months before the country's general elections, the jovial leader called a meeting of the whole tribe. The large mass gasped in surprise when it heard his announcement: the traditional leader who once fought so violently against the comrades had decided to join the ANC, and the party had promptly

asked him to be a parliamentary candidate. He would move to Cape Town immediately after the elections, to defend the interests of the traditional leaders, but also of the people in Madibong. While he was away, Mrs Kgoloko, the candle-wife, would run the village together with the royal advisers.

Mayor Mafiri reacted resignedly to this surprising twist. 'It's ANC strategy to get the traditional leaders on board. Some comrades might be disappointed because they wanted such a job, but our time will come. And at least our chief is flexible.' Emily also saw advantages: 'Having the chief away in Cape Town will only be good. Without him trying to stop us, we the new tribal council can really get some things done around here.'

A DEMOCRATIC COMMUNITY?

A case in Hoepakranz

Mamone and Madibong might have chiefs, but they are also fast-developing areas. Some parts – Eenzaam, for example –may still follow the humdrum rhythm of rural life, but others have moved into the fast lane of development.

Hospitals are built, houses get electricity, a shopping centre is thrown together. In the government of these areas, the state is very much in evidence. It has installed the elected local council and it still pays the chiefs and the tribal administration.

But in the vast area which falls under the Greater Ngwaritsi Makhudu Thamaga local council, there are also communities so remote that councillors have never reached them, and chiefs go without government control. How democratic are these communities? And what role does traditional authority play there? To find out, we move high into the lush Leolo mountains, to a tiny village called Hoepakranz. A place where a seemingly trivial affair shook up the whole community.

February 1999. The morning in Hoepakranz, a tiny village high up in the lush Leolo mountains, starts like any other. The girls in the Nkosi homestead, who sleep huddled together on reed mats, get up at five to sweep the yard, get water at the river, or light the wood-fire for breakfast. Mother Nkosi strolls to the fields to get some fresh spinach to go with the morning meal of maize-porridge. Their loud shrieks filling the open space between the sleeping huts, the storage hut and the cooking hut, the smaller children continue last night's game of throwing a bean-bag at each other. A chicken scurries away. As the sun rises, the girls change into their school-uniforms, their black dresses invariably too small or large, but their blouses painstakingly ironed with a coal-heated flatiron.

At around eight, children start to trickle down from the surrounding mountains. Of various ages, they join a steady black-and-white stream of barefoot youth slipping adroitly over the tiny paths turned into slides by yesterday's rains. They pass the spread-out homesteads, old Mr Vilakazi herding cattle, the fields of maize and sorghum, and the village soccer field. The richer ones make a quick stop at Mr Choma's mini-shop, to buy a quarter loaf of bread for 75 cents. All pause at the stream to scoop up water in their yellow buckets so as to have

something to drink during the day. The old Tastic rice bags slung over their shoulders contain well-thumbed school-books with the subjects for the day – from Afrikaans poems to trigonometry. Close to the schools, the stream divides again: the younger kids into a stone building, the older ones into corrugated iron shacks. Just like any other day.

But then. Just before ten o'clock, Mpho Nkosi, at 21 the eldest daughter, rushes breathlessly into the yard. As she pops one breast out of her school dress to feed her daughter, and unthinkingly strokes the head of her four-year-old son, she tells their baby-sitter – her mother – of the commotion at Lobamba secondary school. 'The female teachers want to go on strike because they're not allowed to wear trousers! At two o'clock all the parents have to come to a meeting at the school to discuss this issue.' From ten to two – just enough time for the children who live furthest away to rush to their parents and come back with them. From the hills, the school-bell tolls – another sign that an important meeting is due.

The teachers' trousers

At two, the primary school is chock-full. The tiny stone building is the result of community effort, as are all the other small developments in this village, where, as they say in Jane Furse 'people live on the mountain like monkeys.' Not long ago, pupils would have to walk down for four hours, to arrive at the secondary school famished and exhausted. But in 1994 the community decided – as it had decades earlier with the primary school – to build a secondary school, and to pay for three of its teachers. Money, earned by the migrants in 'the white areas', or made selling thatch or beans, was scraped together to erect three corrugated iron shacks and to pay the teachers 500 Rand a month, one eighth of the official state salary.

So the school, and its teachers, are a community affair. The school might also well be the most important public space, the physical fruition of shared dreams and community solidarity. A place where local democracy takes shape in the form of debates over norms and values in issues concerning everyone's children, everyone's money, everyone's hopes for the future. To paraphrase Hillary Clinton,

raising a child does not only take a village, but can also make a village.

One reason why the school is the central public forum is because Hoepakranz does not have one traditional leader, but two contenders for that position. One of them, Abel Nkosi, has the right genealogy – his father was also chief. But the rival contender, Joseph Nkosi, claims that Abel's father left the throne during the Second World War, and that he is the rightful heir. To support this claim, he has a gun for threatening villagers and a tractor for buying them. Each contender has the support of about half of the village population. The government, on the other hand, recognises neither of them. A few years ago the two of them went to a government commission to ask for official recognition and the salary that came with it, but they have since heard nothing more about it.

With its two chiefs, Hoepakranz is far from unique: in the majority of areas in Sekhukhune there is more than one contender for the position of traditional authority. In some areas this is because the Apartheid government singled out someone for leadership because he was compliant, not because he was considered the rightful heir by the people. But just as often the reasons lie in the community politics, in which chieftaincy is still regarded as a popular position: brothers or cousins of chiefs putting themselves forward as contenders.

These women want to go on strike

Today, on the day of the great affair, both Hoepakranz chiefs have squeezed themselves onto the tiny school benches, where they listen intently to the speaker. 'This is a very serious issue,' the head of the School Governing Body explains to the parents, who are neatly divided into men on one side and women – their heads covered with scarves – on the other. 'The headmaster and Mr Suteka drew up a school policy in which they forbade female teachers to wear trousers. Now these women want to go on strike.' One of the first speakers is Joseph Nkosi, the forceful and brash contender for the chieftaincy. Female teachers who wear trousers solicit rape, is the gist of his lengthy argument. Tilly Nkosi, the headmaster's wife and the head of the pre-school, is the first to react. She remains seated, as women are supposed to, but argues forcefully. 'A woman should be able to wear what she wants. No one should ever get raped

because of what she wears.' Philip Vilakazi, the youthful and vocal leader of the ANC, is against the ban as well, but for different reasons. He waves a newspaper explaining the South African Schools Act: 'Why hasn't the community been involved in writing the school policy? This Act also says that something like that shouldn't be done by two people alone.'

The discussion gets more and more heated. The female teachers argue that they will dress modestly, but that they just want to do the same as their colleagues 'down in the plains'. The old Mr Manogo, head of the cultural dance group, is unconvinced. 'A teacher is a teacher and should be recognisable as such from a distance. Some people around here have read so much that they think they can bring funny policies into this school. But we will not allow that. If people say that we still follow Apartheid, then let it be so. We'd rather do that than be free and bring all sorts of funny policies into the school.' Most older men agree with him, but the women are divided. Why can't the teachers just promise that they'll wear long sleeves, one of them wonders. Another doesn't agree: 'Ladies who wear trousers are disrespectful, because they show every part of their body.'

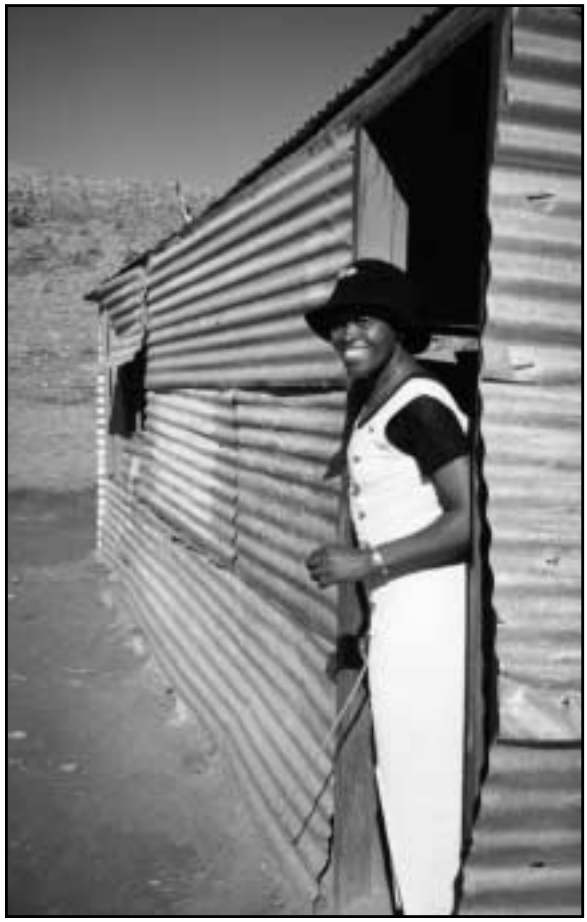
We will not allow that

Over-democratised and underdeveloped

The chairman tries to cool a few tempers. 'Let's have a break'. But on the rocks outside the school, overlooking the maize fields and the scattered homesteads, the heated discussions simply go on. Looking out over the gesticulating group, ANC leader Philip comments pensively: 'All the structures are there, we're only lacking the youth.'

Structures is the umbrella term for the diverse groups into which this tiny village is organised. Not only is there the School Governing Body, but also the Outcome Based Education Forum, the Hoepakranz Youth Development Organisation, the People of the Mountain Development Organisation, and the Community Policing Forum. Then there is an Electricity Committee, a Water Committee and a Roads Committee, the 'Let's Do It Ourselves' Development Committee, the Environment Project – not to mention such long-established structures as the three churches, the two traditional authorities, all sorts of savings clubs, and many more forums in which people meet, debate and try to improve their lives.

As a result, people in Hoepakranz have social agendas a New York yuppie would be proud of. Take the Nkosi household, for example – one of the many in the village to bear the same surname. Lindiwe practices with the traditional dance group, and has entered a modelling competition organised by the Hoepakranz



Youth Development Forum. Her sister Mpho goes to meetings of the ANC and the Students Representative Council. Mother Nkosi has her funeral savings society, the sowing club and another woman's club. Three times a week there are church meetings, some of which last the whole night, when high voices ring through the pitch-black valley and into the thatch huts. Then there's the father, Ruben: on the two weekends a year he returns from his job as a gravedigger in the 'white areas', he spends most of his time in meetings with the chief and his friends at the migrants' club.

One difference with city life is the rural rhythm at which all this takes place. Meetings start later if the weather is cold, and come to a halt during the harvest. In an urgent case, such as that of the teachers' trousers, it takes a few bangs on the school-bell, and villagers will put down their hoes, weaving machines or firewood, and walk up the mountain. Some meetings take place in one of the grassy valleys, with people absent-mindedly catching grasshoppers for supper.

Nonetheless, most meetings are highly formalised. In those meetings, issues such as 'roll call', 'chairman's remarks' and 'the way forward' are chalked on the school blackboard. It is always the same agenda, as most of the organisations have the same written constitution – a lengthy document, with headings like 'legal persona' and 'annual general meetings', and replete with heavy legalisms. This contrasts markedly with the ineffectiveness of many of the structures. After the members of the Electricity Committee, the Water Committee and the Clinic Committee had meticulously drawn up their constitution and sent out hand-written letters to the government and donors asking for the services in question, what usually followed was a long silence.

Thanks to the proliferation of structures, it is possible to debate development issues in a wide number of forums. Problems, too. The followers of one chief gather in front of his palace, on the special patch of grass fenced with

ragged branches. His rival simply places wooden benches under the peach tree in his yard. The Community Policing Forum, founded by the youth, tries cases in the shade of a large Marula tree in the centre of the village. Minor cases only, like that of the boys who stole chickens; after all, 'more important cases need the eyes and the ears of the chief.' When someone started stealing cows from the peaceful settlement a few years ago, a few villages joined Shepherds Against the Theft of Stock, and members of the Sekhukhune-wide organisation quickly caught the culprit.

The largest recent case, in which Mr Thokwane was accused of being a witch and of killing a villager by lightning, was discussed in the school grounds. In the Northern Province, belief in witchcraft is omnipresent, and on a yearly basis dozens of people get chased away or murdered as witches. In Hoepakranz the community hired a Shangaan diviner – known for miles around as the best for 'snuffing out' witches – who promptly singled out Mr Thokwane. The village youth burnt his house and his tractor (one of only two in the village) and chased him away. As a result, the state police made one of their rare trips up the mountain. Even now, five years later, villagers recall with relish how the policemen tried to push the young boys into their van and how the whole village offered to be locked up with them. 'In that case we really were together as a community,' Philip smiles.

Community solidarity is important to the young ANC leader, even if it means straying from his party's official anti-witchcraft policy. Philip is the chairperson of at least half the structures, the Great Organiser of the village, and thus another copy of that special breed of young boys one might call 'development brokers'; one of the few persons to link the remote village, where most of the older people can't read or write, with the faraway world of mayor Mafiri and donor organisations. It was Philip who officially launched the ANC in Hoepakranz, and visited each of the hundred homesteads spread out over the mountain to give people their membership cards. He organised a sports day for the youth. But most important of all, he arranged for the state old-age pensions to be paid out in the village. 'Comrades pensioners', he announced in the school to the frail group of disabled and nearsighted village seniors, 'the days that you

had to be carted down the mountain in a wheelbarrow for hours to get your 400 Rand a month are over.' While many of Philip's peers have moved down the mountain in search of work, he stays on. To develop the village, and maybe one day even to be elected to the local council, together with Mafiri.

The missing youngsters

The comment Philip made during the break in the meeting that 'all the structures are there, except for the youth', is indicative of a generational rift that prevails throughout Sekhukhune. Rural society is a society where, since time immemorial, youngsters have been expected to stay quiet and listen. Until they've been to initiation school, had their first baby or their first job.

This does not mean the young are powerless. Many a South African revolution has started in the schools. The movie Sarafina showed the whole world how kids in black-and-white school uniforms rose up in Soweto in 1976, throwing stones and burning cars. In Sekhukhune, it was the youth that rose up against the traditional authorities in the 1980s. In the controversy over the trousers, the youngsters reached for a traditional method to show discontent. For days to come, they were to be seen toyi-toyiing around the school, refusing to attend classes and protesting that they had not been heard in the issue.

However, this was one matter that was resolved by the structures in the cramped school building, and in a way that possibly says a lot about community democracy. Once the break was over, the heated discussion continued. ANC-leader Philip suggested a vote, but the contender for chieftaincy was dead against it. 'I'm saying this for the last time. Lady teachers should not wear trousers. I don't care about votes. There are a lot of youngsters in this village, and if we start voting they'll always outnumber us.' For once, his wiser and quieter opponent in the chieftaincy dispute nodded in agreement. And so the chairman wrapped up the meeting. The women teachers would not be allowed to wear trousers.

WHO REPRESENTS THE COMMUNITY?

The mine in Ga-Masha

'I have never had a meeting with this community which didn't nearly end in a fight.' Tiny Mankge of the Mineral and Energy Policy Centre shakes her braided hair as she reflects on the morning's meeting in Ga-Masha.

Like Hoepakranz, Ga-Masha is divided by a succession dispute between two rival chiefs. It also has civics which do not follow traditional authority at all. Which begs the question: who can represent the community in the outside world? A question that becomes all the more important when big money comes into the picture.

The meeting Tiny refers to had been intended for the Masha people to fill in forms to claim back land from which they were evicted decades earlier. She recalls how the run-down school simmered with tension between the civic organisations and the representatives of Mante Masha, the wife of the late chief, and one of the contenders for chieftaincy. And how the other contender, Johannes Masha, suddenly barged in, raging that he hadn't been invited, 'though a chief is the umbrella of the community and everything should go through him.'

Seated under a thorn tree after the meeting, a group of women had vehemently condemned Johannes' behaviour: 'this is a community affair, that chief had no right to be there.' Just as Tiny comments on this, she drives past the piece of land in question. In the terminology of the land registry office, Steelpoortdrift 365K is little more than a desert. Eroded hills, a few scattered cactuses and agaves fighting for survival; cracked red earth covered with large stones. No people live on the land behind the ramshackle bottle-store and tin houses that border the potholed road. And even the goats seem to prefer the tar road to the red sands. Of all the desolate areas in Sekhukhune, Steelpoortdrift 365K looks like the worst.

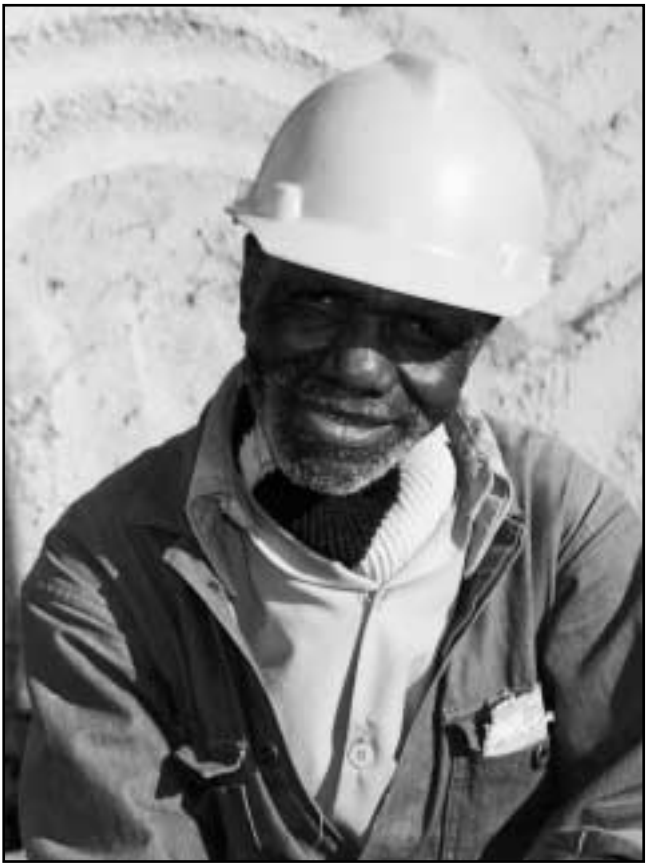
Nevertheless, the red sands carry more promise than most of the neighbouring areas. And it's precisely this possibility of finding precious minerals that made the former South African government decide to forcefully remove the Masha people to the other side of the road and to reserve the land for future prospecting. When the suspicions turned out to be true, the government sold the mineral rights.

Now the 'new South Africa' has arrived, the Masha people have lodged a land

restitution claim which will in all probability get them their land back – stripped of the mineral rights, but with a chance of profiting from the mining that will definitely start soon. Which is why days are filled with frantic negotiations between the NGOs, government, business and the people: the Mineral and Energy Policy Centre, the Land Claims Commission, Vantech Mining and the community. And in all the meetings the same problem seems to crop up. Who, exactly, constitutes the community? And who can represent it?

The miners

'We could easily have just entered that area and started mining', says Vantech-representative Marthinus van der Merwe. But his youth in Botswana taught the fresh-faced professional that this is not the way to operate in traditional authority areas. He is seated in the company boardroom, with the air-conditioning purring away. The presence of the secretary fielding calls underlines the air of efficiency one would expect from a Swiss-owned firm. But however economically one words it, the Masha-story is a long one to tell.



'We have the rights to mine in Steelpoortdrift 365K. But we decided to not just barge in and start work. Instead, we first went to the Masha village and asked for the chief. The villagers pointed us in the direction of that lady chief, Mante Masha. So we organised a meeting with her and her advisers, where I started by asking: 'If I'm Mr Matlala, and I want a piece of land in this village, where do I go?' To the chief, was the answer. 'Good,' I said, 'but now I'm Vantech and I want to mine in this area. What must I do?' So we agreed that we would buy out the few people living on that land, and that we would bring electricity and water and start a brick-making factory with the sand left over from the mining.'

Vantech also asked the Masha people to elect a fully representative

committee for the organisation to deal with. 'But when they came up with the names, we saw that the civics – the democratically-elected organisations in which you find many youngsters – were not represented. So we told them to go back and elect a new committee, and ended up signing an agreement with those people.' But then the trouble started. 'It turned out that there was that contender for chieftaincy, Johannes Masha, who felt left out. He accused us of blowing up the

graves of his ancestors while prospecting. But there is no way in which we could have done that. That guy is just trying to make a quick buck. Look at this letter in which he asks for R.150,000 to be put into his private account, and in which he threatens to contact a lawyer if we don't oblige!'

At present, Vantech is at loggerheads with the whole community; not only with Johannes' faction, but also with Mante's followers and the civics. 'The committee has now contacted a law firm in Johannesburg, Legalwise, that has advised them to claim the mineral rights with the land. And that is the one thing that is non-negotiable for us. We bought those rights and want to start exploiting there soon. We wouldn't mind paying the royalties to the tribe instead of to the state. Actually, it would be better for us because a tribe will always

Then the trouble started

have an attitude of 'gimme gimme gimme' and won't understand if money only goes to the state. But the rights are ours.'

Marthinus frowns. 'What we want to mine in Ga-Masha is vanadium, which is used to give buildings elasticity so that you don't get accidents like the one in Turkey. There's only a small world market for that and we can't afford too much trouble. If this goes on, we might pull out and go to Australia instead. And then there will be no jobs, no development, nothing.'

The candle-wife

In Ga-Masha, the land claim has only served to deepen long-standing rifts. 'This community has been split down the middle for years', say the boys of the civics, seated on empty crates in the general dealer's store. 'We're lame, there's nothing we can do together', says friendly, warm-eyed chieftainness Mante Masha from behind the satin flowerpiece on her dinnertable. 'My people are divided, some have lost their way,' complains her opponent Johannes Masha.

My people are divided

One of the reasons for these divisions lies in customary law. Or, to put it more bluntly, in Mante's refusal to sleep with Johannes. Mante is the candle-wife, which means that she comes from another royal family and that the whole tribe contributes to her bride-price. It is she, after all, who, amongst all the chief's wives, will bear the new chief. The candle-wife derives her name from Pedi tradition. When she first arrives, all the fires in a village are put out, and it is only after she has lit the fire in the royal palace that the villagers follow.

Mante was married to Johannes' older brother, the chief-to-be, in the late seventies. Unfortunately, he died before he could produce a heir. In Pedi tradition, it then becomes the task of one of the brothers 'to raise seed' with the candle-wife and produce a successor to the throne. Johannes volunteered, but Mante refused him. In the war that followed, Johannes organised buses full of migrants to try to expel her from the community, and his followers set fire to the royal palace. 'Applicant refused to come to me to have the child by me and chose to have nothing to do with me,' he stated as a reason in the court-case that followed. But the candle-wife also had her supporters, stayed on, and chose to live with one of the other members of the royal family instead.

The Sekhukhune youth revolt of the eighties tore Ga-Masha even further apart. On occasion, the slogans of those days still echo in the heated debates of the civics as they share a packet of chips on the floor of the general dealer's. 'The elected government should be above the traditional authorities, and those chiefs must stop asking money from us.' But there is more understanding: 'Before, the

older people thought that the youth were out for power. They didn't understand the new dispensation. But we called them and explained it to them, and now we often share ideas.'

It was the civics who organised the first meetings on the mining. The hand-written minutes show how this caused yet another cleavage in the community. 'This yoke will be too heavy for us. Our houses will be surrounded with heavy machines such as bulldozers, lorries, forklifts and cranes. It will be noisy, so that our children will not be able to study. And the place will become too dusty. People are not animals who can live in a cloud of dust,' one man feared. And when Johannes Masha remarked that 'this company is going to bring us vital things: jobs, infrastructure, a helping hand,' another opponent grumbled that 'the chief can talk as much as he likes but he cannot pump words into our mouth.'

The place will become too dusty

Nevertheless, today everyone realises that the mine will come on stream. But what will that mean for the community? Will there be jobs or will Vantech bring in people from other mines? Will the mining infrastructure really benefit the people? Will a world of bars and prostitutes arrive with the mines? All this still has to be negotiated. But by whom, is the big question. The boys of the civics are doubtful: 'Today, there are too many committees. There are two land claims committees and one mining committee. In some, there's more than one chief. In others, we're represented. And it's not sure who has the power to sign anything. Or who will get money if there's any going around.'

Ethnic entrepreneur

One person who definitely hopes to benefit is Johannes Masha. The jovial and youthful chief, who is lent a roguish air by the gaps between his teeth, has had a bottle-store and some other businesses, but now concentrates on making money from his position. He talks openly, his feet on the desk of the tribal office. Outside, a long line of half-naked girls with buckets on their heads walks by. They are in the process of being initiated, up in the mountains, and have only come down to get water. Parents often pay more than R.1,000 to the chief for their child's initiation. In the past, the mountain schools were only held every few years and were only for the local kids. But Johannes, like many other chiefs, has made it a yearly event during which anyone who pays can spend two months in a mountain hut to be taught about the tribal traditions and – in the case of the boys – to be circumcised.

Chiefs like Johannes might be called ethnic entrepreneurs: people trying to use their position for material benefit. His wooden desk is cluttered with files and letters. Most of the letters are to the lawyers and the provincial Department of

Traditional Affairs; they concern his feud with Mante. 'The government should decide in this case, recognise me as the real chief, and start paying me a salary like all the others. In the past chiefs would physically fight about these things, but now they should be solved through the courts.' The files nearly all have 'land claims' scribbled on them. Johannes single-handedly filed claims for nearly all the areas around Ga-Masha. That is why he is so angry about his allegation that the Land Claims Commission bypasses him, and instead negotiates directly with his people

on the restitution of Steelpoortdrift. 'It is my land that will be given back to my people. The Land Claims Commission and Vantech should realise that.'

The government's Land Claims Commission, however, has a somewhat different perspective. Its representative in the Masha case, Tony Harding, can get furious when he discusses Johannes' claim. 'That guy wants to abuse the restitution process for his personal gain. A lot of chiefs do that: they try to claim land, and think that they'll get more power in doing so. But we won't play along. We work with communities. If land is given back to a community, we ask them to form a democratic Communal Property Association. This Association has to be representative and have enough women in it, otherwise we just don't give the land back to those people.'

The red-haired official has spent at least as much time in traditional authority areas as the Afrikaner Marthinus van der Merwe. Nevertheless, he has completely different ideas about chieftaincy. 'Most of these traditional authorities are constructions of colonial rule. Those chiefs were appointed by the Apartheid government, as collaborators. If people wanted to buy a plot of land in the past they had to organise themselves as a tribe, even if that meant pushing an ordinary guy forward as their chief, because that was the only system that the government recognised for black people. It's all false consciousness. And there's no way in which we are going to perpetuate past systems.' Nevertheless, he admits, it is difficult getting that message through to the people the Land Claims Commission works with. 'Many of the communities start by pushing their chief forward as the head of the Communal Property Association, and furthermore by electing men only in it. It often takes a few meetings and a lot of persuasion to get them to elect a more representative committee.'

Those chiefs were appointed by the Apartheid government

The wisdom of the resolve with which the Land Claims Commission tries to keep the traditional authorities out of the land claims process – 'that chief can claim an individual plot, for himself,' says Tony – can be doubted. False consciousness or not, 80% of the people in Sekhukhune say that they support a chief. Even in a polarised area like Ga-Masha, the traditional authority forms an inalienable part of local politics. People might not agree on whether the chief should be Mante or Johannes. Neither might they agree on what the chief should do – the civics would like him to have ceremonial functions only, while many older people think he should be responsible for all local government functions. But they do agree on the importance of having a chief, 'without whom we would be like leaves blowing in the wind.'

In that sense Vantech-representative Marthinus van der Merwe was right when he said: 'It's a massive mistake if land affairs don't involve the traditional authorities. If there is a conflict among the tribal people, you'll never get your business done. There was a lot of good in the old tribal systems, but they were polluted under Apartheid. Now you slowly see people moving back to their roots. They seem to say "we as blacks are a proud nation and we are going back to our culture." I can't see South Africa moving away from traditional authorities; the best solution would be a new kind of traditional authority, with the civics on board. We as companies can support that: helping people to take the best of the old, but also of the new.'

Conclusion

THE CHALLENGE OF CHANGING TRADITION

'We must now go back to our roots,' a Mamone villager said after the exuberant festivities that accompanied the inauguration of a new chief. His words are echoed at the national level. Policy-makers, politicians, the press and the president herald the advent of an African Renaissance, of a revival of those norms and values deemed African. But what is tradition, what is African? As the Eastern Cape premier recently put it, in typical policy-speak: 'Traditional leaders should assist us by defining the phase in history which they see as a benchmark for what traditional authority should be'.

In discussing what the role of traditional authority in democracy should be, it is advisable first to take a step back and analyse what traditional authority is today. A booklet like this, designed to tell stories from everyday life, to recount events characteristic of the changing times, can never claim to offer a complete answer to that question.

Be that as it may, the differences between 'traditional authority areas' often seem to defy either classification or generalisation. Chieftaincies may be backdrops like Hoepakranz, or veritable nations like Mamone. In some, development is rapid, where it constantly reshapes local life. In others, little – far too little – has changed over the past years. And then there are all those different local political constellations. Whether a village has strong civic organisations and powerless chiefs, or precisely the opposite; whether or not there are specific succession disputes; whether there is a lot of contact between chiefs and elected councillors, or none at all: like local DNA, these factors shape specific political settings.

Still, there are also similarities in the scenes from Sekhukhune – the heated discussions under the Mamone thorn tree, the revamping of the tribal council in Madibong, the housing project revolt in Eenzaam, the affair of the teachers' trousers in Hoepakranz, and the conflict over the Ga-Masha mine. Similarities highlighting aspects of local life which should not be overlooked in the discussion on traditional authority and democracy. So let's have a look at some of these parallels.

The tenacity of tradition

'Without a traditional leader we are like leaves flowing free in the wind', 'communities are communities because they have chiefs': the majority of the villagers in Sekhukhune are very clear about their support for the institution of traditional leadership. They may not like a particular chief, or feel that he is not doing his job. But they certainly feel that the institution is part of their identity. To repeat the words of the Mamone schoolteacher: 'all our customs and traditions are enshrined in traditional authority.'

This support does not seem to have dwindled with the dawning of democracy. There are two reasons for this. The first often pops up in policy debates. It is the continued practical support the government gives the institution. Salaries keep flowing, and just before the 1998 elections they were even increased. The tribal offices, tribal secretaries and tribal cars are also still maintained by the government, as are the old Apartheid laws that give the traditional leaders a variety of functions. And now there is the new constitution, which also recognises the 'status, role and position' of traditional leaders. And there is also the government's slowness in deciding what this role should be, which just compounds support for the patterns of the past.

The focus on this 'bureaucratisation of tradition', the way in which chieftaincy receives support from outside forces, has often meant that the second reason for this continued support is overlooked. This is a reason which is internal, and concerns the attractions that are apparently inherent to the institution. The majority of rural people in Sekhukhune support traditional leadership. Scientists may argue about whether this support is 'primordial' – part of the identity of the people concerned – or 'instrumental' – considered by many people to be a viable way to better day-to-day life. Both points of view are probably right. But support it is.

What is interesting in places like Mamone is how democratisation seems to have led to a revival of tradition. This is not as contradictory as it might seem. Often it is precisely in contact with new worlds, new freedoms, that people go back to their roots. The migrant workers who toil in the Johannesburg mines are one example. They liven up life in the industrial towns by carrying out traditional dances. Again, tradition is a tricky term: the migrants would never do those dances at home, and often invent many of them. But in the drab hostels, far away from home, they provide a sense of oneness. Of security in changing times.

The anatomy of democracy

For times are certainly changing. In Sekhukhune, Thobela FM broadcasts heated discussions about the position of women, the new constitution, the elected local

councils – when there is money to buy batteries for the 1950s gumba-gumba radios, that is. The tribal council in Madibong now has women who join in dispute settlement and development debates. And in Mamone the Commission on the Tribal Constitution is working on the codification of a new customary law.

Women are often kept out of these meetings

But how democratic does that make these communities? The scenes from this book allow us to roughly outline an 'anatomy of democracy' for those areas where there are traditional and democratic authorities. If the ability to debate one's destiny can be regarded as essential to democracy, these areas are highly democratised. Structures abound: village development councils, electricity forums, tribal council meetings. Within the villages, it is a participatory instead of a representative democracy. A large proportion of the villagers can, and do, partake in discussions, whether these discussions are a computer project in Mamone or about a new school in Hoepakranz.

A lot of this debate takes place at the level of the traditional authority, under the thorn tree or in the tribal council. If one takes participation as a yardstick for democracy, this means that the traditional administration might often be more democratic than the municipal councils, which may well be elected in free elections, but then have to oversee enormous areas and have no obligation to meet with their people. Until, of course, the next elections near.

But even under the thorn tree the participation is only limited. Women are often kept out of these meetings, as are the youth, who often constitute the greater part of the population. There are many attempts to change this, whether locally-driven or under outside influence. In Ga-Matlala, for instance, close to Mamone, women's organisations have forced the village elders to grant them their own place under the thorn tree. In the discussions it is – strikingly – often the women themselves who shy

away from change, quoting old sayings such as 'when a woman leads, chaos reigns.' Sometimes it takes alternative forums, such as the civic organisations, to free the voices of the women and the youth. And, even in the traditional structures, participation has its limits. All those present can voice their opinion, stand up, straighten their jackets and talk for hours. But in the end it is often the traditional authority who has the last word.

It is this combination of autocracy and democracy, participation and exclusion, this rural anatomy that governmental and non-governmental organisations should keep in mind when designing development projects, drawing up policies, seeking to involve the whole rural population. So that they don't bypass existing forums – the traditional councils, for example – but also explicitly try to involve those such as women and the young who are so often left out. For these groups are the only ones who can bring about change in local governance.

Participation and exclusion

The legal uncertainty

In gathering information for its policy documents, the Department of Traditional Affairs has great difficulty in finding all the laws that apply to traditional authority. There are piles and piles of laws and regulations, which, as the years have gone by, have been passed in dozens by the Apartheid government, by the former homelands, by the new provinces and by the new national government. But in libraries many of them go missing, and the people who are supposed to work with them often only have faded, incomplete versions. Anyone who succeeded in painstakingly amassing all the laws that apply to traditional leadership and its role in land use, local government and customary law would immediately be struck by the inconsistencies between them. So many functions ascribed to traditional authorities as well as to local governments; so many versions of customary law, and of what customary courts can do.

Within the whole hodgepodge of overlapping legislation, land law sticks out. The housing project in Eenzaam is only one of the many projects that might not get under way because of the lack of clarity about who can dispose of land. While there are still laws which state that land allocation lies with the traditional authorities, they overlap with other laws that give local government the power to set land development objectives. In 1998, a lot of publicity was given to the government's plans for a Land Rights Bill, which proposed to transfer rural land from government ownership back to the people. At that time, the idea was to let these people themselves choose whether they wanted to own this land individually, by means of a democratic Communal Property Association or as a 'tribe'. After all this publicity, the traditional leaders lobbied so vehemently against

the bill – which they saw as a Eurocentric attack on one of their most vital powers – that the government withdrew it.

To let chaos reign.

For – especially in such fast-developing areas as Mamone and Madibong – land is quickly becoming a tradable commodity. The piece of land for the shopping centre in Jane Furse, or even for the houses around it, was 'sold' for large amounts of money, even though the titles to the land were insecure. This insecurity stems not only from the fact that a land title only represents a 'permission to occupy', or, as some people joke, a permission to lose. At the same time, the legal chaos stops other investors, who are scared that their investments will be at the mercy of a capricious chief.

Or of several capricious chiefs. For the increased profitability of allocating land inspires all kinds of people to step forward with the assertion that they are traditional leaders or headmen. Of course, succession disputes have always been a part of traditional politics; there have always been jealous brothers, zealous uncles, or simply opportunistic pretenders to the throne. And conflicts of this type were worsened by the fact that, rather than appointing the 'rightful' candidates as traditional leaders, the Apartheid and homeland governments often appointed their own favourites. But, now that traditional authority perks such as land allocation have become so lucrative, these conflicts seem not only to have been exacerbated, but also to have multiplied.

Land is becoming a tradable commodity

The lameness of local government

The land allocation issue is also central to determining the relationship between traditional authorities and elected local governments. On paper, the elected municipalities are responsible for development in their areas. But the traditional authorities have the power to give out land, and in that capacity they can keep municipalities hostage, together with all their plans for hospitals, housing projects or roads. As a result, these projects often end up failing, caught up in the tangle of local power politics.

And these power politics are also determined by the differences in government support for the traditional authorities and for the rural local governments. On the one hand, the government propagates a system of elected local government. But on the other, traditional authorities get larger salaries and more facilities than their elected counterparts in the rural areas. The Greater Ngwaritsi Makhudu Thamaga local government described above is generally regarded as one of the most successful local governments in the country. Still, it works from a tiny office and has nothing like the resources necessary to co-ordinating and

initiating development in the huge area it controls. The councillors' salaries are a fraction of those of the traditional leaders, which might explain the persistent stories about corruption in the council.

More than five years into the 'new South Africa', the government has not managed to come up with consistent guidelines on the role (as stipulated by the constitution) of traditional authority at the local level. Formally, a representation of traditional leaders should be allowed to participate in local council meetings. In practice, in this local government, as in many others, this never happens.

Nevertheless, the Madibong example shows us that local democracy and traditional authority do not have to be antagonists. Tribal councils can be reformed to include women, youth and more progressive voices. And if they establish good working relations with the local governments, they can act as their counterparts in the villages – counterparts that are direly needed due to the large areas that fall under one elected local government. They can act as village representatives of this local government. They can mobilise people, carry out duties, assess local needs.

In rural areas such as the ones described here, it is unlikely that the government will ever be able to work around traditional authority structures, just as it cannot ignore the civics, women's groups or other structures. Any development project started will have to include all these parties, and take account of local dynamics. What the government can do, of course, is identify democratic elements and support and strengthen them – and, in addition, reinforce the rural municipalities so that all the talk about their failure does not become a self-fulfilling prophecy.

Tribal councils can be reformed

Allowing for custom to change

In South Africa today, there is a big difference between living law and the customary law recognised by the state. The shape of official customary law is largely the product of the way in which it was recognised under Apartheid, whose cornerstone was the reinforcement of difference. At that time, recognition of some traditional practices and the addition of new functions led to a bureaucratic chieftaincy and a frozen customary law. This process was not entirely top-down; rather, it was the result of a dialogue between Apartheid policy makers and village elders. Government anthropologists would visit rural villages, call together a group of village elders and ask their ideas on customary law and governance. Not surprisingly, a patriarchal version of customary law was codified that enshrined a significant role for older men.

There is a danger of the same thing happening in the new South Africa. The

debate on the future of traditional law and administration sometimes seems to assume the shape of an hour-glass: the traditional leaders are the narrow opening through which trickles information on what happens in the rural areas. Gate-keepers with an information monopoly. They are sent questionnaires on customary law, they speak at conferences, and are given ample opportunity to paint a picture of life in the rural areas that is often more conservative and patriarchal than in reality.

Because government can define customs, there is a danger that, once again, it will freeze tradition. Take the example of a discussion with a government anthropologist that took place in early 1998. The state has anthropologists who recommend to the provincial premier – the one whose duty it is to officially appoint chiefs – whether the person put forward by a community should indeed be appointed. The anthropologist, Shangaan herself, told of the three cases at hand of tribes who had indicated that they wanted a particular woman as their new chief. 'A woman, can you believe it,' she said, as she pointed at a pile of old anthropological books written by Afrikaners in the fifties: 'all these books say that this is not the tradition of these people. Of course, I'm going to recommend that the premier discard these nominations. What would come of tradition if we accepted such claims?'

Through such day-to-day interactions, the more conservative factions in communities are strengthened. All of the villages visited above have both progressive and traditionalist factions. Traditional authorities, elected structures, men, women, youth. By supporting or enforcing the claim of certain factions, the government – and other outside forces such as development agencies – can hamper more progressive forces. In other words, the direction of customary law and administration are determined by the way in which the government recognises them.

The importance of information

Instead of an hourglass, it would be better if information between the rural areas and the policy makers flowed freely. Such a dialogue would work two ways: not only to inform policy-makers and politicians on rural realities, but also to provide rural communities with the information on democracy and the constitution that is necessary to supporting change.

'Could you please tell us which laws we must apply? We're just doing things, but we do not know if they are right,' say the tribal councillors of villages like Ga-Maphopha, Madibaneng and Madibong. Such traditional institutions as the customary courts and their chiefs have often been praised for their flexibility, for their capacity to adapt to change. The consequences of democracy are debated,

localised, under many a thorn tree, in many a rickety tribal office, and inside many a clay homestead.

Projects which try to hook into these local debates are often very successful: weekly radio programmes on the changing laws; the spread, in certain areas, of the new constitution – in Sepedi; women's groups which try to sensitise tribal councils to gender issues; university students who, through 'street law' programmes, go out and discuss the new dispensation with village elders. Such programmes, which successfully combine respect for rural values and procedures with a desire to allow rural people to share in the changes taking place in the rest of South Africa, often have a very high impact.

Which laws must we apply?

Tradition and democracy. The two are often presented as opposites, whereas, in so many areas, as in Sekhukhune, traditional governance at least lets part of the village population participate in planning its future. And there are vehement discussions about allowing others – women, youngsters – access to the shade under the thorn tree, and thus into the tribal council, so that they, too, can talk along. Discussions on changing customs in order to bring them into line with the constitution.

Because it is only recognition of its potential for change that shows real respect for traditional authority. In that sense 'the challenge of changing tradition' is a theme that runs through all the scenes from Sekhukhune. A challenge to bring tradition and modern democracy together that has been picked up by many progressive forces in many remote and dusty villages. Forces that await support from the government.

Glossary

ANC: African National Congress (South Africa's majority party).

Communal property: Owned by a community, as opposed to an individual.

Homeland: Creations of the Apartheid government as part of the ideology of separate development. There were ten homelands, many of which were never recognised in the outside world.

Municipal Structures Act (117/1998): 1998 law setting out the main features of local government.

Pre-1994 laws: In order not to create a legal vacuum, it was decided that laws from before 1994 – the advent of democracy in South Africa – would continue to apply if they were not in conflict with the constitution.

Rand: South African currency. The value of 1 Rand is approximately $ 0.15, or NLG 0.34.

Recognition of Customary Marriages Act (120/1998): 1998 law which puts traditional marriages, including bride-price and polygamy, on a par with civil marriages.

White Paper: Policy document containing official government policy.

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