

The Socio-political Consequence of the Commission on Traditional Leadership Disputes and Claims in South Africa: A Post-Apartheid or Modern Political Discourse within the ANC Led Government?

Buti Kompfi¹, Chitja Twala² and Jacob Selesho³

¹*Faculty of the Humanities, ²Department of History, University of the Free State, Bloemfontein, South Africa*

³*Faculty of Management Sciences, Vaal University of Technology, Vanderbijlpark, South Africa*

¹*E-mail: kompibh@ufs.ac.za*

KEYWORDS African National Congress. Ethnic Groups. Paramount Chief. *Amakhosi*. *Izinduna*. Kings

ABSTRACT The intent of the study is to investigate and analyse the impact of the Commission on Traditional Leadership Disputes and Claims to the rural communities in South Africa. The authors opine that the issue of traditional leadership has been a contested terrain in South Africa long before the African National Congress (ANC) could assume power in 1994. Furthermore, the study attempts to highlight the intervention strategies embarked upon by the ANC in trying to resolve this problem, hence the institution of the Traditional Leadership Disputes and Claims Commission which was tasked with investigating the legitimacy of some claims on traditional leadership. The study examines, critiques and contextualizes as to why would organisations and to a certain extent individuals sort claims of the legitimacy of traditional leadership in a democratic South Africa. Without doubt, such attempts made democratic dispensation in South Africa an interesting terrain to highlight issues of socio-political concerns. Therefore, with this study the authors intend to raise the issues of the recognition of traditional leadership in as far as disputes and claims are concerned. The study argues that the issue of traditional leadership disputes and claims can be regarded as a modern political struggle in a democratic South Africa and if not properly resolved, negative consequences can be experienced.

INTRODUCTION

The study departs from the premise that traditional leadership, from the pre-colonial to post-colonial and apartheid eras, have been central to the lives of African people for centuries. In reality, traditional leaders wield enormous powers and the people increasingly look to them for leadership in socio-economic and political issues. Like many other countries with a colonial or other legacy in the developing world, South Africa emerged from the apartheid era with inherited massive traditional leadership problems which continue to exacerbate its socio-economic misfortunes and injustices, hence the disputes over the claims on the traditional leaders in some sectors of the communities around the country. The colonialism and later apartheid system undermined, distorted and to a certain degree tried without success to erode traditional leadership. This was done through the passing of various legislations such as the Land Acts of 1913 and 1936, the Native Administration Act of 1927; the Bantu Authorities Act of 1951 and the Promotion of Bantu Self-Government Act of 1959

(Pampalis 1991: 73-78; Landau 2010: 190; Giliomee and Mbenga 2007: 233).

The authors are convinced that the discussion in this study clearly indicates that in one way or the other, the legitimacy of some of the traditional leaders in South Africa remains questionable and to a certain extent creates a political discourse due to the nature of the ANC's governance within the country. Thus study proves that legitimate traditional leaders have a huge role to play in the traditional as well as political governance of South Africa, something which is currently compromised by 'illegitimate' traditional leaders. The above political discourse necessitated the former President of South Africa Thabo Mbeki to institute the Commission of Traditional Leadership Disputes and Claims. Therefore, the study scrutinises the impact of this Commission to the principle of democratisation in South Africa. It is noted in this study that since the beginning of the transition processes in South Africa during the late 1980s and early 1990s, the institution of traditional leadership and its future role in a democratic dispensation has been one of the key issues, proving highly controversial in party-politics.

Conceptual and Theoretical Framework

The issue of the legitimacy of some traditional leaders in South Africa has been for many years a contested terrain. Due to the financial benefits and the status elevation of traditional leaders in a post-apartheid era, there existed the need to investigate the whole domain of traditional leadership. Without doubt, theoretically traditional leadership has been both a mirror and a consequence of the experience of European hegemony, that is, in Gramsci's terms, 'the dominance of one social bloc over another, not simply by means of force or wealth, but by a social authority whose ultimate sanction and expression is a profound cultural supremacy' (Forgas and Nowell-Smith 1985: 46).

The Native Administration Act of 1927 underlined nations as necessary components of the state's blueprint. It designated the Governor-General as the 'Supreme Chief' of all Africans. The latter could divide or amalgamate ethnic groups and could constitute a new group. The problem was exacerbated by the fact that the apartheid government created and imposed its own traditional leaders at the expense of the traditional and legitimate leaders in some communities in South Africa (Murray 2004: 3-4). Obviously this led to tensions within the affected communities. In the process, many headmen took advantage of the situation and declared themselves as chiefs or traditional leaders.

The above unhealthy situation whereby individuals declared themselves as traditional leaders became a recipe for problems addressed in this study, that of claims and disputes over the institution of traditional leadership in a democratic South Africa. The doubtful origins of many chiefs served to further weaken their legitimacy, as many chiefs were considered to be only headmen who had usurped chiefly powers (Van Kessel and Oomen 1997: 564). Such men fit M Mamdani's (1996) description of 'rule by decentralised despots' and 'administrative chiefs'. He used the concept of 'decentralised despots' to refer to the rule by tribal rulers who were either imposed or supported by their colonial masters. He also referred to them as 'administrative chiefs' because they took instructions from their masters. This was an indication that they had no grip and command on the traditional affairs of their communities.

Whilst the scholarly discourse in Southern Africa has largely been a result of government-commissioned research, focusing the legal and institutional elements and implications of traditional leadership, in recent years other aspects of traditional leadership have been increasingly discussed, with a focus on state capacity building, the empirical analysis of the people's perspectives on the efficiency and legitimacy of the institution. In assessing the socio-political impact of the Commission of the Traditional and Leadership Disputes and Claims on the legitimacy of some traditional leaders in South Africa, the authors identified the traditionalist, Africanist, liberal-democratic and modern perspectives as political and scholarly discourse on the future of traditional leadership. However, for the purpose of this study, not all of the above theories will be discussed.

Review of Related Literature

Bell (1993, in Ile and Mapuva 2008: 127) argues that a literature review helps devise theoretical and analytical frameworks that can be used for subsequent interpretation and analysis of data. In line with this argument, related literature cited in this study will be used to analyse the socio-political impact of the Commission on Traditional Leadership Disputes and Claims. However, it should be noted that no study has ever been undertaken on the Commission itself. Therefore, this study attempts to fill that void.

In an attempt to understand and conceptualise the dynamics and context surrounding the Commission, there is a need to understand the background and massive work done by scholars in the area of traditional leadership generally. A wealth of scholarship has been built up over the last decade or two on traditional leadership in South Africa. This literature has different orientations. Some have a policy bent on mainly descriptive, detailing the particular policies that generated the positive socio-economic outcomes. Others tend to have a more institutional focus emphasizing the embedded but relatively autonomous character of the nature of traditional leadership in South Africa, which speaks to the structural linkages and social interactions between the traditional leaders and the democratically elected political leaders, particularly at the local sphere of government. For example, Oomen (2005) succinctly wrote that the traditional lead-

ers remain integral part of people's existence in rural areas. Therefore, it was evident from this argument by Oomen that even in a democratic state such as South Africa, the role to be played by traditional leaders remains important. Furthermore, Oomen (1999: 83) stated that in debating the future of traditional leadership, for instance, the necessity of a neutral, non-tribal, non-political stance of the chiefs was emphasised. However, it should be indicated that the issue of traditional leadership is recognized by the Constitution of the Republic of South Africa.

It should be noted that this study on the Commission is underpinned by a democratic theory of traditional leadership elsewhere in the country. As previously indicated, long before the ANC could take over power in South Africa, the question of traditional leadership became critical and was contested. This was due to the different schools of thought in as far as traditional leadership was concerned. In elucidating the above, Logan (2008: 1) has considered the debate on traditional leadership as being based on the so-called 'traditionalists' and 'modernists'. This debate had been waged for decades in Africa, but intensified in the last two decades as efforts of democratisation and decentralisation brought competing claims to power and legitimacy to the fore, especially at local level.

According to Logan (2008: 1), 'modernists argue that the institutional forms of liberal democracy are universally valid, and that Africans aspire to democratic systems of rule that look much the same as those in the West. They view traditional policy systems as relics of the past that may actually impede democratic development, and which must therefore be overcome'. On the other hand traditionalists argued that traditional leadership institutions proved both malleable and adaptable, and that even if they could change, they still draw on their historical roots in unique and valuable ways. Most scholars prefer to approach the activities of traditional leaders when evaluation their roles in as far as the land question is concerned (Turner 2013: 1-23).

METHODOLOGY

Creswell (1998: 2) defines a research method or design in the qualitative context as the entire process of research from conceptualising a problem, to writing the narrative. The study follows a

qualitative as well as a narrative research approach. The choice of this approach was guided by a careful consideration of the topic under discussion which sought to understand the motives behind the establishment of the Commission, opinions and interactions between people and the implementation of its recommendations. This informed the type of data that was needed for the study. For the purpose of this study, research reports, academic articles, books and chapters in books which were produced on the question of traditional leadership authorities in the pre and post-apartheid South Africa were consulted. In line with the above, interviews with knowledgeable people on the topic were also conducted.

OBSERVATIONS AND DISCUSSION

Analysis of the Historical Context of Operation of Traditional Leadership in South Africa

Prior to colonialism, indigenous peoples of Africa had their own complex and yet dynamic methods of developing and asserting leadership in tribal societies. At the first encounter with the colonialist, these African models could not fit the Eurocentric binary framework of reality, and out of ignorance were thus dismissed by colonialists as backward and primitive. Therefore, for the colonial rule over the majority of the African people, traditional leaders were granted official recognition provided they exercised their functions and duties in terms of foreign legislations. Thus, the problem confronting South Africa was the colonialist and apartheid meddling with the affairs of traditional leaders resulting in an institution that was not traditionally pure, but rather more a product of the colonial and neo-colonial moulds, as well as ongoing inventions of custom, culture and tradition (November and Wessels 2002: 136-137).

November and Ntsoane (2003: 138), argues that 'the colonial advances and the subsequent peripheralisation of traditional African institutions of governance, reflected in many ways the colonial stereotypes about the founders of these institutions. It became clear to them that it was difficult to westernize indigenous people while African institutions of power, such as traditional leadership, were still in the mainstream and still influence the people's practices. Therefore, the resultant gradual destruction of linkages and

support to the role that these institutions played added in the erasure of knowledge about how they operated'. This political discourse created problems for the institution of traditional leadership in South Africa in the post-apartheid era as some traditional leaders became so by default as they were imposed to the African nations. Therefore, the Commission had to reflect on the legitimacy of these leaders.

It is interesting to note that when the ANC adopted its first constitution in 1919, it provided a forum known as the Upper House of Chiefs. Some of the iconography of liberation included the names of illustrious kings and queens. Accordingly, the transformation of traditional leadership, especially between 1997 and 2003, sought to bridge the gap between hereditary and democratic leadership. It sought to undo the legacy of the 1927 Black Administration Act, the 1951 Black Authorities Act and the many other 'homeland' laws that sought to exploit traditional leadership to further the goals of indirect rule. The task of accommodating traditional leadership had to contend with challenging questions such as how to comply with the Bill of Rights (Nkasawe 2012: 35).

In South Africa, the government made several attempts to deal with the issue of traditional leadership. The 1996 Constitution provides for the recognition of traditional leadership as a commitment to embrace cultural practices. Furthermore, the government crafted the 1998 White Paper on Local Government regarding the role of traditional leadership

The Establishment of the Commission on Traditional Leadership Disputes and Claims

Democratically elected government structures call on traditional leaders to support them in the formulation and implementation of their policies and programmes. As people revert to their cultures in search of answers to contemporary social problems, traditional leaders were called upon to give direction and guidance. In order to deal with the historical tensions and restore the dignity of the traditional leadership institution, in November 2004, the former South Africa's President Mbeki appointed a 12 member Commission on Traditional Leadership Disputes and Claims. The Commission was later known as the Nhlapo Commission because it was chaired by Professor Thandabantu Nhlapo

of the University of Cape Town. The establishment of the Commission on Traditional Leadership Disputes and Claims was done in accordance to Section 25 (4) of the Traditional Leadership and Governance Framework Act of 2003 (TLFA).

According to Nhlapo, the commissioners reflected diversity in terms of ethnicity, profession and relevant academic disciplines. Most of the commissioners were lawyers, from language and culture units and from social sciences. The establishment of this Commission was seen as an attempt by the ANC's government to correct the 'wrongs' of the past and as part of the country's efforts for nation building (Nhlapo, 2011). Furthermore, the establishment of the Commission was an agreed position between the ANC's government and traditional leaders in order to investigate the legitimacy of some traditional leaders in the country. This was confirmed by Nhlapo (2011) where he stated:

When Congress of Traditional Leaders of South Africa (CONTRALESA) approached the African National Congress (ANC) during the Kempton Park negotiations and during the work of the Constitutional Assembly in putting together the constitution, they were explicit in their request for an audit to be carried out as to who was, or was not, a legitimate traditional leader in South Africa.

It should be noted that when the Commission was established in 2004, South Africa had 12 paramount chiefs. The Commission had to investigate whether or not the paramountcies qualified to be recognized as kings or queens. Holomisa (2010: 8) wrote that the call for the establishment of the Commission was made at a time when there was turmoil and political uncertainty with regard to the continued existence of the institution of traditional leadership in the minds of activists and policy-makers.

The Mandate of the Commission on Traditional Leadership Disputes and Claims

It should be noted that the institution of traditional leadership had from time immemorial been plagued by intrigue, betrayal, violence and usurpation of position, leading to deviation from the original line of succession. Those which moved away from the original seat of power asserted their autonomy and recognized their immediate leaders. At times this happened with

the blessing of the original authority, while at others the new authority was legitimized by force. Passage of time led to acceptance of the status quo as it emerged. Stability in governance followed, with cultural imperative of who was senior and who was junior, and who the highest court of appeal had duly recognized and acknowledged.

According to the TLFA, *'the Commission has the authority to investigate all traditional leadership claims and disputes dating from 1 September 1927, however in terms of Section 2 (2) (a) (vi) of the Act, the Commission has the authority to investigate, where good grounds exist, any other matter relevant to the matters listed in paragraph (a), including the consideration of events that may have arisen before 1 September 1927. Although the mandate of the Commission was for the investigation of Kingship matters from 1927 when the Black Administration Act came into effect, where good grounds existed, the Commission had the right to do that'* (TLFA 2003: 28).

The Socio-political Impact, Findings and Challenges Experienced by the Commission

When the Commission started with its work, certain questions were asked by Phathekile Holomisa as one of the traditional leaders. The questions included the following: Will the implementation of the findings lead to the unity of the nation? Will it lead to the acceptance of the legitimacy of the authority of the new ruler by the people who had hitherto known another authority? Will it result in stability, accelerated service delivery, peace and order? From the above, it became clear that the Commission was faced with a complex task due to varying succession principles and different methods of respective communities of ethnic groups in South Africa. The Commission was charged with the responsibility to resolve applications or claims that were placed before it by any person who would support the application with relevant information on, acting on his/her behalf or on behalf of his/her community, on positions of traditional leadership and status of traditional communities (Sit-hole and Mbele 2008: 40-41). Consequently, the above responsibility of the Commission, in one way or the other exposed it to several challenges after the announcement of its findings.

Modern democratic South Africa is yet to convene a national congress for an overall and comprehensive discussion of the role, function, powers and place of the institution in the life of its people. The tragedy is that while there continues to be lack of clear policy directives on the part of government on the place of the institution in the new democratic order, the interests of the rural communities continue to suffer. In most cases, this led to disputes and contestations over operational spaces.

As indicated before, the Commission was meant to resolve claims with the period after 1 September 1927 being the main focus, with exceptional cases being possible to entertain for a period before this date. It was also part of the Commission's specific mandate to look at paramountcies in accordance with their description and recognition in Section 9 of the TLFA. It had the authority to investigate either on request or of its own accord the following: a case where there was doubt as to whether a kingship, senior traditional leadership or headmanship was established in accordance with customary law and customs; a traditional leadership position where the title or right of the incumbent was contested; claims by communities to be recognized as traditional communities; the legitimacy of the establishment or disestablishment of 'tribes'; and disputes resulting from the determination of traditional authority boundaries and the merging or division of 'tribes'.

It was expected of the Commission that when considering a dispute or claim, it had to consider and apply customary law and customs of the relevant community as well as when the events occurred that gave rise to the dispute or claim.

Nhlapo (2011) stated the following about the mandate of the Commission and its possible findings:

In the first place, the statute was carefully crafted to distance the government from the decision, hence the unusually strong powers of the Commission, including the power to have the final word. Contrasted with other commissions of inquiry who only recommend to the government of the day, our Commission was mandated to give final decisions and not only that, but virtually to instruct the President and the Premiers to implement the decisions. The only recourse for anyone aggrieved by the decision was to take the matter to a court of law. I am convinced in my mind that the logic of this

was to distance the government of the day from what was expected to be a series of politically sensitive decisions.

The Commission investigated and released its first report on 20-30 April 2008, where it established that out of 12 paramount chiefs and paramountcies in South Africa, only 6 qualified to be recognized as Kings or Queens. At that time the Commission indicated that it was still to investigate as to what position was correct and relevant to those who did not qualify to be recognized because the TLFA recognized only 3 positions of traditional leadership, namely, King, Senior (Principal) Traditional Leader and Headmen or Headmen/women. Upon releasing this report, the Commission was faced with a mammoth task of investigating who the legitimate incumbents were and at what level should those who did not qualify be placed.

According to the findings of the Commission, the following paragraph shows the Kingships that were recognised and deemed legitimate in South Africa. For *abaThembu* tribal group in the Eastern Cape Province, Kumkani Buyelekhaya Zwelibanzi Dalindyebo was recognised as the legitimate King; Kumkani Zwelonke Sigcawu in the Eastern Cape was recognised for *AmaXhosa*; also in the Eastern Cape for *AmaMpondo*, Kumkani Zanozuko Tyelovuyo Sigcawu was recognised; in KwaZulu-Natal, Ngonyama Goodwill Zwelithini Zulu was recognised; and the *Bapedi ba Maroteng* in Limpopo recognised Kgosikgolo Thulare Victor Sikhukhune. The following were paramountcies and paramount chiefs rejected and not recognised by the Commission. For example, *AmaRharhabe* in the Eastern Cape Kumkani Bangilizwe Maxhobayakhawuleza Sandile; *AmaMpondo aseNyandeni* in the Eastern Cape Kumkani Ndamase KaNdamase; *Batlokwa ba Mota* in the Free State, Morena O Moholo Lekunutu Cavandish Mota; in the Free State again *Bakwena ba Mopeli*, Morena O Moholo Thokwana Mopeli; for *AmaNdebele wakwa Ndzundza* in Mpumalanga, Ingwenyama Mbusi Mahlangu was not recognised (Sokaza 2008: 2).

It is clear from the above that in exploring the interconnections between the traditional leaders and their legitimate stance provided the Commission with more problems than solutions. Conflicts over who the legitimate traditional leaders were, served as the source of problems in many of the traditional leadership institutions around the country.

Inadequate Research Conducted by the Commission

The Commission was accused of having used some distorted records. For example, it is criticised for using oral testimonies as evidence. However, it should be noted that evidence held in people's memories can serve to dispute, correct and fill the gaps of written records, but as an historical source this too has shortcomings. In 2009 Peter Delius from the University of the Witwatersrand argued that the Commission's approach of attempting to establish rightful kings and queens by following genealogical lines was misguided. According to him, such an approach obscures the fact that, prior to colonial intervention, rules of succession were flexibly applied to legitimate whoever had ascended to leadership by outwitting opponents. Therefore, political support was important for the legitimacy of leadership, yet the Commission's determinations paid no attention to such political processes. In addition, the Commission had adopted a one-size-fits-all model in an attempt to standardize paramountcy and chieftainship across the country. This model did not take into account of the customary leadership practices of different groups over time.

Failure to Finalise its Findings within Stipulated Time-frame

The Commission was unable to complete its functions and responsibilities within the stipulated time frame because of the many challenges it experienced. It had to investigate 720 claims. By the end of its term, there were 59 outstanding claims which were still to be processed. This was also complicated by the resignation of some members. Amongst those who resigned, there was the Commission's chairperson, Prof T Nhlapo; Prof J Bekker and Prof J Peires. Although these members never divulged the reasons for their resignation, this had an impact of the finalisation of the Commission's work.

The Commission believed that the scale for its findings was underestimated, as many of the issues were deemed complex and sensitive. Lengthy periods were spent listening to evidence from many people. Prof Nhlapo and Adv. Ndengezi acknowledged the following factors as reasons for the slow progress: cases had to be dealt with care; there was no deadline for

making submissions and people were continually making new ones; the commissioners spent six months familiarizing themselves with their mandate, getting to know each other and making plans (Feni 2006: 1).

Purported Failure to Deal with Different Levels of Traditional Leadership

One of the criticisms of the Commission was its purported failure to convincingly deal with different levels of traditional leadership such as principal traditional leaders and headmen/women. Its focus was on declaring who the principal traditional leaders were and this created tensions and uncertainty amongst the claimants. Coupled with this was that the Commission did not clearly define the areas of jurisdiction of traditional leaders. Furthermore, the Commission left it to the AmaNdebele and VhaVenda to decide on the rightful incumbents. A case in point was the hotly contested VhaVenda case. In this case, three senior traditional leaders approached the High Court to challenge the determination of the Commission that Mphephu Ramabulana was the paramountcy of the VhaVenda (Buthelezi 2013: 1-4). The 40 year-old king was the son of Chief Patrick Mphephu, the late leader of the Venda Bantustan. Nephawe, of the Vhangona clan, argued in court papers that he was the great-grandson of King Tshidziwelele III, who was assassinated between 1759 and 1800. He said that Mphephu-Ramabulana's Masingo clan arrived in the 1750s, after his clan had already settled in the area. Addressing his people after the court case, Mphephu-Ramabulana stated: 'If you are a king, you don't get to be voted out after five years, as happens in politics. We must embrace everyone as we are celebrating, including those who dreamt of becoming kings. They remain part of us' (Moloto 2012: 5).

Drive for Financial and Material Gain

In May 2000, there was a proposal that traditional leaders who were full-time members of the House of Traditional Leaders, local councils and the legislature had to choose one position for which they would be paid and forfeit the other salaries. This was part of new amendments to the Remuneration of Public Office Bearers Act, which was being discussed at Finance, Local Government, Traditional Affairs and Premier

portfolio committees. The amendments came after the national cabinet decided that certain members of the House of Traditional Leaders were to be remunerated as full-time members of the house. During this period, every traditional leader was entitled to an annual salary of about R 72 000 by virtue of being an *inkosi*, while MPPs got a minimum of about R 250 000 per annum (Mngadi 2000: 1). With the above mentioned developments, the Commission noted that financial and material gains attached to Kingship/Queenship could have directly and indirectly related to the number of claims. For example, a King/Queen salary from the government in February 2005 was R 453 399 and increased to R 786 080 per annum in October 2008 excluding allowances. Another challenge and criticism to the Commission was adherence to deal with the claims after 1927. Claims before 1927 were not addressed by the Commission.

CONCLUSION

It is clear from the above arguments in the study that the Commission had a socio-ecological impact to the South African rural citizenry. The court challenges to the determinations of the Commission demonstrated the scale of the problem. One can conclude by stating that it is important to take proper cognizance of history in adjudicating on customary practices. Despite the criticism and the challenges of the Commission, the ANC's government tried in addressing the concerns of the disputes and claims from the applicants. To a certain extent, the Commission tried to re-dress the imbalances of the past by declaring some of the traditional leaders illegitimate. The authors argue that the question of disputes and claims is still far from over in South Africa as there are challenges to the findings of the Commission and court challenges on the rise.

RECOMMENDATIONS

The Constitution of South Africa, Chapter 12, Section 211 and 212, Act 106 of 1996 provides for the recognition of the institution of traditional leadership, its status and role according to customary law, and subject to democratic principles. Therefore, it was on those democratic principles that the legitimacy of the information as provided by the Commission was sometimes challenged. Traditional leaders in South

Africa should be proud of being the descendants of their forefathers. They should celebrate the resilience they showed in surviving colonialism apartheid and modern democracy. A close analysis of the Commission revealed that in the quest for uniformity and centralization of kingdoms, various matters of important consideration had to be taken into cognizance. The most important mandate of the Commission was to investigate matters of disputes and traditional claims. For this to happen, there were to be claimants as well as disputes. The authors argue that the Commission should have been given enough time to conduct research prior to the end of the term.

REFERENCES

- Buthelezi M 2013. Historical Evidence Crucial For Decisions About Custom. From <<http://www.customcontested.co.za/historical-evidence-custom/>> (Retrieved on 23 October 2013).
- Creswell JW 1998. *Qualitative Inquiry and Research Design: Choosing among Five Traditions*. Thousand Oaks: Sage.
- Feni L 2006. Nhlapo inquiry wants more time. *Daily Dispatch*, 3 May, P. 1.
- Forgas D, Nowell-Smith G (Eds.) 1985. *Antonio Gramsci Selections from Cultural Writings*. London: Lawrence and Wishart Limited.
- Giliomee H, Mbenga B 2007. *New History of South Africa*. Cape Town: Tafelberg.
- Government Gazette, Republic of South Africa 2003. *Traditional Leadership and Governance Framework Amendment Act*, December, P. 28.
- Holomisa P 2010. Traditional Leaders Must Unite. *Daily Dispatch*, 26 May, P. 8.
- Ile IU, Mapuva J 2008. Civil society and citizen participation in governance processes in Zimbabwe. *Journal of Public Administration*, 43(2): 127.
- Kompi B 2011. Private Collection. *E-mail Correspondence Received from T Nhlapo*, former chairperson of the Commission on Traditional Leadership Disputes and Claims: Bloemfontein.
- Landau PS 2010. *Popular Politics in the History of South Africa, 1400-1948*. London: Cambridge University Press.
- Logan C 2008. Traditional Leaders in Modern Africa: Can Democracy and the Chief Co-exist? Afro-Barometer: A Comparative Series of National Public Attitude Surveys on Democracy, Markets and Civil Society in Africa. *Working Paper No. 93*. Cape Town: IDASA.
- Mamdani M 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. New Jersey: Princeton University Press.
- Mngadi S 2000. Traditional Leaders Due One Salary Only. *Natal Witness*, 16 May, P. 1.
- Moloto M 2012. Euphoria as King Toni Returns Home a Conquering Hero: Three Chiefs Lose Court battle Over Disputed Kingship. *Star*, 25 September, P. 5.
- Murray C 2004. South Africa's Troubled Royalty Traditional Leaders after Democracy. *Law and Policy Paper 23*, Centre for International and Public Law, Australian National University, pp. 3-4.
- Nkasawe M 2012. Traditional leadership is part of us. *Mail and Guardian*, 31 May, P. 35.
- November N, Wessels DP 2002. The political status of traditional leadership in South Africa's new constitutional dispensation: A local government perspective. *Journal for Contemporary History*, 27(1): 136-137.
- November N, Ntsoane O 2003. Endoginisation, African leadership and democracy. *Journal for Contemporary History*, 28(1): 138.
- Oomen B 1999. Group rights in post-apartheid South Africa: The case of the traditional leaders. *Journal of Legal Pluralism*, 44: 83.
- Oomen B 2005. *Chiefs in South Africa: Law, Power and Culture in Post-apartheid Era*. Oxford and Pietermaritzburg: James Curry and University of KwaZulu-Natal Press.
- Pampalis J 1991. *Foundations of the New South Africa*. London and New Jersey: Zed Books.
- Sithole P, Mbele T 2008. *Fifteen Year Review on Traditional Leadership: A Research Paper*. Cato Minor: HSRC Press.
- Sokaza P 2008. Government Separates Kings From Pretenders. *City Press*, 4 May, P. 2.
- Turner RL 2013. Continuing Divisions: 'Tradition', Land Restitution, and Barokologadi Communal Identity. *Paper presented at Land Divided: Land and South African Society Conference*, University of Cape Town, Cape Town, 24-27 March.