CHAPTER THREE

CHIEFS AND DEMOCRATIC TRANSITION IN TSHIVHASE

We are not fighting with the government. We only want to help our government with the issues affecting us as Chiefs which is part of the African Renaissance.[27]

These efforts are part of our vision of the African Renaissance, to construct a progressive African state with a democratic form that is indigenous to our land and our continent. We will therefore spare no effort to ensure that in the deracialising and democratisation of local government, we take traditional leaders along with us.[28]

3.1 Introduction

In the preceding chapter, I examined the role and predicament of chiefs in Venda during the pre-colonial, colonial and apartheid era. This provided the reader with a historical background to the transformations that chiefs and the masses in Venda experienced until 1994. In this chapter, I will explore the changes that have taken place in Venda since 1994, particularly in the Tshivhase area where I did my fieldwork. In this respect, I am interested in the following specific questions: What has changed since the collapse of apartheid? What has brought about the changes? Who are the 'new' political actors? Who claims what legitimacy, who is persuaded and why?

In order to answer the above questions, I have divided this chapter into three broad sections. First, I examine some of the important policies that have dealt with the role of chiefs in the new democratic dispensation. It should be emphasised that there is need to understand the prevailing policy frameworks because it helps one to appreciate the processes that are taking place on the ground. Next, I consider the changes that have taken place in the past seven years since the introduction of democratic local government and how the different political actors have interpreted

[27] Chief Kutama, Chairperson of the Traditional Leaders in Limpopo Province. http://www.zoutnet.co.za/archive/2001/March/2nd/newsmarch2.asp?stoNum=21.
[28] Speech by Ngoaka Ramatlhodi, Premier of the Limpopo Province, at the Provincial Conference of CONTRALESA on the 11 November 2000.

these changes. It is in this section that I will address the various claims for legitimacy by different political actors. The last section deals with the relationship between chiefs in Tshivhase and their subjects and the factors that have shaped this relationship.

3.2 Chiefs and Policy Framework in Postcolonial South Africa

Thus I begin with the policies and how these have shaped the relationship between chiefs and the postcolonial state, particularly with local government. The general assumption is that the postcolonial state has sidelined chiefs from national politics although chiefs anticipated a more substantial role for themselves in the post-apartheid context. This view brings back into focus the predictions about the incompatibility of chiefs and democracy and the assumption that current legislation in South Africa tends to advocate this (cf. Maloka 1996). One of the reasons for this so-called 'marginalisation' is the assumption that the ANC's good performance in past elections and its consolidation of power mean it is 'more confident that it could win on its own without cumbersome alliances with traditional leaders' (van Kessel and Oomen 1997:584).

My analyses point to two specific categories of legislation that deals with chiefs. These are on the one hand, those that focus on the role of chiefs vis à vis the postcolonial state and on the other hand those that address the relationship between chiefs and local government. In this connection there is some consensus that the 1993 interim Constitution was friendlier to chiefs than the 1996 Constitution is. This 'friendliness' is attributed to the influential role that CONTRALESA played at the Convention for a Democratic South Africa (CODESA) talks and eventually the drawing up of the interim constitution. The 1993 interim Constitution for instance recognised the important role that chiefs could play in the nation-building project of the post-apartheid era and provided for the formation of Houses of Chiefs. Section 183 provided for the establishment of provincial Houses of Traditional Leaders with the functions of advising provincial legislatures on matters dealing with Traditional Authorities, indigenous law and the customs and traditions of traditional communities. Furthermore, Section 184 of the 1993 Constitution talked of the establishment of a Council of Traditional Leaders with the role of advising national government on

matters pertaining to Traditional Authorities, indigenous law and the customs and traditions of ethnic communities.

By December 1996, four provinces had successfully established their own Houses of Chiefs although the Eastern Cape had difficulties establishing its House due to conflicts between chiefs and the civics (van Kessel and Oomen 1997:574; Maloka 1995:35; Bank and Southall 1996). Similarly, the Limpopo Province was deadlocked in debate on basic issues about representation in the House. This is because the Limpopo Province has over 300 chiefs, with a majority of them coming from the former Lebowa homeland. Thus there was a debate over what form of representation best suited the numerous chiefs from the former homelands in the province.

As regards policies concerning chiefs and the state, the National House of Traditional Leaders was eventually established and launched on the 18 April 1997 in Parliament following the National House of Traditional Leaders Act of 1997. According to this Act, the National House is expected to 'promote the role of traditional leadership within a democratic constitutional dispensation'. But critics of this legislation have pointed out that neither the Act nor the 1996 Constitution places an obligation on Parliament to refer any legislation to the National House (du Plessis and Scheepers 1999:16).

The second set of policies regarding chiefs in the new South Africa deals with the relations between democratic local government and traditional authorities. These policies date back to 1993 and even earlier when most of the apartheid laws were repealed and discussions towards a democratic South Africa begun. The Local Government Transition Act No 209 of 1993 ironically excluded chiefs from effective participation in local government. This Act betrayed the advances that the interim Constitution had made to chiefs regarding their role in the postcolonial context. Actually, the Act considered chiefs simply as stakeholders (special interest groups), the same as farm owners, farm workers, women, civic associations and any other parties interested in democratic local government (cf. Ntsebeza, 1998). Chiefs were definitely angered by this legislation and until today, still perceive themselves as betrayed by the ruling ANC.

It was against this background that when the local government election was scheduled for November 1995, CONTRALESA called for its boycott. Chiefs threatened that they would not only boycott the election but would also prevent it from being held in their rural communities until the government was ready to reform the Local Government Act of 1993 and redefine the role of traditional rulers in local government. The ANC perceived these threats by chiefs as unjustified. The ANC interpreted this move by chiefs as an obstacle to the consolidation of its democratic gains.[29] Eventually, however, the election took place without any major problems. The outcome was the establishment of Transitional Local Councils (TLCs) throughout the country. Although the 1993 legislation emphasised that the jurisdiction of TLCs would include the territories ruled by Tribal Authorities, it was acknowledged that effective governance of such territories would have to be a gradual process.

Soon after the democratisation of local government had begun, the final Constitution was enacted in 1996. Many chiefs talk of the Constitution with much contempt, for several reasons. First, the section devoted to chiefs (Chapter 12) is the shortest part in the Constitution. Such brevity, chiefs contend, is a demonstration of the government's nonchalance towards them. Chapter 12 of the Constitution also emphasises that the role of chiefs is restricted to 'custom' and 'tradition', although it fails to define what precisely it means by these terms. Finally, the Constitution maintains that future legislation on chiefs shall be provided by provincial and national government. Since then, however, not much has been done to address the role of chiefs except in the *White Paper on Local Government* (as will be seen shortly). The government is currently busy with the *White Paper on Traditional Leaders and Institutions*[30], but many chiefs in Tshivhase hold that it is unlikely that the government will change its approach towards them.

The *White Paper on Local Government* published in 1998 by the Department of

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[29] 'The ANC denounces the call by Contralesa President and ANC MP Phatekile Holomisa for a boycott of the local government elections on 1 November. The call has the effect of denying citizens in the rural areas of their right to vote and shape their own future, and is contrary to everything the ANC stands for.' (ANC Press Statement, signed by Cyril Ramaphosa, Secretary General, ANC, 30 October 1995). www.anc.org.za

[30] In this connection the Department of Provincial and Local Government published in October 2002, a *Draft White Paper on Traditional Leadership and Governance.* It is expected that the final White Paper will be published later in 2003.

Provincial and Local Government, endeavoured to address a few issues regarding the role of chiefs in local government. The policy document recognised the fact that there are huge tensions between Tribal Authorities and the new local councils owing to the fact that most of the functions that have been assigned to the new municipal authorities tend to overlap with those performed by the chiefs during the apartheid period. It is against this background that chiefs perceive the new municipal authorities not as partners or collaborators, but as rivals and usurpers. Although this may be the case, the *White Paper on Local Government* has identified three specific functions that chiefs perform and which do not conflict with those performed by the new municipal authorities. These functions are:

- Acting as head of the traditional authority, and as such exercising limited legislative powers and certain executive and administrative powers.
- Presiding over customary courts and maintaining law and order.
- Consulting with traditional communities through imbizo/lekgotla.

But critics of the *White Paper on Local Government* have pointed out that the document does not make any provisions that include traditional rulers in discussions towards the establishment of boundaries between municipal council areas and tribal territories.[31] This omission has led to a degree of arbitrariness regarding the nature of boundary setting between tribal land (communal space) and municipal territories (private space). Later in this chapter I will show how this arbitrariness was played out in Tshivhase, and the sort of conflicts that have arisen in consequence.

Despite the above shortcoming, the *White Paper on Local Government* proposes a co-operative model of rural local government in accordance with the South African Constitution of 1996. The White Paper 'proposes that elected local government in areas falling under traditional leadership be constituted in such a manner that traditional leaders will be represented and have a role to play. Their role will include attending and participating in the meetings of the municipal councils and advising them on the needs and interests of their communities.' This is similar to the 'mixed government' approach advocated by Sklar (1994), the prospects of which were considered in the South African

[31] Roca Report No. 133. 1995

context by Bank & Southall (1996). Mixed government according to Bank and Southall refers to 'co-operative interaction among distinct and relatively autonomous governmental institutions' (ibid. 407). Given the prevailing socio-economic circumstances in most rural areas and the disaffection that chiefs have for the new municipal authorities, it is worthy to ask if 'mixed government' in Tshivhase is in any real existence.

Having examined the evolution of national policy on chiefs since the collapse of the apartheid regime, I wish to proceed by exploring how these policies affected chiefs and their rural communities. To this end, I will consider the particular case of Tshivhase as already indicated.

Following the local council election of 1995, in which the ANC registered a massive victory in the Limpopo Province, an ANC-controlled Transitional Local Council (TLC) was established in Sibasa (it was later transferred to Thohoyandou). The TLC was charged with the overall administration and development of its municipal areas. This entailed *inter alia*, the delivery of services and the maintenance of roads. The advent of democratic local government was perceived as a welcome solution by all and sundry especially the rural people who had been excluded from council services during the homeland period. The democratisation of local government therefore was also interpreted as a democratisation of citizenship for all South Africans. It was in this light that the newly established TLC was extremely popular among urban and rural populations, even though the chiefs saw them as rivals.

A Municipal Demarcation Board was also established at the same time as the TLC. This Board was charged with drawing up new boundaries between tribal and municipal lands. The Board was also charged with the demarcation of 'stands' in urban and rural areas although chiefs strongly opposed what they perceived as the Board's encroachment into tribal lands. This became evident when the TLC and the Demarcation Board began interfering with the administration of land in rural areas, as will be seen shortly. Many of the new council members assumed that chiefs had no role in the new democratic dispensation and therefore saw it as incumbent on themselves to take over the management of rural affairs especially in matters of land. It is important to point out that this assumption among the new council authorities was not completely unfounded given

the local government policy of the era, which perceived chiefs simply as a special interest group, similar to civics and property owners. It was against this background that Chief Tshivhase insisted to me that:

> The Transitional Local Council did not understand [democracy] because they thought their goal was to replace chieftaincy in our area. That is why we had to sit down and discuss the matter by stressing that the government did not have the intention of doing away with chieftaincy, but that we must work together. (Interview with Chief Tshivhase on the 21st May 2001)

When I talked to the Executive Mayor of the Vhembe District Council[32] based in Thohoyandou, he revealed to me that the prevailing assumption was completely in consonance with the spirit of that era. He contends that a wave of unprecedented euphoria characterised the advent of democratic local government, and that the TLC and rural civic associations believed strongly that it was the most appropriate time to replace chiefs and chieftaincy with 'peoples' power'.

> First of all, the chiefs had the impression that the transitional local government was eroding their powers. They noticed that the TLC was taking away their powers and consequently they would be left to live like ordinary people without any authority. This also meant losing their salary, which was their main source of livelihood, but my impression was that the TLC's approach was premature. They didn't have the information; they didn't even know the direction to which transitional local government was going. There was a lot of ignorance on the part of the councillors and officials…. In our situation for example, municipalities were new institutions amongst black people because they didn't know them. Previously, we had the traditional authorities, which were governing the rural people, so after the 1994 election, everybody was excited, everybody had power, everybody wanted to impress everybody else that 'away with apartheid and the chiefs'. The chiefs were stigmatised as collaborators of the apartheid regime, hence, they were undermined since the councillors thought this was a time to revenge, to take over the institutions from the previous authorities. (Interviewed on the 16 July 2001 at Thohoyandou).

We see from the above that while the TLC was very popular with most rural dwellers and civic associations, traditional authorities rightly felt threatened by the new

[32] Each District Council consists of several municipalities, collectively controlled by an Executive Mayor. The Vhembe District Council consists of the Thohoyandou TLC among others.

councillors. Another key informant, the Chairman of the Tshivhase Territorial Authority expressed the anxiety of the chiefs in the following way:

> They [municipal council] are the ones who want to take away our functions, but we have said no. They rather prefer that we should remain with those customs and rituals but we wouldn't accept that. If they take those functions from us, what are we going to do with the community, with the people under our rule? The people listen to us and whatever we are doing, they understand us better than those elected by the people. (Interviewed on the 25th May 2001 at Ngudza).

As much as the ideas of local government and service delivery sounded very appealing and lofty to the rural masses, it soon became obvious that delivery could be provided only to those who could afford and were willing to pay for the services. This 'obvious truth' belied the expectations of many rural dwellers who anticipated that the advent of freedom and democracy would entail the free availability of services. It was against this background that many rural dwellers became disillusioned when the TLC set the monthly delivery charge at R12 per person. The contradiction in this case was that the TLC introduced the 'rates' with the intention of raising money for services, but no services had been delivered. In other words, people were expected to pay for services they had not consumed. The fact that the TLC wanted to raise money in order to deliver services at a later period raised many questions among the rural populations who felt they might wait for a very long time (if not indefinitely) before enjoying the services they had paid for. It was against this background that municipal council authorities were accused of corruption given the fact that some people in other Venda chiefdoms had paid the rates but had not consumed any services in return. Furthermore the civic members were angered by the fact that the TLC did not consult with them before arriving at the price of R12.

Many people were also displeased by the fact that the local government was charging exorbitant fees in order to demarcate land for the rural masses. These developments resulted in the local council losing its claim to legitimacy in the eyes of the rural people, particularly among the civics who had hailed the introduction of democratic local government as a welcome alternative to chiefs. This contest offered space for some chiefs to make new claims for legitimacy by exploiting the weaknesses of the local

council. Not all chiefs have been successful in this respect because some chiefs remain tainted by their past involvement in the structures of apartheid. Among those that have gained prominence is Chief Tshivhase whose experiences provide an example of the way in which the new game is played in the neo-liberal context.

3.3 Chief Tshivhase and Democratic Change

Chief Tshivhase makes two principal claims for legitimacy in the new dispensation. First he claims to be the rightful heir to the throne of the Tshivhase chiefdom, and second, he asserts that he is a protector of the rural poor against the market forces propagated by the local council. Although both claims have been accepted by a large proportion of the rural population, I will dwell on the second which deals with the more substantive issue about post-apartheid politics in Venda. In this respect it should be pointed out that Chief Tshivhase has successfully straddled his positions as both traditional ruler and ANC politician in order to enhance his dominance both at the regional and national levels. He has achieved this through various means, but here I will emphasis three key areas of his influence. The first is that as an *innovator,* Chief Tshivhase made use of the Tshivhase Territorial Council to extend his legitimacy to the other chiefs under him and to counter the policies of the local government. Second, he introduced the Tshivhase Development Trust as an alternative arm of development in the chiefdom thereby assimilating and propagating the official discourse of 'development', which is prominent in ruling ANC circles (cf. White Paper on Local Government 1998). Last, he co-opted civic organisations in his chiefdom and harmonised the relationship between traditional rulers and these new forces along the lines of 'peoples' power'. This could be perceived as a means of ensuring a support base for himself among rural dwellers, including civic members, in and around his chiefdom.

I will begin by describing some of the changes he introduced through the Tshivhase Territorial Council (hereafter the TTC). In this connection I wish to emphasise two things; that some of the changes as seen below were in direct response to the actions of the local councils and as a result of Chief Tshivhase's personal dynamism. I will begin by describing my first encounter at the TTC in May 2001.

The TTC held its meetings every Thursday morning at the headquarters in Mukumbani. On my first day of attendance at its deliberations, I was welcomed by the chairman and allocated a seat. The meeting officially began with prayers led by one of the councillors. This was immediately followed by a session devoted to administrative matters, which involved scrutinising and deciding on various applications while the applicants waited outside. Over a dozen applications consisting of all sorts of requests were attended to. After the councillors had deliberated, the applicants were summoned into the council hall to receive their verdict. Mrs M was given permission to open a Spaza shop, Mr S was permitted to occupy a piece of land, Mr K was allowed to run an initiation school in the coming winter and so forth. But Mr P's application was turned down. Mr P was the principal of a local secondary school and had applied for permission to install pipe-borne water in his school. He was blamed for having ignored the due process of application by not going to his headman, in the first instance, before approaching the TTC. I found this case particularly interesting because it raised several issues regarding the control of land and access to basic resources. He was eventually asked to take his application back to the headman in whose village the secondary school was located. After the session described above, the councillors immediately began the next, which was assigned to judicial matters. Councillors used this period to listen to and solve important disputes that could not be resolved at the village level. The session lasted until late in the afternoon, after which business was officially concluded with a prayer from one of the councillors.

I have described in the preceding chapter how Chief Tshivhase changed the name of this institution from the Tshivhase Tribal Council to the Tshivhase Territorial Authority. Before this and other changes took place, the Tribal Council had become rather weak and uninfluential as a result of on-going scuffles among members of the royal family and the unpopularity of the regent. Even after 1994 the reformed council did not enjoy much legitimacy among the people. This explains why civic members still arrogated to themselves the powers of the chiefs to allocate and demarcate land in some villages and to run peoples' courts. But this did not last long given the developments that took place later, such as the introduction of the TLC. While the civics gradually retreated from competing with traditional authorities for reasons that will be explored later, the TLC began to make new claims of jurisdiction over tribal land. Although the TLC succeeded in other chiefdoms such as in the neighbouring

Mphaphuli chiefdom, the Tshivhase chiefs succeeded in resisting what they perceived as an encroachment into their territory. Many informants observed that if chiefs lose their control over communal land, they risk losing their authority completely in the present democratic context.[33] It is against this background that we can appreciate some of the changes that Chief Tshivhase introduced to tighten traditional authorities' grip over communal land.

These changes were twofold. On the one hand, the TTC reduced the fee that subjects had to pay in order to be allocated land. While the fee varied from village to village, it was normally not more than R50 for a home stand. This amount was low when compared to that charged by the municipal council (see below) and to what chiefs in other chiefdoms charged their subjects. In the Mphaphuli area, for instance, I encountered people who had paid between R80 and R300 to procure a stand. In addition, people in the Mphaphuli chiefdom were also subject to the service charges meted out to urban residents, principally because their chief had not succeeded in standing up to the policies of the local council.

The second major change in Tshivhase dealt with the demarcation of land. Whilst the municipal council charged a heavy sum for this process, the TTC decided to perform the same service for free. In addition to these changes, the TTC scrapped certain fees subjects used to pay during the homeland era, such as fees to bury their deceased in the public cemetery, to gather firewood and to grow crops on small portions of land. I will illustrate the above changes with an example drawn from one of the Tshivhase villages.

Victor* was a civic member in the Tshivhase village of Mukula. He operated a small provision store in the village as his primary occupation and business was doing very well. In February 2001 it occurred to him that he had made sufficient profit to be able to expand his business and as suggested by the growing demand for liquor in the

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[33] 'The land belongs to the king and the people and he has no title over the land. This is the base also for the legitimacy of the king. … The subject is given the land freely and he has to till that land for as long as he is loyal to the king or the chief. The subjects have rights of tillage, grazing, gathering, right to residence, right to burial. As long as you are loyal to the king, you will be given land freely with all the above rights.' (Interview with Mr. S, Member of Territorial Council).

* Pseudonym.

village. So he decided to build a small shop for the provision of liquor. After securing the approval of his headman, he took his case to the TTC and was granted the permission to extend his stand. In the same month, the TTC re-demarcated Victor's boundaries and updated his documents to that effect. As it had become customary for the TTC, a copy of the decision was sent to the municipal authorities and the Demarcation Board at Thohoyandou. Unexpectedly, the Demarcation Board queried the TTC's decision and accused it of interfering in the Demarcation Board's jurisdiction. The Demarcation Board proceeded to annul Victor's deed of occupation and requested that he should pay the sum of R3000 in order for the board to grant him an official title deed. But the TTC stood firm to its decision and directed Victor to carry on with his business, which he did without further intervention from the council authorities.

This brings me back to an important issue, namely the municipal council's provision of services at a market price. In Thohoyandou, there is a popular discourse about the privatisation of land and the need to democratise access to municipal services such as water, road maintenance and garbage disposal, but these services come at a price. These issues are not new, as will be seen shortly. Informants observed that this process began during the period of the TLC. The Executive Mayor of the Vhembe District Council for instance contended that the TLC attempted to provide services in rural areas only because it had run out of revenue. Thus, the authorities decided to set the so-called service charge of R12 with the intention of raising enough capital to sponsor some of its urban-based projects.

But things did not work out in the way they had anticipated. In Tshivhase for instance, Chief Tshivhase and his Territorial Council launched a campaign against the TLC and accused the council authorities of trying to dupe rural people. Informants recalled that the chairman of the TTC and other key councillors went to the Phalaphala FM radio in Thohoyandou where they called on subjects not to make payments of R12 as requested by the TLC. The people quickly heeded to the call of their chiefs for several reasons. One of them was that the TLC had not delivered any services to rural dwellers. Besides, rural people did not want the municipal authorities to dispose of their garbage for they could take care of it themselves. Some civic members insisted that the TLC had not negotiated the fee but had simply imposed it on them. Lastly,

informants pointed out that given the high levels of unemployment in rural areas, the fee was simply unaffordable by the bulk of the people.

When the new council authorities took over from the TLC following the council elections of December 2000, the fee was maintained although they admitted to me that no services had been delivered in Tshivhase due to the refusal of the chiefs to co-operate. The irony behind this is that the new mayor of the Thulamela council is a headman under Chief Tshivhase. Although he has made fewer claims than the former mayor, in terms of jurisdiction over tribal land, he still maintains that the R12 service charge should be sustained as a source of funds for future service provision. It is also common knowledge that he has a long-standing rivalry with Chief Tshivhase who is not only his senior in tribal government, but also in the ANC. Chief Tshivhase has threatened several times to suspend the mayor from his 'headmanship' but it is not certain if he will put his threats into action.

Many informants accused the municipal council of trying to exploit them and suggested that they would avoid the municipal council for as long as they could. Rural dwellers could not understand why the municipal authorities insisted on treating them in the same way as urban-based residents. According to them, villages are not suburbs, 'locations' or townships where the municipality is obliged to deliver services. What they needed, informants insisted, were jobs, not services.

It can be seen from the above developments that some of the changes introduced in the TTC resulted from the unpopular actions of the municipal council. Although it appeared as if Chief Tshivhase and his colleagues had been sidelined from the activities of the municipal council (given that they had no representation in the council board), the reality was that the chiefs had taken a stand against council authorities by emphasising the spatial and political demarcation between tribal territory and the municipality.

But other changes in Tshivhase were due to Chief Tshivhase's own personal initiative. It was common knowledge that in the past era, women could not apply for plots of land except by proxy. This could be done only through an uncle, a father or a husband. Chief Tshivhase changed this discriminatory practice by granting women

the same rights to land as men. According to him, this innovation was wholly in harmony with the South African Constitution, which provided for a non-sexist as well as a non-racial South Africa. Chief Tshivhase supported his decision by pointing out that the Tshivhase chiefdom had female chiefs who played as important a role in tribal government as their male counterparts. Although some male informants expressed mixed feelings about this innovation, they admitted that the Chief had the interests of all subjects at heart regardless of their sex.

Chief Tshivhase also claimed legitimacy by virtue of his involvement in 'development'.[34] Besides his influential role as the executive head of the TTC, he was also a founding member of the Tshivhase Development Trust of which his cousin, a Johannesburg-based businessman was the CEO. The Trust's primary objective was to lobby funds and initiate development projects in the chiefdom and other Venda territories such as the construction of schools and the provision of small-scale employment opportunities. The Trust had a large plantation of timber and it recently acquired farms formerly owned by the defunct Venda Development Corporation (VDC). Chief Tshivhase claimed that he had succeeded in providing employment opportunities for a few young people in his chiefdom by hiring them to work on the farms and plantations.

Last year the Trust registered two major success stories. First, it reached an agreement with New Africa Investment Limited (NAIL), a Johannesburg-based organisation, to provide school buildings covering approximately 3500m^2 of its territory. According to the agreement, the Limpopo Province Department of Education was going to own and maintain the buildings while the Trust would manage the sum of R4.8 million to undertake structural improvements and make additions to the Tshivhase High School. The Trust also made financial contributions for the construction and launching of a Community Library in the village of Ngwenani ya Mapholi in September 2001.

Another event that caused much sensation was Chief Tshivhase's visit to Germany in August 2001. This was not his first time of going to Germany for business. He had

done so several times with a close German friend[35] who lived in Tshivhase. What was different this time was the fact that six young individuals accompanied him. Their mission was to enable the six young subjects to acquire skills in Germany during a period of one month. Upon their return, it was anticipated that these individuals would share their skills with their peers in the chiefdom and possibly, enable themselves to be self-employed. During their one-month stay in Germany, three of the young subjects obtained training in the art of metal design while the others had training in hotel catering and tourism.

Although this event could be dismissed as trivial from the point of view of its contribution to development, its significance was promoted by the TTC and the Tshivhase Royal Council, which organised a huge function to celebrate Chief Tshivhase's achievements in this respect. The event, which took place on 8 September 2001 at Mukumbani, was attended by leading politicians in the Limpopo Province, ambassadors from Pretoria and local elites. Other prominent Venda chiefs such as the Mphaphuli were present although the Mphephu failed to show up for the occasion. Chief Tshivhase used the opportunity to appeal to his fellow traditional rulers to join him in developing Venda. He also requested support (development aid) from foreign governments (represented by the ambassadors present) in order to extend the efforts of the Tshivhase Development Trust beyond the Tshivhase chiefdom. The spokesperson for the Trust, a Pretoria-based civil servant, has informed me that the Trust has begun negotiations to assist in development projects in other Venda chiefdoms.

Given the above trend, it could be asked if Chief Tshivhase has enough resources to carry out his ambitious plans for development. The reality is that even if he had substantial resources, he would be unable to meet the increasing demand for jobs in his chiefdom. Nevertheless, Chief Tshivhase has succeeded to provide for his people what some other chiefs have not been able to do – a shield against the scourge of the market forces, into which the local council desperately wants to draw them. In the

[34] I use the term development with much caution, bearing in mind that it is an elusive or indeterminate concept. However, the concept was frequently used by civics to refer to the betterment of their living conditions. To a large extent, job creation epitomised the shared sense of what different individuals referred to as development.

next session I will examine the particular relationship between chiefs in Tshivhase and civic organisations which, as indicated above, posed a major threat to chiefly power in rural areas in the 1980s. This also permits the reader to appreciate the extent to which Chief Tshivhase has successfully extended his legitimacy to the headmen under him, even though some were apartheid-era appointees.

3.4 Chief Tshivhase and Civics in the Democratic Era

> *'The closer we come to the political grassroots the closer we have to consider such 'motivations' as self-interest and ambition, and the more we are obliged to show, in terms of detailed and extended case histories, the working out of the courses of action that are set in train by these and like impulsion.' Marc Swartz (1966)*
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> *'The chief's court does not belong to the chief, it belongs to the people'*[36]

A major challenge faced by Chief Tshivhase was to address the rivalry between civic movements and traditional rulers. In the preceding chapter I traced the origin and spread of civic associations in rural areas of South Africa and Tshivhase in particular. I have also referred to them several times in this chapter but, at this point, wish to focus on them with reference to specific cases.

Once I began to acquaint myself with local politics in Tshivhase, I found that the relationship between civic associations and traditional authorities had not always been amicable. It should be recalled that towards the end of the homeland period, the distinction between officeholders and the office had become very blurred owing to the extreme unpopularity of many chiefs who owed their positions to the apartheid system and its officials. Civic associations had therefore projected themselves as a democratic alternative to the institution of chief. On the one hand, traditional leaders and the elders were accused of having betrayed their people (especially the younger generation) by drifting along with the apartheid system. On the other hand, the chiefs and elders perceived civic members who were mostly youths as a company of unruly individuals who had no respect for 'tradition', and the elders of the chiefdom. The

[35] Chief Tshivhase's friend is the son of a German missionary who has returned to his birthplace (Venda) after twenty years abroad in Germany.
[36] Mr. S., Member of the Tshivhase Territorial Council, interviewed on 27 May 2001.

elders also accused the youth of having soiled their hands with blood by killing innocent men and women during the witchcraft uprisings of the late 1980s and early 1990s (cf. Ralushai Commission, 1996 for details on witchcraft murders and accusations in the Limpopo Province).

Most civic associations gained popularity in the Tshivhase chiefdom in 1990, which coincided with the military coup that brought Gabriel Ramushwana to power. Civic members tended to target headmen who had openly identified with the Venda National Party (VNP) or collaborated with the apartheid system in other ways. Although civic associations failed to overthrow the chiefs or to replace the system of chieftainship, they continued to wield enormous influence in chiefdom affairs. In many cases, they claimed to be the 'true' representatives of the people and therefore allocated land and set up peoples' courts. According to them, the chiefs could continue with issues that concerned tradition and custom as long as the chiefs did not interfere with their activities.

But by 2001, when I did my research, it was evident that a lot of things had changed since 1994. In particular, the civics had diluted their hostility towards chiefs as a result of several factors, some of which have already been seen above. Although there were recent accounts of conflicts between chiefs and civic members in some villages, I had the misfortune of not being witness to them. This change in orientation among civics can be attributed to several factors, one being the way in which Chief Tshivhase has dealt with civic-chief relations in his chiefdom. First, I will explore some of these factors and proceed to examine how Chief Tshivhase addressed the tensions between chiefs and civic associations.

The first factor is that the membership of civic associations has changed since the early 1990s. I refer here to the fact that the actors today are not necessarily the same

people who dominated the events of the late '80s and early 1990s.[37] Contemporary civic members do not share the memories of the actors in the 1980s. Except for a few who are much older now (early 40s), most of the civic members I encountered are young male individuals either in their late teens or early 20s. It can be deduced from this that contemporary civic members would not necessarily conduct themselves in the same way as their counterparts of the early 1990s.

The second factor is Chief Kennedy Tshivhase's reconciliatory approach. Contrary to expectations that he would replace the headmen who had opposed his claim to the Tshivhase throne, or who were apartheid-era appointees, he chose instead to maintain them in office thereby stressing reconciliation and the unity of the chiefdom. His tough approach also extended to the incorporation of all voices (stakeholders) in decision-making circles such as the village councils. Although this was popular, some headmen were reluctant to put this in practice. This explains some of the isolated events that took place between 1998 and 2001 as will be seen shortly.

It also needs to be emphasised that Chief Tshivhase made strenuous efforts to placate the civics, and bring them to his side. It was generally acknowledged in civic circles that Chief Tshivhase was a 'comrade' who understood the concerns of civic organisations. Some of the civic members hinted that they had been students with Kennedy Tshivhase at the University of the North in the 1980s and it was therefore normal for him to understand their position. But it is also significant that Kennedy Tshivhase initially identified himself with the ANC, and consequently with the objectives of the liberation movements. He also emphasised that in the early 1990s, he was a youth and therefore 'spoke the language of the youth'. As a prominent ANC member in Venda, Chief Tshivhase attempted to harmonise the South African Constitution with traditional forms of leadership. One innovation was to make use of

[37] It is important to point out that one of the factors that contributed to less conflict was the change in membership of civic movements. Though I would define most of the members of the civics as youth, it is important to bear in mind that these are not the same youths of the 1980s or early 1990s. Most of the youth I encountered were young teachers in secondary and primary schools, university students who lived in rural areas, traders, policemen, nurses and shopkeepers. Some of them had participated in the activities of the early 1990s, such as the civic leader of Mukumbani, who hinted that he had taken part in burning a witch. At that time, he remembered vividly, he and boys of similar age were not passionately involved in the activities but simply acted on the instruction of some older boys. Some of the present members of the civics joined the associations only recently, bringing new ideas and strategies different from those of the struggle era.

the TTC (see below) to undertake a campaign in the villages aimed at stimulating discussion and debate on the relationship between chiefs and civic organisations and their respective roles. In August 2001 Chief Tshivhase delivered a lecture at the University of Venda on chief - civic relations in which he emphasised the need for co-operation and accountability.

According to a key informant, the campaign team emphasised that the civics were, first and foremost, the subjects of the chiefs.[38] The TTC recognised the democratic input of the civics and suggested that their role was, among other things, to facilitate service delivery - that is, to act as intermediaries between chiefs and the grassroots. In order for them to play this role properly, the TTC argued, civics had to work closely with the village councils. Delivery, they maintained, could take place only if there was harmony between chiefs and civic structures. The chief's kraal was portrayed as the 'peoples' parliament', not the school or other venues where civic movements usually met. The Territorial Council also emphasised that the *chief's court did not belong to the chief, but to the people as a whole*. It was the meeting point of the forefathers, those who were living, and those yet to be born.

Lastly, developments in the late 1990s indicate that some of the policies of the local government in Thohoyandou have been unpopular not only with the chiefs, but also with civic members in both urban and rural areas. Many civic members feel sidelined by the new elite as demonstrated in the march against the municipal council in August 2001. Chief Tshivhase and his colleagues have therefore benefited from the low esteem that subjects have for the municipal council, given that the masses expect little from chiefs in terms of service delivery or job creation. The above factors contributed individually and collectively to a new 'alliance' between a majority of traditional leaders and civic movements in Tshivhase.

[38] 'Civics are the subjects of the chiefs. They are responsible for service delivery. Even formerly, this was the case, because the chief could not rule the country solely. In 1996, we were called to address the civics of a village in our chiefdom. They wanted to know about civics - chiefs relations. We insisted that we are working together and we would like you guys to tell us how this should be done. Most of the rebellious people were teachers who thought they were the one-eyed in the country of the blind. We also told them that what used to be the parliament of our forefathers, was the chief's court and if ever they had anything to discuss, they should go back to the chief's court. The chief's court does not belong to the chief, it belongs to the people.' (Interview with a member of the campaign team of the Territorial Council, May 27 2001).

In the cases that follow, I make use of the terms *chief* and *headman* interchangeably except when I refer to Chief Tshivhase. I owe this confusion to my informants, who insisted that the term for chief in TshiVenda is *vhamusanda* and that the same word is used for hereditary headmen. In his monograph on the BaVenda, Stayt (1968) made frequent use of the term 'petty chief' to describe headmen. He indicated, however, that his use of the word chief (*vhamusanda)* was in a general sense, given that each 'petty chief' is a *vhamusanda* in his own district although he could be referred to by the great chief as *gota* (pl. *magota*) or *mukhoma* (pl. *vhakhoma*).

I will begin with the most recent cases and end with the remote ones. In April 2001 just a month before I commenced my research, members of the civics of Mukula requested Chief Tshivhase to intervene in an on-going conflict between them and the chief of their village. This was not the first conflict between them, but this particular case was threatening to escalate into violence. The headman resented the fact that the civic in his village undermined his authority. He had therefore created a rival civic association, consisting of members loyal to him, because the members of the 'legitimate' civic did not want to stop allocating land or operating a people's court. On the other hand, the civic members argued that the chief had continuously kept them sidelined from his council and would not listen to their ideas. The headman's action proved counter-productive, given that soon after he had successfully established a civic group of loyal members, those who regarded themselves as the legitimate civic group began issuing death threats against him. Knowing that Chief Tshivhase was in favour of civic movements, the leaders of the civic association in Mukula requested him to remove the headman, who was accused of being an obstacle to development. Chief Tshivhase called for a meeting of the disputing parties at the school where the independent civic usually met. Eventually, he succeeded in brokering a peace deal between the two groups. The headman was requested to dissolve his civic and restructure his village council to accommodate the independent civic. The latter also pledged, in turn, to collaborate with the chief and stop allocating land or solving disputes at the village school.

The second case took place in the village of Tshilidzini. In 1998 the headman of Tshilidzini decided to allocate a piece of land to a group of business persons who had plans to set up a business in the area. When the members of the local civic learnt of

the chief's decision, they protested on the grounds that they were discussing an alternative plan for the land. They demanded that the headman should revoke his decision, but the headman stood his ground. When it became obvious that he would not concede to the demands of the civic members, the latter threatened to burn his kraal. They reminded the headman that as civics, they were the *true* representatives of the people in the village, not him. Who, they questioned, was the chief to decide on their behalf? The chief responded that he owned the land and could do with it as he wished. In discontent, some civic members threatened legal action against the chief while others terrorised him with death threats. Seeing the dangers ahead, the headman requested the mediation of Chief Tshivhase. Chief Tshivhase came to the assistance of his headman and after considering both sides of the matter, recommended that the chief should listen to his people and endeavour to work closely with them in order for development to prevail. The civic members, informants added, insisted on an apology from their headman, who reluctantly consented. The headman has since learnt to work closely with members of the civic in his village.

Members of the civic in Mukumbani have also had difficult times with their headman. The civic in Mukumbani was the most popular in the entire chiefdom. In the past couple of years, they have carried out a number of development projects that created employment opportunities for a small number of youths in the village. They have also had a series of conflicts with their headman, who came to power during the reign of the Regent. Informants recalled that the last minor conflict was in 1997 when the civic applied to Eskom (an electricity company) to electrify several houses in the village. As soon as the installations began, the headman intervened and asked the company to halt its activities in his village. He criticised the civic for not having discussed the issue with him before inviting Eskom. The headman promised civic members that he would pay a visit to Eskom and invite the company to install power in the specified stands but failed to keep to his promise. The headman also ran into trouble with civic members when he reported to Eskom that some people in his village had acquired and were using electricity illegally. Although the civic has had other minor conflicts with the headman, civic members attribute the absence of major trouble to Chief Tshivhase’s diplomatic interventions.

As I pointed out earlier, the above incidents were isolated rather than characteristic of a general trend. In most villages, civic associations collaborated with their chiefs and although they did not have the resources to serve as an alternative site of power, their contributions to tribal government were recognised. In Tshilungulu for instance, the civic met every Sunday at the local school but reported back to the headman. I attended several of their meetings and observed their deliberations. Most of them spoke very well of their headman while disparaging the local council authorities. Civic members were particularly proud of their headman for his material and financial contribution towards development initiative in the village. For example, informants pointed out that the headman had personally bought the pipes that were needed for the installation of pipe-borne water in the village. On the contrary, a civic member expressed his disillusionment with the local government in the following words:

> We are very much disappointed because if you come to our area and ask any person they will tell you they didn't know why they voted because we don't have anything. The council hasn't constructed the road to our place, they haven't delivered, in short, they've done nothing to show their presence in our area. (Interview with a civic member at the village of Tshilungulu 15 July 2001).

The civic in Tshilungulu performed several functions. One of these was to co-ordinate discussions and visits to relevant government departments or service providers such as Eskom. In a particular example, the civic members were responsible for drawing up a list of those who wanted electricity, after which the list and the application letter were taken to the chief who stamped the documents before they were taken to Eskom. The civics also had a Tshivhase Development Forum (a small discussion group), whose primary purpose was to lobby funds for development projects in their village. The Forum worked closely with the headman and kept a record of their activities and applications.

3.5 Chief Tshihvhase and Public Opinion

I have illustrated in this chapter that some of the changes in Tshivhase are partly as a result of transformations in local government and partly due to the personal dynamism of Chief Tshivhase. One can see in the above section on civics and chiefs that Chief Tshivhase has successfully extended his legitimacy to the headmen under him, in

most cases by persuading them to toe the line. His legitimacy at the local level is consequently reinforced by his high profile status in the ANC at both national and provincial levels. Be that as it may, it is important to establish the extent to which the people have been persuaded by his claims to legitimacy and the nature of their reaction to his leadership. I therefore wish to devote this section on the opinions that subjects held about Chief Tshivhase and what this meant in terms of the relationship between the chief and his subjects. In this regard, I have identified two broad categories of opinion about Chief Tshivhase based on his political status and his involvement in socio-cultural issues.

Political opinions about him dealt with his involvement in the politics of the democratic era in the side of the ANC. Although a young man, it is evident by now that Tshivhase is not new to the political landscape in South Africa and the Limpopo Province in particular. During one of my interviews with him, Tshivhase told me that Nelson Mandela had told him how much he was reminded of his grandfather, Ratsimphi, every time he saw him. This claim was in connection to the fact that Chief Tshivhase's grandfather had been a communist activist in the 1940s and had personally known Mandela at the outset of the liberation struggle. I have already suggested in the preceding chapter that Tshivhase drew some kind of moral capital from the legacy of his popular grandfather. It is in this connection that the Tshivhase were usually associated with 'liberation heroes' in contrast to the Mphephu dynasty.[39]

This notwithstanding, Chief Tshivhase has become an influential politician in both regional and national politics. As an influential member of the ANC in the Limpopo Province, his subjects spoke about him with profound respect. Subjects suggested that it was partly because of Chief Tshivhase's relative power and influence that he could stand up against the market-driven policies of the local government. Others pointed out that the local government had succeeded in getting away with its unpopular policies in other Venda chiefdoms but could not do the same in Tshivhase. Many subjects therefore implied that had Chief Tshivhase not been a powerful politician, they would be suffering the same consequences as those in other chiefdoms. Consequently, many subjects spoke of the chief in very positive terms, not only for

[39] Interview with Mr. P, a teacher at the Tshivhase High School, on the 25 June 2001.

having made the right choices on their behalf, but also, for belonging to the 'right' camp. This was in connection to the extreme popularity of the ANC in the Limpopo Province as a whole. Chief Tshivhase's regional popularity was recognised when Nelson Mandela visited his kraal at Mukumbani in 1997 but failed to do the same to the other chiefs such as the Mphephu or the Mphaphuli. Chief Tshivhase has therefore emerged as prominent in chiefdom politics and is determined to maintain his dominance for as long as he can.

Subjects also reacted positively to his preoccupation with socio-cultural activities and the changes he has introduced in this area. In this respect I refer to his role in the promotion of traditional dances, his participation in modern forms of recreation such as football, and his attitude in general towards women and the youth.

One of the main traditional dances which Chief Tshivhase claims to have revived is the *tshikona*. *Tshikona* is performed during festivities and funerals. It is a very popular male dance involving the use of flutes and a huge drum. The dancers form a circle and dance in a uniform manner while moving round the circle. Many informants acknowledged that during the end of the Regent's reign, *tshikona* was rarely performed and many youths boycotted it owing to the Regent's unpopularity. But Chief Tshivhase claims that as soon as he assumed effective office, he realised that the Tshivhase people were in danger of losing their 'culture', so he sought to revive the dance. *Tshikona* was taught to young men who were interested. He also introduced annual inter-village competitions in the chiefdom. To make *tshikona* more popular among the youth, he organised trips to Cape Town, Johannesburg and recently, to Durban with the Mukumbani Tshikona group. Many parents and youths described Chief Tshivhase as a 'champion of tradition' in reference to his involvement in activities such as the above. In 2001 he hosted a major Domba school[40] at his kraal in Mukumbani. The event was widely spoken of and appreciated by the subjects. Parents appreciated the fact that HIV/AIDS related issues had been incorporated into the initiation school's curriculum. They suggested that the girls graduated from the school having learnt not only how to be 'proper women', but also

[40] *Domba* is an initiation ceremony for girls. During Domba, the girls are taught how to behave as 'proper women'. The ceremony usually ends with their formal graduation to the status of women. (See Stayt 1968:140 for details).

how to look after themselves in these 'dangerous times' with all sorts of deadly diseases. The event was also covered in some regional and national press.[41]

Photo I: Chief Tshivhase (centre with staff) dancing *tshikona*.

Photo II: Group of boys performing *tshikona* at an important function.

[41] Cf. *Mail and Guardian* of 13 April 2001 pg.8

Youths also spoke well of Chief Tshivhase owing to his involvement in the management and promotion of the Black Leopards of Thohoyandou, a premier soccer league football club. The 'Black Leopards' is the only football team from Venda to have successfully made it to the elite soccer level in South Africa. The chief's association with this success has consequently made him very popular not only among supporters of the club but also among young subjects in general.

A recent event may also illustrate his attitude towards civics and their concerns and his popularity among them. In April 2002, the police opened fire on hundreds of protesting youths in the Tshivhase village of Ngwenani ya Mapholi. Three of the youths died, including the leader of the civic association in the village. According to local accounts, the civic members of Ngwenani were protesting police leniency over an alleged suspect who was accused of having ritually murdered a woman from their village. Youths were outraged by the fact that for over a year after the murder took place and the case had been reported to the police, the suspect had not yet been apprehended.

The conflict erupted again after a couple of young men discovered a human skull in a pond while fishing. The skull was taken to the Thohoyandou police station, which concluded after a series of forensic tests that the skull was male, contrary to popular anticipation that the skull belonged to the woman who had been brutally murdered a year earlier. According to local accounts, the people were convinced that the police was covering up for the suspect. The civic organisation therefore mounted a series of protest demonstrations in their village and at the police station. Chief Tshivhase is reported to have joined the protesting civics in the village and when the police threatened to open fire, informants claimed that he had asked to be shot in place of the young men. Chief Tshivhase and many of the civic members I talked to, claim that the people have lost confidence in the police.

It is also popularly known that Chief Tshivhase tends to side with the civic, youths and women. Most women for instance applauded his decision to stop discrimination against them regarding the allocation of land even though a good number of men did not approve of this innovation. By the time I concluded my research, these critics had not however overtly challenged the decision.

3.6 Discussions and Conclusion

I stated in chapter one that my own work will draw from and extend those of scholars such as Bank and Southall (1996). According to them, traditional leadership has the potential of complementing or providing a powerful foundation upon which postcolonial African states can construct new experimental governments, including constitutional democracies. My research shows that the institution of chief has the virtue of being close to marginalized groups and communities. In fact, chieftaincy is not only close to but also part and parcel of these groups although it does not follow that chiefs necessarily act in the interests of the people. However my research suggests that, in Tshivhase, the chief has gained credibility among the people by acting in particular ways on behalf of the rural poor. He has accomplished this by exploiting the low esteem that the masses have for the local council by asserting his capacity to act decisively as both chief and ANC politician. Though he has done little to ameliorate the living conditions of his subjects, he has however opposed local government policies that would have rendered their lives even worse. Evidence of this has been produced which can be contrasted with those in other Venda chiefdoms such as in the Mphaphuli area.

The point is that the introduction of democracy in a neo-liberal age has led to new forms of exclusion particularly among the poor and rural populations, given the history of dispossession in South Africa and the present economic conditions. The popular assumption among the people was that the introduction of democratic local government would open up space to previously excluded groups to gain access to similar kinds of services as those in urban areas. But what most of the rural population did not know or expect was that they would have to pay for these services the same as people in urban areas. When it eventually dawned on the rural poor that service consumption was beyond their reach, they began to oppose the market-orientated policy of the municipal authorities. This experience is not unique to Tshivhase. Similar trends have been noted in other rural and urban areas of South Africa (see Comaroff and Comaroff 2000:299).

I consider the above finding worthy of consideration in the light of arguments which predicted doom for chiefs and chieftaincy in the post-apartheid context. Maloka

(1996) for instance argued that although chiefs were determined to find a space for themselves in the new democratic dispensation, it was doubtful if they could extend 'popular participation' to the local level. His anticipation was that recently elected local governments were more likely to play this role (Maloka 1996:193). But as seen in this chapter, six years after the introduction of democratic local government, the plight of the masses are yet to be addressed. The municipal councils do not offer protection to the poor against the inequalities of the market but instead promote the discourse of neo-liberalism, which is not in the interest of the poor. For a parallel example, I will make reference to Nkuna's (2002) study in the Greater Tzaneen municipality already reviewed in chapter one. In summary, his study describes and analyses the conflict between the Greater Tzaneen municipal council and the rural population under chiefs. He contends that the municipality's market-driven policies provoked resentment among the rural poor partly because the municipal council failed to consult with the target population before implementing its policies. People were also angered by the exorbitant bills charged by the council. In many cases, the council charged an amount that was less than the citizens had consumed.

One can see from this example and the experience in Tshivhase that democracy is yet to become a way of life even among elected local government authorities. The above cases also show the continued relevance of chiefs in the democratic era despite attempts by local government officials to sideline them from post-apartheid politics. But the case of Chief Tshivhase illustrates the argument that not all chiefs have been successful in rehabilitating themselves in the new dispensation or have exploited the weaknesses of the local government to act decisively on behalf of the rural poor. Nkuna's (2002) chief for example is shown to have succeeded to a lesser extent in gaining credibility with the masses for two reasons: one, because he cleared his name of the accusations that he had collaborated with the local council against the people and two, by requesting the people not to co-operate or pay any charges to the local council. The foregoing example and that of Chief Tshivhase in particular reveals the chief's capacity to demarcate a political space within which he can maintain control over his subjects and resources. This is also indicative of the contested postcolonial terrain as argued by Maloka (1996).

The above issues notwithstanding, my ethnographic data suggest that there is an unresolved tension between the people's expectations of the new democratic

dispensation and the lived reality on the ground. Comaroff and Comaroff (1999) have grappled with these issues in their comments on the contradiction of democracy in the age of neo-liberalism. According to them, 'the end of apartheid held out the prospect that *everyone* would be set free to speculate and accumulate, to consume, and to indulge repressed desires. But for many, the millenial moment passed without palpable payback' (Comaroff and Comaroff 1999:284). This observation is true of Tshivhase as it is of other rural communities in South Africa. In fact, Richard Sandbrook had warned in the 1980s against what he termed the 'overly sanguine' anticipation that 'democratization will resolve problems of inequality and poverty' given that although in principle, electoral politics empowers the poor to demand reform in the distribution of income and wealth, in practice, the entrenched power of the oligarchy or dominant classes obstructs social and economic reform (Sandbrook 1988:143). Although the last contention is not necessarily true of Tshivhase, many scholars are of the opinion that democracy will make meaning to ordinary Africans depending on how 'it relates to the social experiences of Africans and how far it serves their social needs' (Ake, 2000:75).

But others are apprehensive about the co-existence of liberal democracy and economic neo-liberalism. Samir Amin for example observed that 'democracy…is incompatible with the demands of capitalist expansion' given that 'peripheral development could take no other course' thus aggravating rather than reducing social inequalities (Amin 1994:321-325). Recent studies on 'democratic' local government in South Africa seem to suggest that some local council authorities are not as democratic as they purport to be. Nstebeza (1998) for example contends that the 'fact that they [municipal authorities] came to office through a process of democratic elections does not mean that they are necessarily honest. Recent reports suggest high levels of corruption, embezzlement of funds, nepotism and favouritism reminiscent of the corruption during the Bantustan era' (Nstebeza 1998:161). Given the above, it is obvious that 'without adequate resources, responsibilities and legal capabilities' local government could easily become a 'mere talking shop' (Olowu 1999:288).

Unless fundamental issues such as job creation and access to reserves and funds are addressed, the bulk of the rural population will be unable to exercise their full citizenship. As a matter of fact, this observation is not limited to rural areas only, given the recent wave of protests in urban areas against privatisation and government's

reluctance to address the problem of job losses.[42] In Tshivhase, many young people are still suffering from the effects produced by job losses following the closure of the few industries that were located in Shayandima in the early 1990s. No doubt, there has been much hostility towards local government's efforts to provide services to rural populations at a market price.

By way of summary this chapter has established the why and wherefore of the changes that have occurred in Tshivhase since the introduction of democracy in 1994. The chapter consisted of three principal sections; the first on the policy framework on chiefs in the new South Africa, the second on the kinds of legitimacy claimed by Chief Tshivhase and the factors that accounted for this, and the third section on public opinion and the relationship between this chief and his subjects.

Concerning the policy framework, this chapter shows that since 1994 national legislation has been biased in many respects against chiefs. Laws such as the Local Government Transition Act of 1993 (and modified in 1998) tended to sideline chiefs from local government. These Acts stipulated that chiefs were simply stakeholders, not different from interest groups such as civic associations, farm owners and workers as well as other property owners. This notwithstanding, not all chiefs have felt sidelined by these new policies. Although my case study does not represent an extensive sample of chiefs, the chapter demonstrates that some chiefs have rehabilitated themselves quite successfully regardless of current policies.

This is evident in Tshivhase where the paramount chief is not only involved in regional and national politics, but is also keen on legislative and administrative changes in his chiefdom. Given his influence, he has stood up to the market policies of the local council thereby claiming legitimacy to function as chief on behalf of the rural poor. Unlike other chiefs in Venda, he successfully stopped the local council from delivering services to the rural population in his chiefdom because most could not afford to pay for such services. In particular, the rural poor did not desire all the proposed services such as garbage removal, which they claimed, did not need the municipality's intervention.

[42] See Sechaba ka'Nkosi 'Political Arrogance precludes solutions' *Sunday Times* 06 October 2002 pg. 21 and Devan Pillay 'Between the market and a hard place' in the same edition, pg.24.

How have the people reacted to Tshivhase's claims to legitimacy? My main finding is that he is, in general a very popular chief, due not only to his decisive actions, but also to his personal dynamism. His membership and prominence in the ANC has simply reinforced his popularity at the local level thereby ensuring him a wide support base, both as a traditional ruler and as a politician.

Two main conclusions can be drawn from this chapter. The first is that the socio-political changes that have occurred in Tshivhase since 1994 have also led to the 'transformation of the structures and relationships of power' (Goheen 1992:406). This is evident in Tshivhase's dealing with civic associations and the headmen under him. Old hostilities and relations of oppression have been deconstructed and in their wake, new relationships have been forged whereby groups and individuals previously sidelined from the affairs of the chiefdom have gained accommodation. By invoking the 'parliamentary' nature of the chief's *khoro* for example, Chief Tshivhase seems to have harmonised the ideals of the new democratic dispensation with the realities in his chiefdom. In this connection, the chief's court has ceased being the *decentralised despot's* forum and has become a public forum where all and sundry can express their views. In the village of Tshilidzini, for example, as much as civics accepted their status as subjects, they demanded that their views should not be ignored in matters of land, and other public affairs. Chief Tshivhase's emphasis on including the civics as opposed to the local council's policy of excluding them has boosted his popularity and prominence in chiefdom politics. This can be attested to by the fact that many civic organisations invoked his mediation between them and their headmen. This is an indication that Tshivhase has not only claimed legitimacy but has also persuaded a large following about such claims.

The second issue deals with the idea that chiefs should be seen as protectors. Some scholars have suggested that chieftainship in contemporary South Africa has the potential or actual capacity to function as an institution of civil society, 'if not directly as an institution of government' (Thornton, 2002:1). This particular argument is based on Thornton's research in the Barberton district of South Africa and has been raised in the Centre for Civil Society online discussion of the University of Natal. Although his work is unpublished, Thornton's argument implies that chiefs should be seen as protectors of the rural poor in the current democratic dispensation. This is based on his survey, which

reveals that there is renewed and extensive support for the institution of chief in Barberton.

Thornton is not alone in this line of thought. Although not referring to South Africa in particular, Trutz von Trotha (1996) also argued that given the democratic transition in Africa, chieftaincy has become an 'institution of local justice, of public debate, and of an emerging civil society based on the traditions of African polities and institutions' (1996:92). It seems to me that these discussions have made the fallacy of considering all chiefs as the same and of implying that chieftaincy has the same meaning for subjects in different places. My own research shows that legitimacy for chiefs today is a function of several factors, which must be clearly isolated for analysis. This legitimacy is to a large extent, a result of the contradictions of democracy in a neo-liberal age. But not all chiefs can claim this legitimacy because some have been irreparably tainted by past association with apartheid. Even in situations where the chiefs are newcomers, there is evidence that not all of them have been successful to the same extent. This could be seen in the case of the chief of Dan village in the Greater Tzaneen municipality (cf. Nkuna 2002). In the light of these findings, it is premature to argue that chiefs in general should be seen as protectors of the rural masses in the present democratic dispensation.

In the next two chapters, I will examine the case of *fon* Ganyonga of Bali in Cameroon with the intention of undertaking comparative analysis in chapter six. Although Ganyonga's career looks quite similar to that of Tshivhase, the reality is that Ganyonga became unpopular in the democratic era for gaining prominence by virtue of his involvement in the politics of the ruling party. Although he initially lost considerable legitimacy in the eyes of his own people, he subsequently won some credibility with them by participating with other chiefs to call for a solution to the 'Anglophone problem'. Ganyonga's case is therefore not only a contradictory one, but also complex. However, the question which the reader should keep in mind (and which will be examined in chapter 6) is whether Cameroon is following the predictions about the incompatibility of chiefs and democracy, whereas South Africa is not.