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## Traditional, Democratic, Accountable? Navigating Citizen-Subjection in Rural South Africa

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# Traditional, Democratic, Accountable? Navigating Citizen-Subjection in Rural South Africa

Robin L. Turner

**Abstract:** Nearly two decades after South Africa's democratization, questions of tradition and accountability continue to trouble the polity as more than 14 million black South Africans remain subject to state-recognized, so-called "traditional" leaders – kings, queens, chiefs and regents. This article deepens our understanding of contemporary governance by exploring the agency of these citizen-subjects through close examination of traditional leaders' strategies and citizen-subjects' mobilizations in four rural localities. These cases illustrate how citizen-subjects are working with, against and through traditional leaders and councils, hybrid organizations and independent groups to pursue community development and effective, accountable governance, and show how the present governance framework enables traditional leaders to block or undermine collective initiatives. In drawing attention to citizen-subjects' agency and their difficulties in holding traditional leaders accountable, this analysis of contemporary traditional governance underscores the need for further democratizing reforms.

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**Keywords:** South Africa, state, local government, customary law, social relationships/social control, political participation

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Nearly two decades after South Africa's democratization, questions of tradition and accountability continue to trouble the polity. Although the nominally independent black Bantustans were formally reincorporated and universal suffrage was adopted during the transition from apartheid, governance remains fragmented by place and by race as 14.5 million black South Africans remain subject to state-recognized so-called "traditional leaders" – kings, queens, chiefs, regents, headmen and headwomen (South African Government News Agency 2013). The 1996 Constitution not only contained an expansive bill of rights and established a tiered system of multiparty representative government but also recognized "traditional leaders", "traditional authorities" and "customary law".<sup>1</sup> The Traditional Leadership Governance and Framework Act of 2003 retained the traditional leaders, tribes (now called "traditional communities"), tribal authorities ("traditional councils") and boundaries in place at that time (see Figures 1 and 2). In consequence, 28 per cent of the population is placed in a condition I term "citizen-subjection": These people nominally possess the political, civil and social rights to which all citizens are entitled but are concurrently and officially subject to unelected traditional leaders.<sup>2</sup>

This article deepens our understanding of contemporary democratic governance by exploring people's agency in contexts of citizen-subjection. I present a close analysis of traditional governance and the actions of citizen-subjects in four rural South African localities in order to highlight the creativity with which rural people navigate their situations, and to draw attention to the considerable constraints that citizen-subjects encounter. These cases not only illustrate the varied ways in which rural citizen-subjects continue to assert their agency and engage in collective action but also underscore the need for further traditional governance reforms by illustrating how difficulties in holding traditional leaders accountable reduce the efficacy of local initiatives.

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- 1 I often use the official terminology of traditional leaders, communities and councils without quotation marks in this article. However, these institutions are neither traditional nor customary in the ordinary language meaning of these words, as discussed in subsequent sections, and communities are often deeply divided (on community, see Turner 2013: 510; Agrawal and Gibson 1999; Gupta and Ferguson 1992).
  - 2 Formal entitlement to full civil and political rights distinguishes citizen-subjection from the racialized and ethnicized subjection Mahmood Mamdani described in *Citizen and Subject* (1996).

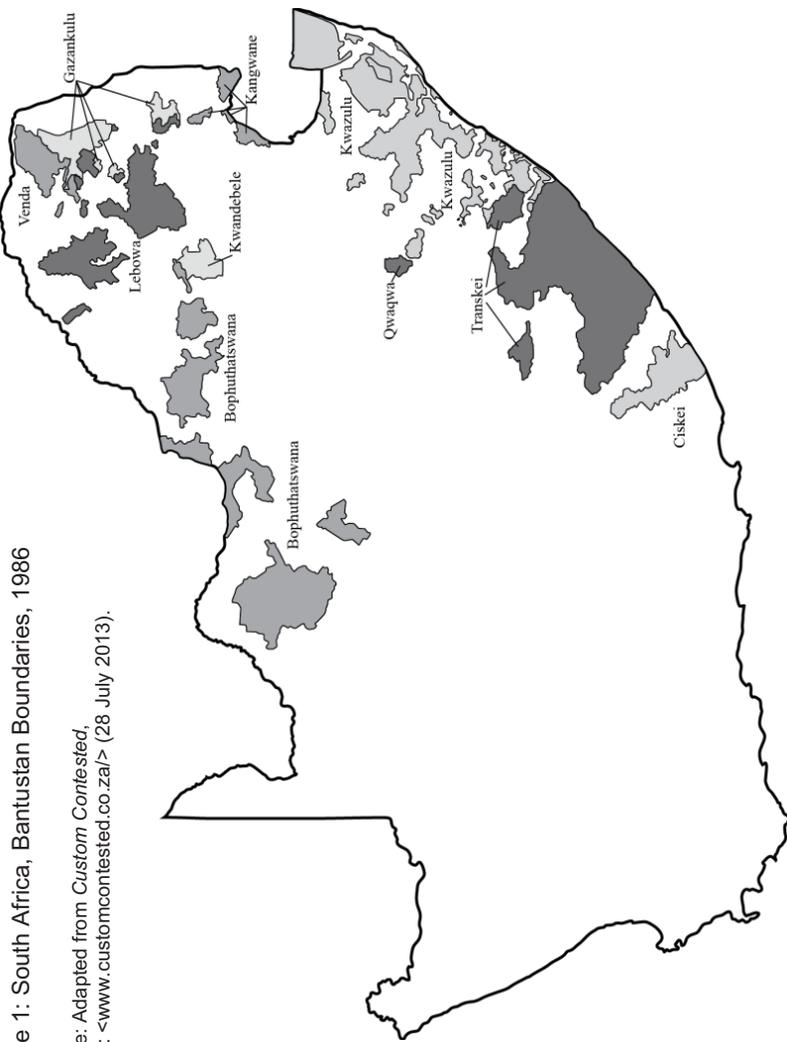
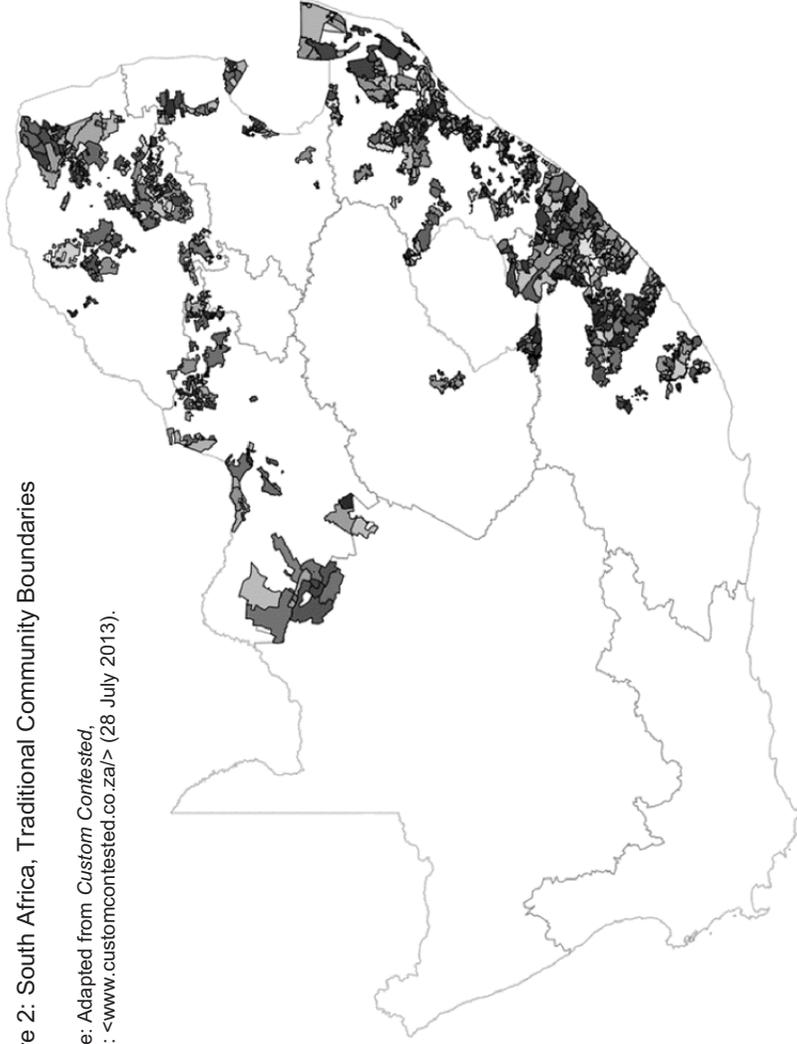


Figure 1: South Africa, Bantustan Boundaries, 1986

Source: Adapted from *Custom Contested*,  
online: <[www.customcontested.co.za/](http://www.customcontested.co.za/)> (28 July 2013).

Figure 2: South Africa, Traditional Community Boundaries

Source: Adapted from *Custom Contested*,  
online: <[www.customcontested.co.za/](http://www.customcontested.co.za/)> (28 July 2013).



Post-apartheid South Africa has a dual governance system comprised of national, provincial and municipal governance institutions led by elected officials, and of “traditional” institutions led by unelected traditional leaders. Contemporary traditional leaders exert substantial – albeit ill-defined and contested – authority within the boundaries of their so-called traditional communities, presiding over meetings, resolving disputes, interpreting customary law, allocating communal land, mediating between external actors and their subjects and granting or withholding support for development initiatives.<sup>3</sup> The present system closely resembles the colonial and apartheid system condemned by Mahmood Mamdani in *Citizen and Subject*. During colonialism and apartheid, Mamdani (1996) argued, citizenship was racialized, subjection was ethnicized, and a system of “decentralized despotism” in which black rural people were ruled through unaccountable chiefs was established. An extensive literature shows that twentieth- and twenty-first-century African traditional institutions are decidedly *non*-traditional: Non-indigenous governments and traditional leaders have repeatedly reshaped and restructured traditional institutions over time (see, for example, Schapera 1970; Comaroff 1974; Crais 2006; Oomen 2000; 2005). In the case of South Africa, appointment to traditional leadership positions came to depend upon non-customary officials such as the governor-general-in-council of South Africa, the president of South Africa and the leaders of the various Bantustans during the nineteenth and twentieth centuries. At present, traditional leaders are selected by royal families and appointed by government officials.<sup>4</sup> Many customary constraints on chiefly authority were removed, “traditional” authorities were imposed upon groups with other forms of governance, and boundaries were sometimes altered by the state.

South Africans exhibit considerable discontent with the present system of traditional governance. As Lungisele Ntsebeza (2005b) contends,

In so far as so-called traditional leadership is based on ascribed hereditary rule, the possibility of rural residents having the freedom to choose which institution and/or individuals should rule them is automatically excluded. (78)

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3 There is deep disagreement regarding whether, how, and to what extent traditional leaders *should* exercise authority in these domains (e.g. LRG 2010; Sithole 2011; Claassens and Cousins 2008; Ntsebeza 2005a; Holomisa 2011; Weeks 2011; Williams 2012).

4 The Traditional Leadership Governance and Framework Act defines the “royal family” as the “immediate relatives of the ruling family [...] who have been identified in terms of custom”, and it permits the inclusion of other close relatives (1[1(b)]).

Other citizen-subjects have expressed similar views at national and provincial public hearings and in comments on proposed legislation.<sup>5</sup> At the 2010 Public Hearings on the Black Authorities Act Repeal Bill, for example, Nomonde Mbelekane of the Rural People's Movement (2010) asserted:

As women, we do not really like chiefs that much. We voted for a democracy of the people by the people. We did not vote for individuals. We did not vote for apartheid. [...] We prefer municipalities. We see abuse only from chiefs. We do not want the government of the chiefs in rural areas.

From this perspective, subjection to traditional leaders denies one full citizenship.

Several factors jointly account for the survival of state-recognized, state-supported, minimally reformed traditional leadership beyond apartheid's demise. First, the conditions and structure of South Africa's transition negotiations facilitated the continued recognition of traditional leaders (Oomen 2000, 2005; Beall et al. 2005; Koelble and LiPuma 2011). The pressing need to reduce political violence in KwaZulu-Natal and Gauteng, and thus to accommodate some of the demands made by Chief Mangosuthu Buthelezi of the Inkatha Freedom Party (IFP), affected the negotiation climate, as did the inclusion of traditional leaders in the transition negotiations (Oomen 2005). Second, the stance taken by the African National Congress (ANC) towards traditional leaders shifted as it began planning for a post-apartheid future. Although many ANC-aligned activists viewed traditional leaders as "enemies of the liberation struggle", "the ANC's ambition to form a broad alliance in order to isolate the IFP[,] the formation of the 'democratic' Congress of Traditional Leaders of South Africa (CONTRALESA)"[,] and party leaders' desire to articulate an African national identity all influenced the ANC's strategic decision to work with traditional leaders (van Kessel and Oomen 1997: 571; Oomen 2000: 73). The perception that traditional leaders were influential vote-brokers also entered into the ANC's political calculus, as did the party's awareness of its narrow rural support base (van Kessel and Oomen 1997; Koelble and LiPuma 2011; Beall et al. 2005). Third, traditional leaders were strong and effective self-advocates throughout the transition, while the rapid decline in civic organizations meant the latter no longer served as a counterweight to the former. Traditional leaders influenced the interim and

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5 See, for example, the 2003 Public Hearings on the Communal Land Rights Bill, the 2010 Public Hearings on the Black Authorities Act Repeal Bill, and the 2012 Provincial Public Hearings on the Traditional Courts Bill.

final constitutions and shaped policy documents and legislation by participating in negotiations, lobbying decision-makers and threatening to disrupt the transition (Oomen 2005). Presenting themselves as authentic custodians of African culture, custom and identity, traditional leaders won the “struggle over the soul of custom” despite sustained opposition from activists in the fields of gender equality, land rights and democracy, as well as from citizen-subjects (Oomen 2005). Fourth, the international political-economic environment facilitated the continued recognition of traditional leaders. South Africa’s democratization coincided not only with a global decline of the nation-state, a rise in “culturalism” and growing acceptance of group-based rights claims, but also with the global ascendance of neoliberalism (Oomen 2005; Koelble and LiPuma 2011; Crais 2006). The post-apartheid government’s neoliberal policies have sharply constrained its ability to create effective municipal governments that could provide an alternative to traditional institutions.

Traditional leaders’ persistent efforts to preserve chiefly authority have met with considerable success in this context. The Traditional Leadership and Governance Framework Act of 2003 and the Communal Land Rights Act of 2004 both reinforced traditional leaders’ authority. The Constitutional Court invalidated the Communal Land Rights Act in 2010. However, the 2012 reintroduction of the Traditional Courts Bill sent a clear signal of the government’s disinclination to reconsider its approach to traditional leadership. First introduced in 2008, the Traditional Courts Bill would recognize “traditional courts” in places with traditional leaders, would empower these courts both to decide certain disputes involving “custom” and to levy fines and other sanctions, and would reify a non-customary court hierarchy (see Weeks 2011; Gasa 2011; Holomisa 2011). Affected parties could not have legal representation and could not have matters heard by a magistrate’s court rather than a traditional court. The National Council of Provinces returned this much-criticized bill to the provinces for further consultation in October 2013 even though it had been rejected by five of the nine provincial legislatures.<sup>6</sup> The national government’s reluctance to withdraw or substantially amend this bill suggests that traditional community residents will remain citizen-subjects for the foreseeable future.

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6 The Eastern Cape, Gauteng, North West, and Western Cape have opposed this bill since May 2012; Limpopo first sought changes and then decided to oppose the bill (*Custom Contested* 2013). Also see the page on the website of the Centre for Law and Society dedicated to the Traditional Courts Bill <[www.lrg.uct.ac.za/research/focus/tcb/](http://www.lrg.uct.ac.za/research/focus/tcb/)>.

This article examines rural South Africans' agency in the context of their continued citizen-subjection. Research in traditional communities shows that many rural citizen-subjects are mobilizing to pursue effective, accountable governance as well as development, and it illustrates how they are working with, against and through traditional leaders and councils, hybrid organizations and independent groups. However, my analysis also underscores the need for further democratizing reforms by illustrating how the present structure makes citizen-subjects unduly dependent on the idiosyncratic inclinations of their traditional leaders. Traditional leaders can easily block or undermine collective initiatives because state officials rarely respond to intervention requests, and residents of traditional communities have few means to hold these leaders accountable. These constraints make it difficult to sustain collective action.

## The Context

I focus my analysis on four deep rural localities in North West Province: Lekgophung, Molatedi, Pitsedisulejang and Supingstad. Each locality is part of a traditional community in the eyes of the South African state, and each has a state-recognized senior traditional leader (a chief, or *kgosi*, in Tswana) (see Table 1, Figure 3). These localities also fall within the jurisdiction of municipal councils and are represented by elected local ward councillors. Lekgophung and Supingstad fall within Ramotshere Moiloa Local Municipality, and Molatedi and Pitsedisulejang are part of Moses Kotane Local Municipality. I conducted research in these localities between 2005 and 2011. I engaged in participant observation, analysed documents and conducted 182 in-depth interviews between May 2005 and June 2006, in June and July 2010, and in July 2011. I interacted with a wide range of people involved in the localities: traditional leaders and councillors; local youth, elders and activists; elected officials and civil servants; and consultants and businesspeople.<sup>7</sup>

Looking closely at Lekgophung, Molatedi, Pitsedisulejang and Supingstad provides insight into the realities of contemporary dual governance in South Africa. While these localities cannot and should not be considered representative of all sites of citizen-subjection, they illustrate the potential of and constraints upon rural agency in this context. These cases show how the differing strategic choices of traditional leaders and their citizen-subjects shape contemporary governance. I describe the dis-

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7 I also interviewed other members of the multi-village Barokologadi ba ga Maotwe and Batlokwa boo Kgosi ba ga Matlapeng traditional communities.

tinctive ways in which the four traditional leaders exerted authority in the next section.

**Table 1: State-Recognized Local Traditional and Municipal Structures, 2010**

Locality	Traditional Community	Traditional Leader
Lekgophung	Balete ba Lekgophung	A. F. (Pule) Tsiepe
Molatedi	Batlokwa boo kgosi ba ga Matlapeng	B. F. M. Matlapeng
Pitsedisulejang	Barokologadi ba ga Maotwe	O. T. S. Maotwe
Supingstad	Bahurutse ba ga Suping	S. Victor Suping

Source: Author's compilation.

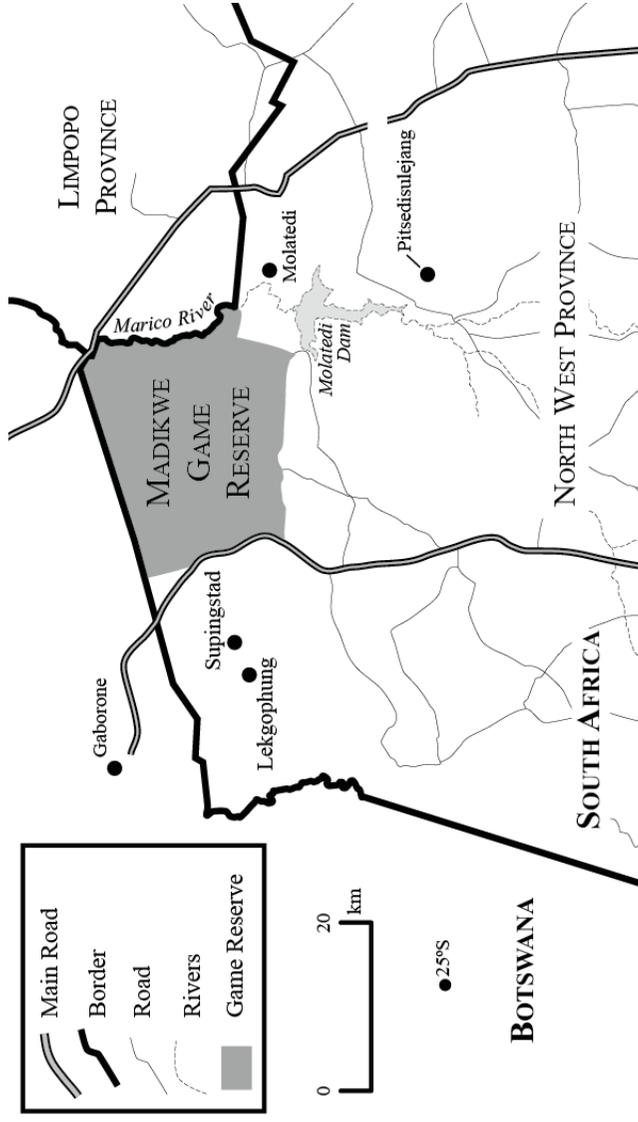
## Traditional Leadership in Practice

### Leading through Cooperation and Consultation in Lekgophung

I listen to the community, what they want, and then I can make a decision to go on with their project. I have different committees that I work together with to communicate with the community, and they talk to me if there are problems in the community. (Kgosi Pule Tsiepe of Lekgophung, interview, 30 June 2005)

The quotation above aptly summarizes Chief Tsiepe’s governance approach. *Kgosi* of Lekgophung from 1976 until his passing in 2011, Pule Tsiepe had a consultative leadership style. Residents described Kgosi Tsiepe as “polite” and “humble”, saying, “Our chief here works together with us” (interviews, 21 June 2005 and 5 October 2005). Less diplomatic observers described the chief and the local ward councillor as weak and unskilled: Kgosi Tsiepe had only a standard-six (eighth-grade) education, and the councillor had never held permanent employment (interviews; Magome et al. 2000). The *kgosi*’s less-than-dominant approaches left ample room for other residents to exert leadership.

Figure 3: The Research Localities in North West Province, South Africa



Source: Created for the author by Daniel McCullough.

Three local organizations served as the main sites for local planning and decision-making between 2000 and 2011: the Balete Traditional Council, the Lekgophung RDP<sup>8</sup> Forum and the Balete ba Lekgophung Development Trust. The Balete Traditional Council mediated conflict and sought to maintain custom. Comprised of several officers, a representative of the chief and two representatives of each active project, the Lekgophung RDP Forum coordinated all local development-oriented projects, mediated project disputes and solicited development support from government. The Balete ba Lekgophung Development Trust held rights to a Madikwe Game Reserve lodge concession on behalf of the locality, and Kgosi Tsiepe served as the founder trustee.

Both the RDP Forum and the Balete ba Lekgophung Development Trust brought all major issues to the *kgotla*, the customary place-institution for addressing matters of public importance. Historically a semi-democratic space in which Tswana men gathered to discuss and debate issues brought to them by the chief, the *kgotla* is now a place in which men and women share information, engage in collective discussion and sometimes make decisions (Schapera 1955; Kgotleng 2011; Lekorwe 1989; Mangokwana 2001). The *kgotla* served this role in Lekgophung, a locality characterized by consultative governance.

## Leadership through Directive Developmentalism in Molatedi

There are some decisions, even if they are taken by the council or the community, I can overrule them when I think they are not in line with the general masses' interest. (Kgosi B. F. M. Matlapeng of Molatedi, interview, 15 May 2006)

Kgosi Matlapeng has combined a directive approach with a strong focus on development since his appointment in 1999. Despite his belief that politicians “bring division” to the community, Kgosi Matlapeng worked with then-councillor Sam Mochine to persuade the Bojanala Platinum District Council to contribute 2.6 million ZAR towards construction costs for the Molatedi community lodge (interviews, 16 August 2005 and 15 May 2006). The Molatedi tribal office served as the focal point for most new initiatives throughout the 2000s as the *kgosi* worked with municipal officials, Madikwe Game Reserve businesses and villagers to improve the locality.

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8 Reconstruction and Development Programme.

Kgosi Matlapeng welcomed the use of the *kgotla* to promote local development, to share information and to discuss new opportunities, but discouraged its use for partisan discussions. The *kgotla* was the locus of an extended locality-wide debate regarding a Madikwe Game Reserve community lodge initiative in the early 2000s. Kgosi Matlapeng strongly supported the initiative and sought to ensure that Molatedi accepted the offer. “I am putting my head on the block. [...] [I told them the lodge] is going to proceed, with or without your involvement because we are all going to benefit”, he told me in 2006. It still took two to three years for the concession proposal to secure broad support, however (interview, 10 June 2005). While the *kgotla* was often used to inform residents of new projects and opportunities, Kgosi Matlapeng sometimes withheld permission for meetings that he believed were intended only for political party members or that did not accord with his interpretation of customary protocol. This stance made it difficult for some political party activists to access the *kgotla* but did not prevent elected officials from addressing the locality (interviews, 20/23 June 2005 and 15 May 2006). Molatedi’s directive traditional leader encouraged development while discouraging certain collective discussions and activities.

## Authoritarian Chiefly Neglect in Supingstad

The chief of Supingstad has a problem; he don’t want development in the village. (Lekgophung resident, interview, 21 June 2005)

Kgosi S. Victor Suping of Supingstad has become a nationally known traditional leader since his appointment to the chieftaincy in 1971 through his service as Bophuthatswana’s Minister of Agriculture and Minister of Home Affairs, as Chair of the North West Province House of Traditional Leaders, and as a member of the executive committee for the South African National House of Traditional Leaders. However, Kgosi Suping was a deeply controversial figure in Supingstad. Despite the near consensus that the *kgosi* was one of the most skilled and capable traditional leaders in the region, many believed that he had not served his locality well: No major decisions could be made during the *kgosi*’s frequent absences from the locality, Supingstad experienced water crises in the 1990s and the first decade of the 2000s, and Supingstad failed to secure a Madikwe lodge concession (interviews; also see Magome et al. 2000; Magome and Sentle 1998). Some informants also criticized the *kgosi* for his fear-evoking and supposedly self-centred governance style, along with his use of violence to force obedience during apartheid (interviews, 13/26 July 2005 and 27 February 2006). Supingstad had an au-

thoritarian traditional leader who focused his energy on provincial and national affairs.

## Contested Traditional Leadership in Pitsedisulejang

Pitsedisulejang has suffered from a surfeit of state-recognized leaders since 2000. Both Kgosi O. T. S. Maotwe and the former regent Moses Mmusi Maotwe lived within walking distance of the Pitsedisulejang *kgotla*, and first the Barokologadi Land Claims Committee and later the Barokologadi Communal Property Association officially represented local participants in the collective land restitution claim to Melorane, the place from which Barokologadi people were forcibly removed in 1949 and 1950.<sup>9</sup>

Kgosi O. T. S. Maotwe's efforts to exert authority have been complicated by two factors since his appointment in 2003: One, the *kgosi* has a poor relationship with Mmusi Maotwe, T. Z. Molwantwa, and other paternal relatives. The provincial government's removal of Mmusi Maotwe from the regency and the appointment of O. T. S. Maotwe to the chieftaincy before the royal family had reached consensus exacerbated these divisions. Two, differing conceptions of community divides these leaders, self-identified Barokologadi, and other citizen-subjects of the decidedly non-customary Barokologadi Traditional Community (see Turner 2013). First proclaimed in 1958, the Barokologadi "community" encompasses three mostly Barokologadi villages and four previously autonomous settlements but excludes the largely Barokologadi village of Obakeng.

Possessing formal authority but contested legitimacy, Kgosi O. T. S. Maotwe articulated an inclusive Barokologadi collective identity, worked closely with his local allies, and secured support from provincial officials and other traditional leaders. The *kgosi's* Pitsedisulejang allies included most of the traditional councillors, youth activists and residents who had moved to Pitsedisulejang. The *kgosi's* close cooperation with so-called "settlers" troubled land claim leader T. Z. Molwantwa and others who felt that the only true Barokologadi are those from Melorane (Turner 2013). On 8 May 2004, for example, land claim leaders stormed out of a meeting after the *kgosi* refused to accede to their demand that a tribal councillor leave the meeting because he was not Barokologadi. Subsequently, these land claim leaders helped organize a mass demonstration in which participants demanded, "Kgosi Thari should as a matter of extreme urgency start unconditionally recognizing and working with the

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9 The Barokologadi were governed by two state-recognized regents, Edwin and Mmusi Maotwe, in the interregnum between the passing of Kgosi Lawrence Sello Maotwe in the 1980s and the appointment of his son O. T. S. Maotwe.

rightful *borangwaneagwe* [paternal uncles] and not fly-by-night types” a few months later (Barokologadi ba Maotwe Community Forum 2004).<sup>10</sup> Kgosi O. T. S. Maotwe refused to accede to demonstrators’ demands and garnered support for his stance from provincial officials and other provincial traditional leaders (interview, 5 July 2010). The *kgosi’s* approach buttressed his authority but did not broaden his support base.

These brief descriptions illustrate the varied ways in which South African traditional leaders exert authority. Kgosi Tsiepe’s consultative and cooperative style contrasts sharply with Kgosi Matlapeng’s directive developmentalism and the high-profile Kgosi Suping’s neglect of his home village. The present ambiguity regarding traditional governance allows traditional leaders to relate to their citizen-subjects as they choose. These cases also show how each leader’s choices affect his (or her) popular legitimacy. As the next section details, the developmentalist chiefs Tsiepe and Matlapeng appeared to have much greater support from their citizen-subjects than did Kgosi Suping and Kgosi Maotwe.<sup>11</sup>

## Navigating Citizenship and Subjection through Community-Based Organizations

Many rural people participate in community-based organizations as well as or instead of relying upon traditional leaders for development and social protection. Lekgophung, Molatedi, Pitsedisulejang and Supingstad have had numerous community-based organizations for several decades – mutual aid associations, school governing boards, water committees and cultural groups, among others. South Africa’s democratization saw the emergence of new organizations that claim to represent each locality, to speak for and act on its behalf. This section describes the strategies these new organizations adopted. As I will discuss, in recent years most activists in Lekgophung and Molatedi worked *with* their traditional leaders while those in Supingstad and Pitsedisulejang worked *against* their chiefs.

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10 This elected traditional councillor settled in Pitsedisulejang shortly after his 1974 marriage.

11 Kgosi Matlapeng had less support in nearby Obakeng, which was incorporated into the Batlokwa Tribal Authority during apartheid.

## Working with the Chief: Hybrid Organizations in Molatedi and Lekgophung

The two leading organizations in Lekgophung and Molatedi, the Balete ba Lekgophung Development Trust and the Sebolao Development Trust, worked with their traditional leaders throughout at least the first decade of the 2000s. Both organizations were created in response to state conditions. The North West Parks and Tourism Board offered 45-year Madikwe Game Reserve lodge concessions to Lekgophung, Molatedi, Supingstad and two other nearby localities in the year 2000. These offers were extremely attractive, for *if* the community lodges succeeded, the concessions could foster local development by increasing employment and granting local people access to and control over a share of Madikwe tourism revenues.

The North West Parks and Tourism Board relied upon the traditional leaders as intermediaries, however, and issued the offers to chiefs rather than communicating directly with residents. The board also required each locality to publicly discuss and accept the concession offer, to register a new legal entity, and to commit to direct most profits towards community improvements. Lekgophung and Molatedi met these requirements and obtained concessions. Supingstad did not. Although Kgosi Suping accepted the concession on behalf of the locality, he could not convince board officials that his citizen-subjects had accepted the offer, selected representatives, and chosen a business partner through democratic, locality-wide processes (interviews, 6 April 2005, 3 August 2005, 21/23 March 2006).

Lekgophung created the Balete ba Lekgophung Development Trust (henceforth the Lekgophung trust), and Molatedi created the Sebolao Development Trust (the Molatedi trust) to hold their concessions on behalf of their communities. The new trusts were hybrid organizations: Each was formally separate from the traditional council but linked to the traditional leader who was named the “founder trustee”. Trust boards comprising each *kgosi*, several residents, and a few non-locals served as the principal decision-makers. These trustees had to make annual reports to residents but otherwise needed their consent only to sell, lease or alienate trust assets.

The two trusts’ trajectories illustrate the benefits and hazards of working with traditional leaders. In the early years, the Molatedi trust clearly benefitted from Kgosi Matlapeng’s involvement. While the *kgosi* attended meetings only at the request of other trustees, he participated in meetings with outsiders, assisted in fundraising efforts, placed two tribal office staff at the trust’s disposal and defended other trustees against

criticism. In contrast, Kgosi Tsiepe was much less active in the Lekgophung trust and in most cases refrained from direct involvement in its activities, although he received reports from other trustees and was generally supportive. Other trustees thus made the crucial decisions in consultation with the Lekgophung RDP Forum, residents and Mafisa, a private consultancy that had worked with the Lekgophung and Molatedi residents since the late 1990s. The Lekgophung trust relied heavily on Mafisa and the district municipality for administrative assistance.

Over the next several years, the trustees worked closely with one another and with Mafisa to finalize their agreements with the parks and tourism board, to raise construction capital from public and private sources and to manage the lodge development process. Rather than attempting to manage the lodges themselves, the Lekgophung and Molatedi trusts contracted with a private company to furnish, market and operate each lodge for a period of ten years. The lodge operator agreed to pay the trust's annual concession fee, 10 per cent of lodge turnover (gross revenue) and a fixed, inflation-adjusted fee per tourist bed each year. The trusts also required every contractor to hire local people unless no one possessed the requisite skills. Both trusts reported their progress to residents and sought their consent for major decisions throughout the fundraising and lodge development process.

The two trusts entered a new phase with the openings of the Lekgophung lodge and the Molatedi lodge, in November 2004 and August 2006, respectively. Three Lekgophung trustees and two Molatedi trustees obtained lodge employment and shifted their focus to their new jobs while the other trustees turned their attention to neglected commitments.<sup>12</sup> The Lekgophung trust struggled to develop administrative capacity, relationships among some Molatedi trustees broke down, the Molatedi trust began to meet less frequently, and both trusts were slow to issue financial reports. Neither traditional leader played an active role during this difficult transition.

The Lekgophung and Molatedi trusts then came under severe stress with the onset of the recent global financial crisis, which led to a 4.2 per cent global decrease in international tourist arrivals and a 5.7 per cent decrease in international tourism receipts (UNWTO 2010). Although occupancy rates remained high at the two lodges, the lodge operator argued that the global downturn necessitated a change in terms and sought to reduce its turnover payments by 40 per cent. Neither trust quickly ac-

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12 The trustees' employment was less controversial than one might expect because four of the five had professional guiding or administrative experience, and three left better-paying jobs at private lodges.

cepted the operator's proposal.<sup>13</sup> The operator then stopped making payments, creating a financial crisis for the trusts.

The traditional leaders of Molatedi and Lekgophung responded to the trust crises very differently: Kgosi Matlapeng chose to intervene directly while Kgosi Tsepe maintained a hands-off approach. When the Molatedi trustees struggled to respond to this difficult situation, Kgosi Matlapeng asserted direct control over the trust. Rather than working with the other trustees to address this situation or seeking their consent for his intervention, the *kgosi* went first to the Batlokwa Traditional Council and then to Molatedi residents to seek their support for his decision. Kgosi Matlapeng justified his intervention as follows:

The chairperson of the council is *kgosi*. [...] This is the only structure in the community that has all the powers in terms of the law. Any other structure – committee, trust or whatever – operates under them [the traditional council]. [...] When the municipality isn't properly working, government has the prerogative of sending someone to administer it until it is active. If a functioning committee doesn't perform well, take over until it is organized. Then hand it back. (Interview, 8 August 2011)

The Molatedi trust deed makes no provision for this kind of unilateral action. However, the *kgosi* then proceeded to work with his staff, outside advisers, and legal counsel to address the crisis. The crisis was not fully resolved when I left Molatedi in August 2011, but a new company had taken over lodge management and made a commitment to pay the funds owed by the previous operator. It remained unclear whether and when the Molatedi trustees would regain decision-making authority.

The Lekgophung trustees retained their authority throughout the crisis. Drawing upon their long-time relationship with Mafisa principals, the Lekgophung trustees obtained independent *pro bono* legal and financial counsellors who helped the trustees to analyse their situation and to negotiate with the delinquent operator and with their lenders. Concurrently, the trust entered into negotiations with a trusted prior operator, who subsequently took over lodge marketing and operations. Both lodges were still operational, if not thriving, in 2013.

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13 Trustees asserted that the operator's financial problems arose from a struggling new project rather than from their lodges (interviews, 8-13 August 2011). The proposed revisions would have left the trusts with little ability to support local development initiatives, as much of the income of the trusts is consumed by loan repayments.

The contrasting experiences of the Lekgophung and Molatedi trusts illustrate the risks and opportunities inherent in working with local traditional leaders. Because these new organizations worked with their chiefs, they gained access to these individuals' insights, networks and administrative resources and received assistance in obtaining government grants and loans. Partnering with Kgosi Tsiepe and Kgosi Matlapeng also provided a means for the trusts to share information with residents and to solicit feedback from them. But working with traditional leaders also comes with risks, as the Molatedi case shows. Hybrid organizations may be vulnerable to intervention in high-pressure situations where traditional leaders may use their access to the *kgotla*, their control over traditional councils, and their connection to hybrid organizations to intervene. While it may be possible for such organizations to resist intervention by cultivating greater autonomy, doing so would require organization leaders to work more closely and directly with other citizen-subjects and with government than they did in Molatedi.

## Challenging the Chief: Independent Mobilization in Supingstad and Pitsedisulejang

### *Supingstad*

Supingstad and Pitsedisulejang illustrate both the potential and challenges of independent community activism. Supingstad was roiled by an uprising throughout 2005 and 2006. Led by the recently created Kopanang Youth Development Forum, local activists took over the *kgotla* to hold open meetings and meet with public officials, travelled to Mafikeng to petition provincial leaders and organized a mass meeting of Supingstad and Lekgophung residents.<sup>14</sup> Youth forum leaders took an interest in every aspect of village life – employment, local business, crime and relations with Madikwe Game Reserve – and sought to involve all residents in their development efforts. These activists rapidly began making new demands upon government, which they saw as both a source of and a potential solution to local problems.

The youth forum initially sought to work with Kgosi Suping, who had authorized the new organization and offered to facilitate its registration with the provincial youth council. However, relations between the forum and the chief soon broke down. Forum members came to believe

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14 Kgosi Suping's governance was perceived to negatively affect both Lekgophung and Supingstad (meetings, interviews, 21 June 2005, 5 October 2005).

that Kgosi Suping had no interest in local development, democracy or accountability and instead sought to use the forum for his personal benefit. In contrast, the forum placed a strong emphasis on transparent governance. As Sinclair Rasebotso put it:

We want to work with youth or with the community as a whole by calling an *imbizo* [a public meeting] each and every time to tell the people what exactly is going on in Supingstad which is what he [the *kgosi*] does not do for a period of maybe a year, sometimes eight months, no *imbizo* for the community from the chief. (Interview, 13 July 2005)

From that point on, the Kopanang Youth Development Forum worked independently of the traditional leader and sought to build alliances with tribal councillors, political party activists, the Lekgophung RDP Forum, and the Lekgophung youth committee. The forum also held a series of open meetings at the Supingstad *kgotla*, providing a public space for citizen-subjects to articulate their grievances and for the forum to inform other locals about their activities, to secure public support for its plans, and to report on its expenditures.

These activities clearly challenged Kgosi Suping's authority. In calling *kgotla* meetings, organizing collective action, mediating conflict and serving as an intermediary, the youth forum took upon itself the customary roles and functions of a traditional leader. Indeed, the *kgosi* attempted to halt at least one meeting on the grounds that it was unauthorized. Yet, forum leaders refrained from openly advocating Kgosi Suping's removal or the eradication of traditional authority despite their antagonism toward the chief. The forum also made no attempt to disrupt his *kgotla* meetings. Instead, forum leaders argued that they sought to make the *kgosi* more accountable and to press him to work for collective well-being.

The Kopanang Youth Development Forum had established itself as a key political actor in Supingstad by July 2006. However, the forum had neither made much tangible progress towards development nor secured government intervention by that time, and it was unable to do so subsequently. Local mobilization gradually declined as it became apparent that the forum could not achieve the changes many citizen-subjects desired without support from government or the *kgosi*.

### *Pitsedisulejang*

Pitsedisulejang has also been riven by chieftaincy-related conflicts and mobilizations in the 2000s. In this case, however, conflicts centred on activists' efforts to augment the royal family's influence and impose a

restrictive conception of Barokologadi collective identity.<sup>15</sup> Traditional leadership activists first sought to secure state recognition of a newly created Barokologadi Royal Council. After Mmusi Maotwe became regent in 1999, a committee selected by the Barokologadi royal family wrote a constitution granting the royal family control over all matters regarding the chieftaincy, including “the duration of regency”, and then obtained the assent of 32 Barokologadi royals and clan leaders for the new document. When the committee submitted the constitution to government in 2002, however, the Provincial Director of Traditional Leadership and Institutions declared that the composition of the Barokologadi Tribal Authority “flouts the procedure and provision” of the still-operative Bophuthatswana Traditional Authorities Act 23 of 1978. The director also strongly implied that the constitution’s provisions were inconsistent with the South African Constitution and relevant laws, which gave government sole power to appoint chiefs and acting chiefs. Provincial officials then appointed O. T. S. Maotwe to the chieftaincy in 2003 shortly after he graduated from university at age 24.

This was the context in which disgruntled royal family members and other activists began using the Barokologadi Land Claims Committee to challenge the chief as well as to successfully pursue a collective land restitution claim. As the state-recognized intermediary between Barokologadi claimants and other parties, the Barokologadi Land Claims Committee was not obligated to defer to traditional leaders. The committee was expected to meet regularly, and meetings were open to all claimants and sometimes to others as well.

The following example illustrates how activists used the committee to challenge the chief. In late February 2006, the Barokologadi Land Claims Committee announced that they would hold a meeting at the Pitsedi-sulejang *kgotla* and publicized the meeting on radio before requesting the *kgosi*’s permission, as customary protocol requires. Kgosi O. T. S. Maotwe then failed to make the *kgotla* accessible, necessitating the meeting’s relocation and providing a pretext for extended public discussion of his leadership. The first part of the land claim meeting was devoted to a presentation by Mmusi Maotwe in which he complained about the refusal of the “*kgosi-to-be*” to grant access to the *kgotla* and justified efforts to delay the traditional inauguration of his replacement. The former regent also declared that the royal family would not discuss the *kgosi*’s inauguration until he addressed all their outstanding demands, which included a royal’s restoration to the position of village headman and the acceptance of the Baro-

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15 Turner (2013) discusses Barokologadi identity conflicts and land claim activism.

kologadi of Obakeng as part of the *kgosi's* "tribe". Several similar perorations followed. The committee did not shift its focus to the land claim until the meeting attendees had approved a proposal to add their names to a related petition to the provincial premier by acclamation.<sup>16</sup> Another observer told me, "They were supposed to have a claim report, but they got a report on the chief" (interview, 2 March 2006).

Kgosi O. T. S. Maotwe refused to accede to these demands: He did not reappoint his paternal uncle to the village headmanship and continued to avoid involvement in Obakeng. Activists then continued their efforts to delay the traditional inauguration until the provincial government reconstituted the Barokologadi royal family. On 4 November 2006, several members of the Barokologadi ba ga Maotwe royal family inaugurated O. T. S. Maotwe as *kgosi* in the presence of the acting provincial premier, several senior traditional leaders, municipal councillors and local people. Neither the former regent nor Barokologadi land activist T. Z. Molwantoa participated in the inauguration, however, and the relationship between the *kgosi* and these relatives remained poor in 2010 despite repeated pleas that these leaders reconcile for the good of the Barokologadi.

The Pitsedisulejang and Supingstad cases show that autonomous local organizations can enable citizen-subjects to express their views, to build support, and to make demands upon traditional leaders and the state. Neither the Supingstad youth activists nor the Barokologadi traditionalists achieved their goals, however. Barokologadi traditional leadership activists and land claim leaders obtained the partial restoration of Melorane but could not prevent the appointment and inauguration of O. T. S. Maotwe. Provincial officials exercised the state's authority of traditional governance to appoint O. T. S. Maotwe to the chieftaincy and to secure his "traditional" inauguration.

## Conclusion

In examining contemporary citizen-subjection in South Africa and analysing the ways in which rural South Africans navigate their situation, this article has explored the possibilities and limitations of local agency in the absence of transformative policy reform. The case studies illustrate how traditional leaders and citizen-subjects are shaping rural governance in North West Province. While Lekgophung exemplifies how traditional

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16 "All who are afraid to meet with the Premier" were told to speak up immediately. Not surprisingly, no one did.

leaders can create space for local cooperative initiatives, the Molatedi trust's trajectory highlights the risks inherent in working with the chief. The actions of youth activists in Supingstad and of Barokologadi traditionalists in Pitsedisulejang show how citizen-subjects can try to hold traditional leaders accountable even without supportive state policies. These examples highlight the positive potential of local agency.

This article also documents how activists and self-proclaimed leaders have worked with and against traditional leaders. While local trustees collaborated with traditional leaders to pursue development through nature tourism in Lekgophung and Molatedi, many citizen-subjects in Pitsedisulejang and Supingstad saw their chiefs as an obstacle to good governance and used *kgotla* meetings, mass mobilizations and petitions to express their discontent. Community-based organizations in Supingstad, Pitsedisulejang and other Barokologadi places became vehicles for local struggles. Activism can deepen existing divisions in localities.

Close examination of contemporary South African traditional governance thus affirms the African proverb *kgosi ke kgosi ka batho* ("A chief is a chief through the people"). Rather than affirming or refuting broad claims such as "We see abuse only from chiefs. We do not want the government of the chiefs in rural areas" or "Traditional leadership offers unique attributes of leadership that fulfill specific social and governance needs of people as communities", the four cases underscore the need for more nuanced analysis (Mbelekane and Rural People's Movement 2010; Sithole and Mbele 2008: 11). Although these cases provide additional evidence that many traditional leaders are not fulfilling their citizen-subjects' expectations and that the legitimacy of many state-recognized leaders is contested, the cases also indicate that South Africa's continued recognition of traditional leadership has produced diversity, not uniformity. Some traditional leaders are locally legitimate, and others are not. Some traditional leaders look after their subjects, and others do not. Some traditional leaders interact with their subjects in a more democratic way than others. South African citizen-subjects are doing their best to get the traditional leaders and forms of local governance they desire in this context.

This analysis underscores the need for greater state responsiveness to citizen-subjects and for democratizing traditional leadership reforms. At the same time that Lekgophung, Molatedi, Pitsedisulejang and Supingstad illustrate how rural people are mobilizing in pursuit of collective goals, these cases also show that most community-based organizations cannot secure the transparent governance, accountability or improved well-being that citizen-subjects desire without state recognition and support. Local

mobilization may be necessary for accountable and democratic governance, but it is not sufficient. The limits of citizen-subjects' initiative were particularly apparent in Supingstad, where activists repeatedly petitioned for state intervention to no avail. Their pleas echoed those of Prisca Shabalala at the Land Divided Conference<sup>17</sup> in March 2013: "Why is the government ignoring us? [...] Government, answer us!"

South Africa's post-apartheid constitution declares the state to be founded on democracy, constitutional supremacy and common South African citizenship. South Africa's citizen-subjects want and need their state to act in a manner consistent with these founding provisions. Restoring a measure of downward accountability to traditional governance would be a promising step in this direction.

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## **Traditionell, demokratisch, verantwortlich? Lokale Herrscher und unterworfenen Bürger im ländlichen Südafrika**

**Zusammenfassung:** Fast zwei Jahrzehnte nach der Demokratisierung Südafrikas gelten Fragen nach traditionellen Entscheidungs- und Verantwortungsbereichen immer noch als politisch problematisch, denn mehr als 14 Millionen schwarze Südafrikaner sind staatlich anerkannten sogenannten “traditionellen” Autoritäten untergeordnet – Königen und Königinnen, *Chiefs* und Regenten. Der Beitrag gewährt einen Einblick in diese Regierungsform. In vier ländlichen Ortschaften ermittelt die Autorin die Handlungsfreiheiten betroffener Bürger, die Strategien traditioneller Autoritäten sowie die Formen der Mobilisierung von Bürgern. Diese Fallstudien zeigen, wie sich abhängige Bürger gemeinsam mit traditionellen Autoritäten und Gremien, hybriden Organisationen und unabhängigen Gruppen – aber auch über oder gegen diese – bemühen, die Entwicklung ihrer Gemeinden zu fördern und eine effiziente, verantwortliche Verwaltung zu erreichen. Sie zeigen auch, inwieweit die derzeitigen Machtstrukturen es traditionellen Autoritäten ermöglichen, Gruppeninitiativen zu blockieren oder zu unterminieren. Indem sie das heutige Führungsverhalten traditioneller Autoritäten analysiert und die Aufmerksamkeit auf die Handlungsfreiheiten von Bürgern lenkt und auf deren Probleme, angesichts der Machtstrukturen in ihren Kommunen verantwortungsvolle Entscheidungen zu erreichen, belegt die Autorin die Notwendigkeit weiterer demokratischer Reformen.

**Schlagwörter:** Südafrika, Staat, Kommunale Regierung/Verwaltung, Gewohnheitsrecht, Soziale Beziehungen/Soziale Kontrolle, Politische Partizipation