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CONTESTED INSTITUTIONS? TRADITIONAL LEADERS AND LAND ACCESS AND CONTROL IN COMMUNAL AREAS OF THE EASTERN CAPE PROVINCE, SOUTH AFRICA.

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Research highlights

1. Traditional authorities maintain complete power over allocation of land.
2. Their control over collective grazing of rangeland is ineffective.
3. Some sectors of the community resist traditional authority.
4. Civil society institutions also exist but only to facilitate community development.
5. Interaction between institutions around land and development is currently limited.

Abstract

The South African government has endeavoured to strengthen property rights in communal areas and develop civil society institutions for community-led development and natural resource management. However, the effectiveness of this remains unclear as the emergence and operation of civil society institutions in these areas is potentially constrained by the persistence of traditional authorities. Focusing on the former Transkei region of Eastern Cape Province, three case study communities are used to examine the extent to which local institutions overlap in issues of land access and control.

Within these communities traditional leaders (chiefs and headmen) continue to exercise complete and sole authority over land allocation and use this to entrench their own positions. However, in the absence of effective state support, traditional authorities have only limited power over how land is used and in enforcing land rights, particularly over communal resources such as rangeland. This diminishes their local legitimacy and encourages some groups to contest their authority by cutting fences, ignoring collective grazing decisions and refusing to pay 'fees' levied on them. They are encouraged in such activities by the presence of democratically elected local civil society institutions such as ward councillors and farmers' organisations, which have broad appeal and are increasingly responsible for much of the agrarian development that takes place, despite having no direct mandate over land. Where it occurs at all, interaction between these different institutions is generally restricted to approval being required from traditional leaders for land allocated to development projects. On this basis it is argued that a more radical approach to land reform in communal areas is required, which transfers all powers over land to elected and accountable local institutions and integrates land allocation, land management and agrarian development more effectively.

Key words: Communal land, rangeland, local institutions, land access, land control, accountability.

1. Introduction

1.1. *Theoretical context and key debates*

Considerable debate currently surrounds appropriate mechanisms for securing and strengthening land rights in developing countries (Toulmin and Quan, 2000; Sjaastad and Cousins, 2008; Loehr, 2012). Political economists such as de Soto (2000), have espoused the formalisation of property rights through titling as the only effective means of securing capital in order to reduce poverty. In contrast, many other academics, as well as land law practitioners, have expressed considerable scepticism about this approach, suggesting that there is much empirical evidence to suggest previous attempts at titling have not yielded the economic or tenure security benefits intended (Quan, 2000a; Alden Wily, 2008; Bromley, 2008).

In sub-Saharan Africa, many countries have been actively encouraged, by pervasive neo-liberal theory and in many cases the juristic legacy of their colonial forbears, to eschew a role for customary tenure in developing modern land tenure systems (Sjaastad and Cousins, 2008; Obeng-Odoom, 2012). However, there is now increasing recognition amongst academics, land rights activists and land NGOs of the social and political 'embeddedness' of land rights in Africa, and how this needs to be reflected in contemporary land tenure frameworks (Cousins, 2007, 2008, 2010; Lavigne Delville, 2007; Okoth-Ogendo, 1989, 2008). In particular Okoth-Ogendo has argued that social relations '....create a set of reciprocal rights and obligations that bind together and vest power in community members over land.' (Okoth-Ogendo, 2008: 100).

An important part of this is a conceptual distinction between land *access* and *control*. In this line of argument, land access is essentially a function of membership in the family or community and is available to any individual on this basis, although with certain limitations on the rights of women to hold land in their own right (Walker, 2003; Bank and Mabhena, 2011). It is always specific to a resource management or production

function or group of functions and is maintained through active participation in the production process at particular levels of social organisation (Peters 1994). Control over and management of land is vested in and exercised by the political authority of a particular social group to supervise specific functions at different levels of social organisation (Bromley and Cernea, 1989). It acts to guarantee power over access to land for production purposes (Okoth-Ogendo, 1989). These principles provide a basic framework for understanding how land tenure systems have functioned historically in sub-Saharan Africa.

What this formulation of land tenure does, however, is set up a tension in the design of effective national land tenure policies that both embed rights and uphold democratic principles. Of particular focus has been the role and nature of local institutions in the securing of land rights (Toulmin, 2000; Agrawal, 2001; Toulmin, 2008). Nested, local institutions play a key role in a decentralised process of securing land rights for local people and have historically been the crux of land access and control for many communities (Alden-Wily, 2003; Toulmin et al., 2004; Toulmin, 2008). However, given the profound socio-economic and political changes that have taken place and the degree of manipulation they have been subject to by colonial and post-independence administrations, the form that current institutions take and the extent to which they are able to uphold and administer a socially and politically embedded view of customary land rights is highly variable (Coutula, 2007). For example, in many parts of rural West Africa customary institutions of varying form still govern access to land and natural resources (Lavigne Delville, 2007) whereas in Botswana the role of customary authorities (chiefs) in land allocation has, since 1970, been replaced by that of putatively more accountable Land Boards (Alden Wily, 2003; Quan 2000b).

Where customary authorities still play an active role in land management, the degree of legitimacy and perceived accountability that they have amongst local people is a further pressing concern. Under colonial administrations, traditional leaders in many countries, particularly in Anglophone Africa, became paid appointees of the state with a devolved mandate over local law and administration; a system that Mamdani (1996) has

described as 'decentralized despotism'. Most aspects of judicial, legislative and administrative power, including comprehensive powers over local land allocation and control, became embodied in them, creating a 'clenched fist' of local authority (Mamdani, 1996: 23). This unassailable authority encouraged arrogance and corruption such that these traditional leaders often lost the grassroots support of the majority of people they purported to represent (Mamdani, 1996; Ntsebeza, 2011; Cousins, 2008; Delius, 2008). Evidence of this lack of popular support for customary authorities as a result of perceived corruption and a lack of downward accountability continues to accumulate from many parts of sub-Saharan Africa (Peters, 2004; Kinsey 2005; Thiaw and Ribot, 2005; Cotula, 2007). For these reasons, the continuing power of customary authorities in relation to land administration remains strongly contested, with some commentators holding that in democratic states, a legitimate role for them in matters of such critical importance to local people is no longer justified (Ntsebeza, 2005). The situation is made more uncertain for local people in some countries in that new local government structures now co-exist with customary authorities at the grassroots level (e.g. see Cotula and Cisse, 2007 for Mali; Spierenburg, 2005 for Zimbabwe; Ntsebeza, 2008 for South Africa). This 'institutional layering' has resulted in clashes, sometimes violent, which often have at their core struggles to exercise control over land allocation and management (Peires, 2000; Kinsey, 2005).

1.2. The South African situation

South Africa offers a case in point. Here, the social embeddedness of land rights in the pre-colonial era, through membership of a politically autonomous group within a chiefdom, has been well documented (Peires, 1981; Beinart, 1982; Delius, 2008). So too has the increasingly decentralised and authoritarian approach to land access and control by traditional authorities that was imposed during the colonial and apartheid eras (Ntsebeza, 2005; Oomen, 2005; Delius 2008). In the post-apartheid era, the removal of much of the state apparatus supporting traditional governance structures within former homeland areas and the contraction of agricultural extension services, has created considerable uncertainty regarding land tenure and land management. The

development of democratically elected and locally accountable Transitional Rural Councils (TRCs) initially gave hope to many rural people that these structures would not only play a role in service provision but also take the lead in land allocation and management (Peires, 2000). However following local government elections in 2000, these councils were subsumed under local municipalities that formally merged rural councils and their better organised urban equivalents, thereby effectively leaving contentious land allocation and management issues unresolved (Ntsebeza, 2011). A decentralised approach to land rights in rural areas was also supported by legislation such as the Communal Property Association Act (Republic of South Africa, 1996), which enabled local communities in rural areas to create accountable communal property associations (CPAs) to strengthen property rights and facilitate local resource management (Cousins and Hornby, 2002; Wotshela, 2011). However, given that the apartheid laws governing land allocation had not been repealed, in many areas traditional authorities successfully resisted attempts to devolve their power over land access and control (Lahiff, 2003; Ntsebeza, 2008).

In communal areas, the lack of adequate tenure reform has been highlighted as a key shortcoming in securing land rights, reducing conflict and promoting agrarian development (Lahiff, 2008; Cousins, 2010). The Communal Land Rights Act (CLARA), introduced in 2004, was designed to end this uncertainty by transferring title of communal land to nebulous 'communities', nominally represented by a land administration committee. In principal, communities could choose whether this committee was to be democratically elected or whether an existing traditional council should assume this role. However, amidst fears by land activists that CLARA afforded too much opportunity for unelected traditional authorities to cement their control over local land rights, the Act was contested in the Constitutional Court, declared unconstitutional in 2010 and must now be fundamentally reconsidered (Bank and Mabheba, 2011).

Although this undoubtedly represents a blow to the ambitions of traditional authorities in South Africa, their position is still strong, being legally underpinned by the Traditional

Leadership and Governance Framework Act (TLGFA), enacted in 2003. This Act was closely linked to CLARA and created a framework for provincial laws which would define the status and powers of traditional leaders, as well as enabling apartheid era tribal authorities to be considered as traditional councils (Claassens, 2008). Thus, despite the setback with CLARA, a legal platform has been created to enable traditional authorities to play an increasingly important role in local administration in communal areas. The fact that senior members of the House of Traditional Leaders have come to hold influential positions in the African National Congress (ANC), has also led to a new assertiveness among the chieftancy in some regions of the country, resulting in widespread controversy and local conflict (Ntsebeza, 2005; Oomen, 2000, 2005). Thus, the issue of overall control over land in communal areas – land and rural resources which offer an important livelihood stream to many rural households - remains highly contentious.

This institutional uncertainty and variation over land access and control is particularly marked in Eastern Cape Province. In this regard, there is a distinction between the former Ciskei and Transkei bantustans. Since 1990, the communal areas of the former Ciskei bantustan, an area where chiefs have been historically weaker, have a track record of engaging with democratic bodies of community governance (Manona, 1997). Rural communities here have established CPAs for natural resource ownership and management (e.g. Bennett et al., 2010; Wotshela, 2011). In contrast, in the former bantustan of Transkei, land access and management continues to have a far more traditional basis being administered largely through local chiefs and their headmen and associated committees (Lahiff, 2003; Ntsebeza, 2005). However, the strong association of these traditional authorities with the previous apartheid system and a legacy of favouritism and frequently corrupt land administration practices, have led many to question their continued legitimacy within a democratic South Africa (Claassens, 2008; Ntsebeza, 2008).

The resurgence of traditional authorities raises some important questions about current systems of land access and management within rural areas such as the Transkei. To

what extent have CPAs or other local governance structures have emerged in the contested politics of the post-1994 period and what roles (if any) do they play in land management? Do these roles overlap with those of existing traditional authorities and, if so, how these institutions co-exist? How do local people perceive the relative effectiveness of local institutions in governing access to and control over land and resources? Lastly, what local legitimacy do these institutions engender, particularly over issues of enforcement and dispute resolution in relation to agrarian resources?

Using the former Transkei as a case study, this paper draws on empirical research to provide insight into these fundamentally important questions. Focusing on issues of land access and control at both an individual and communal level, it will examine the range of institutions currently in place in different communities, the way in which these interact with each other and the extent to which they are accountable and to whom. A particular focus will be on how these institutions function in providing access to and control over communal rangeland resources, which continue to provide important, supplementary livelihood streams and economic security for especially poor people in rural parts of the country (Lahiff 2003, Hebinck and Van Averbek 2007, Shackleton et al. 2005). The rapidly evolving institutional arrangements have been documented for other areas of the Eastern Cape (e.g. Ainslie, 1999; Bennett and Barrett, 2007) but remain unclear for much of the former Transkei (but see Ntsebeza 2005, 2008 on the former Xalanga District). Shedding more light on these matters will be important in informing policy debates that are taking place within both South Africa and other African states regarding the reform of communal land tenure and the most effective mechanisms for rural people to gain access to and sustainably manage 'commons' resources as part of their livelihood strategies.

2. Methods

2.1. Case Study Area

Three communities that are geographically representative of much of the social, ecological and political variability that characterises the Transkei region were selected as study sites for the research. They are Dudumashe, Nyandeni and Rockcliff (Figure 1) and form part of an existing programme of rangeland research led by the Eastern Cape Department of Agriculture (ECDA), which commenced in 2006.

INSERT FIGURE 1

The communities each fall within one of the three district municipalities within the former Transkei region, namely Alfred Nzo, Ukhahlamba and O.R. Tambo. These are the worst-resourced district municipalities within Eastern Cape Province and are home to the majority of the poorest households (defined as household income less than 800 Rand per month) in the province (Ruiters, 2011). These district municipalities are further divided into Local municipalities, which have a developmental function, in that they are expected to 'facilitate' local development and bear responsibility for the 'transformation' of municipal services to better serve the poorest (Nel, 2011; Ruiters, 2011). However they have a tiny local tax base and insignificant revenue streams and thus remain dependent on the disbursement of funds from central (i.e. national) government. These local municipalities in turn consist of a number of wards each comprising several villages, with each ward represented by a ward councillor and (nascent) ward committee. The three communities are briefly described in turn.

Dudumashe falls within Ward 17 of Mnquma Local Municipality and also forms part of the AmaHlubi Tribal Authority. The village is said to have been founded by the great grandfather of the current headman in the latter part of the nineteenth century. At this time, homesteads were clustered in 10 separate hamlets, scattered around the rangeland. Formal surveying by the colonial authorities and allocation of deeds for residential and arable land under a system of quitrent title began around 1905 and the

boundaries of these were demarcated by a series of stone beacons (ECDA, n.d.). In 1960, the village underwent 'Betterment Planning', which involved the separate hamlets being collectivised into a single residential area and arable land being concentrated into five main blocks. People who were previously landless were allocated arable land and an associated residential site under permission to occupy (PTO), an insecure form of communal tenure. Arable land was fenced off from rangeland and the perimeter of the rangeland was also fenced and divided internally into four separate camps (Bantu Trust, 1971). The fencing was renewed along approximately the same boundaries in 2001, when an Integrated Livestock Development Plan (ILDP), focused on increasing wool production, was initiated by the Eastern Cape Department of Agriculture (ECDA, 2001). The ILDP records the total area of the settlement as 2,390 ha.

Nyandeni village is about 20km north-east of the regional capital Mthatha and some 6 km from the nearest small town, Libode. Historically, its origins lie with the arrival of King Ndamase of the amaMpondo people in the area, in about 1845. The original settlement consisted of eight scattered hamlets, coalescing around the Chief and his council at his Great Place (ECDA, n.d). These hamlets were semi-autonomous, with each having its own Headman who had power over land allocation. Beyond the formalisation of rangeland boundaries and the imposition of a hut tax system, the settlement seems to have remained relatively free of colonial interference until about 1947, when a Soil Reclamation project – the precursor of Betterment Planning - was imposed (ECDA, n.d.). As with Dudumashe, this involved the collectivisation of the scattered hamlets into three discrete villages, Nyandeni, Luthubeni and Raini, which were collectively called Nyandeni Administrative Area (Department of Agriculture and Forestry, 1947). As part of the same programme, arable land was re-organised into discrete areas and allocations were reduced in size, such that households no longer had access to more than 4-5 acres and new allocations became available. Rangeland was separated from arable land by fencing and divided into 18 separate camps, which were shared between the three villages. The total area of the re-organised administrative area given in the 1947 plan is 6,768 ha, of which 3,800 ha is rangeland (Department of Agriculture and Forestry, 1947). Politically, within the current structure

of democratic local governance, Nyandeni village forms part of Ward 3, which also includes the adjacent villages of Luthubeni, Raini, Tyara, Makhotyana and Mhalanga and falls under Nyandeni Local Municipality. In terms of traditional authority, however, it falls under the jurisdiction of Nyandeni Tribal Authority headed by Chief M.N. His Great Place is located close to Nyandeni village.

Rockcliff is the most remote of the three study sites, located close to the border with Lesotho, in an area that originally constituted a separate part of Ciskei before its formal incorporation into the newly created Transkei homeland in 1976 (Switzer, 1993). The village is believed to have been established in the 1860s, without formal title to land, by people moving eastwards from Herschel, and remained largely free of government planning until the arrival of betterment in 1964 (ECDA, n.d.). At this point the area was restructured politically to become the Pelendaba Tribal Authority through the collectivisation of smaller settlements into the three main village clusters of Rockcliff, Siphambo and Pelendaba. Other physical restructuring that occurred included the reallocation of arable fields within discrete parcels of arable land, with the associated issue of PTO title to landholders, and the fencing of existing rangeland into eight separate camps (Department of Agriculture and Forestry, 1964). The rehabilitation plan gives the total area of Rockcliff as 5,235 ha, of which 4015 ha is rangeland (Department of Agriculture and Forestry, 1964).

2.2. Data collection

Field research within each of these three sites was undertaken in 2009-10 and adopted a qualitative approach. It began with focus group interviews at each site, involving 10-15 villagers who grazed livestock on communal rangelands. Also present in some cases were sub-headmen and local livestock extension officers. The interview format made use of a semi-structured, checklist approach (Robson, 2002) to establish in detail the nature of the local institutions associated with land access and control and how these were understood to operate and perform. Every effort was made to ensure adequate representation of individuals in terms of age and gender in these focus

groups. Subsequently, semi-structured interviews were undertaken with purposively selected key informants from each village. These included people actively involved in local civil society institutions, and included ward councillors, leaders of farmers' associations, and traditional leaders. The headmen from all three villages were interviewed individually but only the ward councillor from Rockcliff was available for interview. Also interviewed were five individuals purposively selected from each focus group to provide more personal perspectives on engagement with land access and use. All interviews were conducted by the researchers, with responses provided in the local Xhosa language and translated into English by a research assistant provided by ECDA acting as a translator. The interview work was complemented by transect walks with key informants to identify rangeland boundaries (e.g separate grazing camps and community boundaries) and to observe livestock management practices. In keeping with standard ethical procedures, interviewees were made fully aware of how the information they provided would be used. Where responses can be directly attributed to an individual, these have been made anonymous.

3. Results

Analysis of the primary data collected from each community indicated that a number of traditional and civil society structures co-exist at the local level at each community. These display varying degrees of power over key activities such as land access, allocation and control and the related issues of local development and service provision. Consequently, the results are structured to describe the institutional interaction associated with both sets of activities.

INSERT TABLE 1

3.1. Institutions of land access and control

It was clear from both the focus groups and individual interviews conducted that traditional authorities still retain a powerful grip over many aspects of local people's

lives, particularly land access and control, at all three villages (Table 1). These are hierarchically structured, with a sub-headman (*ibothi*) being responsible for each village section (*isiphaluka*) within every village and in turn reporting to the headman, as the main traditional leader at the village level. In all three cases, the headmen interviewed had inherited their positions through patrilineal descent, rather than been elected to this position.

3.1.1. Land allocation and access

The headmen all concurred that their key roles within their respective areas of jurisdiction were the maintenance of law and order and to act as custodians of the land on behalf of the chief. Indeed, they were all careful to point out that they still held power over all aspects of local land administration, regardless of what other democratic structures now existed. This was emphasised by the headman at Dudumashe who insisted, '...the land is vested in me as part of the lineage established by my great-grandfather' and further corroborated by the Chief at Nyandeni who stated '...the land is held in Trust by me on behalf of the community.....the Ward Committee and Ward Councillor can have no role in deciding matters of land allocation or management.' This authority empowers them to issue title to residential land. The basic process of issuing these rights to land appears to have changed little since apartheid times. It involves the applicant(s) appearing before a village meeting (*imbizo*) presided over by the headman to approve the site allocation which, if agreed upon, is referred to the Local Agricultural Office (LAO) to be formalised. However, this no longer involves a formal land survey being undertaken or the issue of paper title deeds. Rather security of land rights is provided locally through the approval given by the community and officially through registration of the allocation by the Headman at the LAO. This represents a significant informalisation compared to what went before, which potentially makes the role of the Headmen more important in resolving future land-related disputes.

Access to arable land is no longer provided as part of the issue of title at any of the villages, mainly due to the dearth of available plots. Rather, individuals make arrangements with each other to borrow currently unused arable fields for cultivation, if

required. At Dudumashe, the headman acts as a guarantor for these arrangements but in general traditional leaders are not involved unless there is a dispute that requires resolution. Several such agreements were in place amongst the villagers interviewed at Dudumashe, as a shortage of arable land has been a problem there for some time. At Nyandeni, even though new arable allocations are not available, there is little interest in such agreements as arable production rights are insecure (see section 3.1.2). Rather, those people who continue to engage with crop production do so either in small home gardens within their residential site, or on a collective basis in designated community gardens. At Rockcliff, almost all individuals have access to their own arable plots and in most cases these are fenced.

At all three research sites, rights of access to communal rangeland (primarily for grazing) are guaranteed through membership of that community. Where communities consist of several villages (i.e. at Nyandeni and Rockcliff) rights of access to separate rangeland areas are officially defined by village. For example at Nyandeni, each village historically had access to six of the 18 separate rangeland camps. Currently, however, all villages at Nyandeni effectively have access to all camps due to problems with enforcement stemming from the lack of fencing (see section 3.1.2). This is exacerbated by instances of rangeland encroachment by those outside the community, making the management of rangelands difficult due to the inability of local resource managers to enforce boundaries.

The traditional leaders at the villages also play a key role in the allocation of land for development purposes. In this regard, the level of involvement of civil society actors in this process differs considerably between the villages. At Dudumashe the headman ensures that no other local actors are involved in these processes. This is exemplified by the implementation of the ILDP in 2001, which involved the headman, who chairs the village's Wool Growers Association (WGA), interacting directly with the National Wool Growers' Association (NWGA) and the local municipality. Other relevant village-level actors from local government such as the ward councillor were entirely by-passed in the 'delivery' of this project. Indeed, the political *impasse* between the headman and the

current ward councillor severely constrains service delivery (see Section 3.2 for further discussion). In contrast, at both Nyandeni and Rockcliff, local actors such as the ward councillor are actively involved in brokering projects requiring land, although the ultimate decision regarding the allocation of the land still rests with the traditional leader. At Rockcliff the process involves the headman as well as the local ward councillor and representatives of farmers' groups. It begins with a request for a particular project (e.g. rezoning and fencing of rangeland camps) being made by the local community to the ward councillor who takes this to the ward committee from where it is transmitted to the local municipality in order to seek funding. The decision is then transmitted back to the local community and, if necessary, the headman seeks approval from the chief for the allocation of land (see Figure 2 and further discussion in section 4.1). At Nyandeni the process involves separate letters being written by the headman, ward councillor and chair of the relevant local civic group, to the local municipality in support of the project. For particularly important projects the entire ward council may meet with the paramount chief at his great place in order to discuss the allocation of a parcel of land in furtherance of the project.

3.1.2. Control over land

In all three communities, natural resource management remains under the control of the headman and associated land committee, as it was under apartheid-era bantustan administrations. Focus groups revealed that until the 1980s most rangeland management practices were strictly controlled by the bantustan regime. For example, decisions on the rotational resting and grazing of rangeland camps were taken by the District Agricultural Office, ratified by the local magistrate and communicated to the headman at each village. The headman was then responsible for communicating these decisions to the people through an *imbizo*. A ranger was appointed by government from each community to ensure compliance with this and any livestock found in rested camps or in the arable lands during the growing season would be impounded and the owners fined. Although the stringency of these measures declined over the course of the 1980s, the magistrate was the central figure in coordinating and ensuring compliance with these communal grazing decisions. Likewise, the decision to open the

arable land allocations to grazing after cropping, whilst made by a community *imbizo*, had to be communicated to the magistrate. Currently, however, there are highly variable attempts at collective management of rangeland by the three communities and the district magistrate is no longer a lynchpin of the system.

The most ineffective grazing management occurs at Nyandeni. Here the poor state of the remaining fencing means that even historical boundaries with neighbouring communities can no longer be enforced and livestock from surrounding areas gain access to Nyandeni's rangeland and *vice-versa* in an 'open access' situation. Likewise, poor perimeter fencing allows stock access to the arable fields throughout the year. This is a major disincentive to the cultivation of these fields by owners and the main reason why few people seek to make use of them any longer. In effect, most blocks of arable land now constitute a permanent extension of the rangeland. In this environment, the traditional authorities make no attempt to impose any form of rotational grazing or resting regimes, even though not to do so represents a significant breakdown in recognised land rights at the village. It was clear from the Nyandeni focus group that many of the older people were very concerned about this loss of control and advocated the reinstatement of fencing. However, most young people showed little concern and preferred the unregulated environment which currently prevails. Indeed, several were actually against the use of fencing from a practical perspective as it made collection of cattle from the rangeland more arduous.

At Dudumashe the instigation of the ILDP in 2001 and the associated re-instatement of fencing, enables much more effective control over livestock grazing. The perimeter fencing of the rangeland is secure in most sections and prevents encroachment of stock from outside the village. The exception is the fencing which borders the adjacent village of Nomaheya, which has not been replaced and allows the adjacent camp to be regularly encroached by unsupervised livestock. Stray animals from neighbouring settlements are impounded and the headman will invite the owners to an *imbizo* to settle the dispute. This will usually involve the owners receiving a warning initially, but fines may be levied in cases of repeated offences. Despite the presence of individual,

fenced camps at Dudumashe, no attempt is made at rotational resting or grazing of different sections of the rangeland. This was corroborated by individual farmers, all of whom related that they generally grazed their livestock in the camp nearest to their residential site and could move their animals to other camps at will. However, decisions about the opening of arable land allocations for grazing after harvesting of crops are taken collectively by farmers themselves, often in small groups, although the decision about the closing of the arable lands to livestock is made as part of a community *imbizo*.

Since the reinstatement of fencing under the ILDP, the village has also employed a ranger to check the quality of the fencing and to remove any encroaching stock from outside the settlement. The ranger, who also happens to be a relative of the headman, is paid a salary of 400 Rand/month, which is covered by collecting ten Rand/month from every household at the village. According to one informant, the requirement for all households to contribute, even those without stock, is that everybody consumes meat when an animal is slaughtered in the village as part of a traditional ceremony. Moreover, this levy generates a surplus each month which the headman accumulates in order to invest in village improvements. For example, the recent construction of a creche for pre-school children was paid for through this fund. Despite this, it is clear that a significant minority of households refuse to pay these ranger fees. In an effort to enforce compliance, the headman explained that he keeps a list of all the people who do not pay. He will force these individuals to pay a fee of five Rand each time they need documentation from him with which to attest to their status as *bona-fide* residents of the village. The imposition of this fee has clearly generated strong resentment among the non-payers and deepened political divisions in the village.

Under the direction of the grazing committee, a system of grazing management still officially operates at Rockcliff. According to the headman, this involves two of the eight camps being rested for an entire year and two being rested for six months during the dry season, whilst the remainder are grazed on a one-month rotational basis. This is a direct perpetuation of the previous apartheid grazing system. After a meeting of the grazing committee, the headman communicates the decision on camp closure to the

community through an *imbizo* to secure broad approval. However, the livestock farmers interviewed related that in practice the generally poor quality of the fencing makes compliance with the rotational grazing system difficult to enforce. Livestock frequently gain access to the rested camps and without an appointed ranger at the village, it is up to owners to remove them. Whilst many are prepared to do this, some graze their cattle wherever they please. One livestock owner interviewed felt this was justified because ‘..all the camp fencing is gone and...animals effectively wander everywhere now’.

Interestingly, it was suggested during the focus group that some individuals deliberately refuse to follow the traditional grazing rules because they want to demonstrate their lack of support for the old structures of governance and their belief that new civil society structures such as the ward council should exercise more power in these matters. However, when interviewed separately, the ward councillor was keen to distance himself from the suggestion of an antagonistic relationship between the ward council and traditional authority. He suggested that such actions were motivated more by some individuals behaving selfishly and not wanting to follow the rules for their own convenience, rather than any attempt to make a political statement. The sanction for transgressing the agreed grazing rules is impoundment of livestock and a fine of five Rand for each animal grazing in the wrong camp in the short-term rotation or ten Rand for the camps under longer-term rest. Nevertheless, several members of the focus group clearly felt that this system was unfair. Some believed that it was unevenly applied, such that key figures in the village affiliated to groups such as the grazing committee or wool growers were able to persistently flout the grazing rules and avoid punitive action. How much of this genuinely results from nepotism rather than the limited capacity in the absence of a ranger to identify instances of rule-breaking, was difficult to establish definitively. It was also noted that there was a lack of transparency in what happened to the fines after they were collected. According to the headman, 20 percent of the money was transferred to the Council of Traditional Leaders and the remainder was spent in the community on tasks such as the repair of fencing. However, the impression amongst some of those interviewed was that most of the

money went to the traditional leaders and little or nothing went directly to the community.

Control over arable land at Rockcliff is mainly exercised at the individual level. The presence of fencing around many arable plots enables owners to have secure rights over crop production during the growing season and also guarantees exclusive access by their livestock to the crop stubble during the dry season. It gives these individuals the autonomy to begin planting and also to open their fields to grazing whenever they wish, should they choose to do so. According to the headman, such actions are legitimate and the prerogative of the field owner. However, some members of the focus group suggested that the opening and closing of the arable land allocations should be a collective decision taken by the entire community under the guidance of the grazing committee and that everybody in the community should adhere to these decisions.

3.2. Institutions for agricultural development and service provision

In addition to traditional authorities, a number of civil society institutions are responsible for facilitating important land-based activities such as agricultural development and service provision at each village. The two main civil society groups involved in this are farmers' organisations and ward councillors. It is important to understand their structure and function as it highlights the variable degree of autonomy and power these groupings exercise in facilitating agrarian development.

3.2.1. Farmers' Organisations

The number of farmers' organisations operating at each community varied considerably. Dudumashe represents the simplest case with the WGA being the dominant producer group at the village. Membership of the WGA at Dudumashe involves payment of an annual fee plus an additional fee for the shearing of each animal. The headman is the chairman and acts as a direct link to the NWGA, which has enabled delivery of the ILDP at Dudumashe as well as the construction of shearing sheds and provision of additional equipment for the shearing and baling of wool. Nevertheless, the control of the WGA by

the Headman has resulted in the emergence of a rival group of wool producers at the village called UK/USA. This splinter group, although much smaller than the WGA, operates with a similar fee-paying membership. However, as a rival group, its members are prevented from using the shearing sheds and instead shear their animals at their own homesteads and make independent arrangements to sell their wool. The group is chaired by the half-brother of the Headman/chairman, who was involved in a power-struggle with the current chairman over leadership of Dudumashe during the early 1990s.

At Nyandeni a complex hierarchy of farmers' organisations exists. This begins at the village level with the existence of numerous individual projects focused, for example, on poultry and vegetable production. Each of these has its own membership, which feeds into community level organisations such as the WGA and Nyandeni Trust, which is the organisation responsible for poultry and vegetable production at Nyandeni. These in turn feed into an overall 'umbrella' organisation called the Libode Farmers' Organisation (LFO). LFO has membership from 23 separate villages making it representative of much of the Nyandeni local municipality. Each local producer group has to pay a joining fee of 150 Rand to become registered with LFO. However, the general consensus from the focus group at Nyandeni was that this affiliation brings considerable benefits. The hierarchy of LFO meets in the small town of Libode and has representation on the local municipality, which is also based there. As such it is able to secure funding for different producer groups, which 'cascades down' to local projects at the village level. It also acts as a forum for the dissemination of new ideas and projects between communities.

At Rockcliff there is similar grassroots representation of local farmers' organisations from each village. Five producer groups exist at each village within Pelendaba, namely the Wool Growers Association, Crop and Garden Association, Red Meat Producers, Orchards Association and Poultry and Piggery Association. At each village there is also a farmers' association, which represents these different producer groups. Each farmers' association is headed by a committee comprising seven elected individuals including one representative from each producer group, a secretary and chairman. The

role of these farmers' associations is to establish the collective needs of the separate producer groups they represent and to articulate these at community meetings, when farmers from across all of Pelendaba are called together by the headman in his role as deputy chief. The forum for discussing specific development initiatives is the Land Use and Development Committee (LUDC), which is effectively a bridge between the community and local government, chaired by the headman. This is elaborated in Figure 2 and the overview of this institutional interaction provided in section 4.1.

3.2.2. *Ward councillors*

In Dudumashe, the local municipal ward councillor was unwilling to be interviewed. Key informants related that she is a resident of the village but has failed to form a working relationship with the headman. The headman appears to be unwilling to engage with her until she formally presents herself to the village as part of a community meeting presided over by him. Until this issue is resolved it is clear that this avenue for development at Dudumashe will remain effectively closed and the headman will continue to make representations directly to outside organisations to achieve this, thereby capturing the kudos for successful development interventions. At Nyandeni the ward councillor was never available for interview when contacted, although it was indicated that he played a fairly active role in brokering local development.

An interview was obtained with the ward councillor from Rockcliff. He stated that his main role was to bring services to the local communities, primarily water, sanitation, electricity and access roads. He chairs the ward committee which meets to discuss the community development needs expressed by each village through a local *imbizo*. Despite a fairly positive working relationship with the headman at Rockcliff, he felt this had occasionally been compromised by the headman's tendency to take complete credit within the community for some of the development initiatives the councillor had been instrumental in facilitating. The main issue that currently causes difficulty in project delivery is the lack of congruence between the boundaries of the old Tribal Authorities and the new ward structures. For example, within Pelendaba TA the villages of Siphambo and Rockcliff fall within one ward, whereas Pelendaba village falls within a

separate ward. Thus, the councillor (who has responsibility for seven villages within his ward) has to deal with several different headmen when negotiating over land access. For his part, the headman at Rockcliff (as the deputy chief of Pelendaba Tribal Authority) has to interact with two different ward councillors.

4. Discussion

4.1. Institutional layering

The case study villages are representative of the considerable layering of traditional and civil society institutions that currently pertains in the former Transkei. This complexity plays out in different ways in communities resulting in a variety of scenarios ranging from the perpetuation of traditional authority hegemony with almost no involvement of civil society actors (as in Dudumashe), to the co-existence of both sets of institutions with varying levels of interaction between them (in Rockcliff).

Dudumashe is in fact something of an anachronism, having developed very little in an institutional sense since the formal end of apartheid. It remains firmly under the jurisdiction of single authoritarian, traditional leader, who carefully controls all day-to-day aspects of village function and attempts to perpetuate the old system and his own hegemony. The only formal civil society structure which is active in the community is the WGA and this too is under his under his control. There is no interaction between the headman and other village level civil society actors who would normally be present such as the ward councillor or agricultural extension officer. As a result of this refusal to engage with these new structures, the headman is now responsible not only for land and resource management activities within the village but also for facilitating externally-driven development such as provision of local infrastructure. The only way he can achieve this is by interacting directly with external organisations such as the local agricultural office and local municipality – effectively taking the place of the ward councillor – and by organising small-scale projects within the village using internally derived revenue. His intransigence has also had the effect of promoting the

development of informal politicised splinter groups within the community, such as UK/USA.

Nyandeni has much more civil society involvement than Dudumashe. Farmers' associations are widespread and strong. Indeed, these seem to represent the mainstay of agrarian development at the village through their links with external umbrella organisations such as the LFO. Despite this, the headmen and chief remain solely responsible for land access and control at the village. Development projects that require an allocation of land depend on the support of the community, the ward councillor, and traditional authorities but with ultimate sanctioning by the chief. However, interaction between these different groups seems to be limited and to occur on an *ad hoc* basis. The ward councillor may be invited to meet with the chief at his great place but there seems little genuine attempt by traditional leaders to actively engage with these structures unless they are required to. Thus, whilst civil society and traditional leadership structures clearly co-exist at Nyandeni they seem to function largely in isolation.

INSERT FIGURE 2

Rockcliff is probably the most successful of the three communities in facilitating interaction between civil society actors and traditional authority at the local level. Local farmers' associations and the ward councillor have been actively incorporated into a hierarchical village system, at the top of which is the Land Use and Development Committee (LUDC), chaired by the Headman (Figure 2). This forum enables considerable interaction between the different actors. Importantly, however, the LUDC also provides an effective means of controlling how this interaction takes place at the local level. In contrast to Nyandeni, where farmers groups have representation up to local municipal level through LFO, the voice of local producer groups ends with the LUDC in Rockcliff. Even the local ward councillor is obliged to attend this forum so that the needs of ward constituents can be made known to traditional leadership before they are conveyed to the local municipality. In effect the LUDC provides a filter for screening

local development issues before they can be taken directly to local government and a mechanism through which traditional leadership can continue to exercise political control. Moreover, there is no interaction between these different actors when it comes to decisions about land allocation and access. These decisions are ultimately the responsibility of the headman alone, unless he refers them to the chief in cases involving externally-mediated development.

Thus, irrespective of local arrangements, these findings suggest that traditional leaders continue to be the main institutions of authority in the former Transkei, primarily through their power to allocate land. Although civil society organisations co-exist with traditional leadership within communities, these play no role in land administration. Similar scenarios are evident in other parts of South Africa, for example, see Oomen (2005) for Northern Province (now Limpopo) and Claassens and Hathorn (2008) for the North West Province, Mpumalanga and Limpopo Provinces.

4.2. Land rights and agrarian development

It is also important to understand how this institutional layering affects land rights and local agrarian development in the former Transkei. With land access and control continuing to fall under the jurisdiction of traditional authorities, how effective are these institutions at securing local land rights for residents on an individual and collective basis? The picture is mixed. Whilst individual rights to cropping and grazing of arable plots were relatively secure at Dudumashe and Rockcliff, they were no longer enforceable at Nyandeni in the absence of fencing. Likewise, collective grazing rights were also compromised to varying degrees in all three communities through an inability to enforce boundaries with neighbouring communities. Although this was limited in extent and frequency of occurrence at Dudumashe and Rockcliff, at Nyandeni it was so widespread that the grazing camps effectively constituted an 'open access' resource available to livestock from all surrounding villages. This lack of centralised control over collective grazing of commonage also extended to the recognised grazing rules in effect at each community. Only at Rockcliff was there still an active attempt to employ a

system of collective resting and grazing of different camps although it was clear that not all individuals adhered to this. These problems are not unique to the Transkei region. Indeed, they have also been well-documented in the former Ciskei where civil society institutions such as residents' associations or legally constituted CPAs are primarily responsible for enforcing collective grazing rights (Ainslie, 1999; Cocks et al., 2001; Bennett and Barrett, 2007). Further afield, in the post-independence resettlement areas of Zimbabwe, Kinsey (2005) has documented how civil society institutions have struggled to enforce boundaries and regulate use of common pool resources. Peters (2004) has outlined similar struggles in other parts of Africa.

In terms of their involvement with agrarian development and service delivery, it is apparent that traditional leaders also have a highly variable role. Whilst it was clear that traditional authorities in the three research sites wanted to be seen to be actively facilitating development, the need to engage with civil society structures in order to accomplish this effectively limits the role they can play. The complete disconnect between the headman at Dudumashe and the Ward Councillor, means that beyond the ILDP, relatively little infrastructural delivery has actually taken place at the village despite its relative proximity to local towns and the main, 'N2' road. At Nyandeni, the well-developed system of farmers' associations in conjunction with the ward councillor, are actively facilitating infrastructural and agrarian development with seemingly little involvement on the part of traditional authorities. The latter have effectively been relegated to the role of figureheads in this process. They are, however, required to provide the necessary approval for any request for land that projects might involve. Even at Rockcliff, where the LUDC provides the main forum for bringing together all traditional and civil society institutions around service provision, there is a sense that this represents another potentially unnecessary layer of bureaucracy in the chain of service delivery. The LUDC attempts to deal with the fundamental problem of overlap between traditional and civil institutions in service delivery and in so doing, requires civil society actors to present projects that already have community approval to the traditional authority with the possibility that they may then need to be referred to the

chief for further approval. In this sense, the LUDC represents an undemocratic, intermediate step.

The involvement of multiple layers of traditional authority undoubtedly slows down the already convoluted process of service delivery in former bantustans. The process is further confused and slowed by the lack of congruence between tribal authority and ward council boundaries, which frequently requires ward councillors to confer with more than one traditional leader over service delivery and *vice-versa*. There is a clear sense that either through their deliberate actions or inadvertently, traditional leaders and the traditional authority system over which they preside in the former Transkei may actually provide more of a barrier to rural service delivery than a mechanism for its facilitation.

4.3. *Legitimacy*

A further key consideration in assessing the long term viability of traditional leaders in a democratic nation is their legitimacy. In analysing this, it is important to examine the extent to which this legitimacy is 'socially embedded' i.e. is derived from the communities they purport to represent rather than simply the support of the state system (Mamdani, 1996; Cousins, 2007; Ntsebeza 2005). This research suggests that traditional authorities in the Transkei continue to derive their legitimacy primarily from their legally enshrined authority over land. This was apparent from the unequivocal position of traditional leaders, in all three communities, regarding their central role in the administration of all issues concerning land, irrespective of the emergence of democratically elected community representatives such as Ward Councillors. They were all keen to emphasise how this function remained unchanged, was vested in them as part of their lineage and could not be challenged. Similar attitudes were apparent amongst traditional leaders in KwaZulu-Natal immediately post-apartheid (McIntosh et al., 1996) and more recently in Northern Province (Oomen, 2005). Ntsebeza (2005) in his study of Xhalanga District in the former Transkei, has also suggested that the extent to which traditional authorities have been able to claim any legitimacy, since the demise of apartheid, has been based on their control over land. On this basis, it can be argued

that the system of 'decentralised despotism' that characterised local administration during apartheid, still persists in the former Transkei.

Nevertheless, there is evidence from the research findings that the 'clenched fist' of traditional rule is not as strong as it was previously, particularly in issues of rule enforcement. This was clearly exemplified at all three communities by the absence of an effective system for managing collective grazing as a result of the inability of traditional authorities to enforce boundaries and/or a recognised system of rules. These problems stem both from the lack of legitimacy of traditional leaders amongst certain sectors of the community and their limited ability to enforce collective rules and norms in the absence of the all-encompassing infrastructural, administrative and juristic underpinning previously provided by the apartheid state. In particular, McIntosh et al. (1996) highlighted how in KwaZulu-Natal, the diminished strength of magistrates in local policy implementation undermined the reach of the state in supporting collective management decisions. For rural areas of the former Transkei, this extends to the diminished reach of the local services of law enforcement and agricultural extension. Thus, even though attempts at collective grazing are still made by the traditional leader at Rockcliff, the lack of state support in enforcing these decisions, combined with inadequate fencing, makes their effective implementation very difficult.

4.4. Shoring up traditional authority through fences

This analysis underlines the increasingly critical role of fencing in grazing management, given the diminished ability of traditional leaders to exercise local control. Under the 'betterment' schemes of apartheid, fencing was key to how traditional leaders controlled community grazing (De Wet, 1987; Yawitch, 1988). It is no surprise therefore, that traditional leaders at all three communities made explicit mention of the need for fencing when interviewed. The lack of fencing at Nyandeni and the free-for-all approach to grazing this has engendered, has doubtless undermined the legitimacy of traditional authority at the community. Indeed, it appears that individuals (mainly youths) sympathetic to a greater role for civil society within the community, have been

particularly active in cutting fences in order to hasten this erosion of legitimacy. In contrast, the headman at Dudumashe has used the fencing he has secured as part of the ILDP as a means to try and enhance his own legitimacy. Rather than use it to impose a system of rotational resting and grazing as the headman at Rockcliff has, which would likely be unpopular, he has instead used the perimeter fencing, in conjunction with a ranger, to enforce boundaries with neighbouring communities. These actions and the punitive fines generated from impounding wayward livestock from these villages have been used to demonstrate the strength of his leadership and commitment to maintaining community integrity in the face of outside pressures.

Such practices are not uncommon in South Africa. Bennett and Barrett (2007) and Bennett et al., (2010) documented how fencing at communities in the former Ciskei remains a priority for local leaders, even when attempts at grazing management within the community may be *ad hoc* at best. Thus, fencing others *out* as a means of legitimising authority appears to not be unique to traditional leaders in the former Transkei. However, the amount of state support directed at fencing projects at Dudumashe and more recently to Rockcliff, suggests that the government may well be using such 'development' interventions to indirectly bolster the power of traditional leaders in such areas. Certainly, there are powerful arguments being made for government 'casting its weight' with traditional leaders (Crais, 2006: 735; Ntsebeza, 2008) and providing fencing which legitimises traditional authority may be one way in which this is being achieved at the local level.

4.5. *Accountability*

Related to this question of legitimacy is the degree to which the traditional leaders at the communities are accountable to their own people. Although many of the decisions made about control of natural resources (e.g. opening and closing of arable land) or development requirements are taken on a collective basis (although the traditional leader remains the gatekeeper), there are several important activities that lack any form of community input. For example, there is a clear lack of accountability around the

raising of revenue from households in the three research sites. At Dudumashe the headman effectively imposes a monthly 'tax' on all households in order to ostensibly raise money to pay for a ranger. In reality the revenue generated more than exceeds what is required and the excess is used to fund local development projects, something which would almost certainly be unnecessary were the headman to allow the ward councillor a role in community development. In effect this represents a continuation of the 'levies' system prevalent under apartheid (Ntsebeza, 2005: 221) and provides a means of entrenching the headman's own power within the community. Similarly, at Rockcliff, a significant minority of the community are clearly unhappy about the lack of community control over the revenue generated from grazing fines. The fact that most of the revenue seems to be directed towards the coffers of the Traditional Leaders' Council, rather than being invested in community development underlines the headman's lack of accountability in this respect. It also highlights the increasing requirement for headmen, as middle-ranking traditional leaders, to be upwardly accountable to an unelected group of chiefs.

5. Conclusion

This research suggests that in the former Transkei, constructive interaction between civil society institutions and traditional authority over issues of involving land remains either non-existent or piecemeal at best. At the three case study communities, land rights as expressed through access to and control of land by local people, remain firmly under the jurisdiction of traditional leaders. Nevertheless, it is clear that despite being the formal custodians of land on behalf of the people, traditional leaders currently have fairly limited success in securing collective rights over resources and in facilitating agrarian development. These shortcomings, combined with their lack of transparency and increasingly upward accountability are causing members of their own communities to seriously question their legitimacy as socially embedded leaders.

Thus, the issue of how, or even whether traditional authorities can continue to co-exist with civil society institutions over the longer term in regions such as the former Transkei

remains unresolved. It is imperative that this is addressed if the potential for even greater political schisms within communities and compromised service delivery, as has occurred in Zimbabwe (Kinsey, 2005), is to be avoided. One of the most pressing issues is how the twin goals of land administration and local development can be effectively combined in institutions that are both streamlined (in terms of process) and have widespread social legitimacy. These findings suggest that a modest starting point for South Africa would be if the responsibility for both local land administration and development was vested in fully decentralised and downwardly accountable local institutions.

Although the debates over the form such institutions should take are still ongoing in other parts of Africa (e.g. Alden Wily, 2008; Cotula, 2007; Toulmin, 2008), this research suggests that in the communal areas of South Africa, this type of decentralisation cannot be achieved in an accountable and effective way where traditional authorities continue to be involved. The lack of compatibility between tradition and modernity is also apparent in Ghana, where chiefs continue to exercise power over land with limited accountability despite attempts through government policy to make their actions more transparent (Ubink and Quan, 2008). Indeed, Grischow (2008) has suggested that chiefs in Ghana are merely using discourses of tradition to protect their economic interests in the face of changing circumstances.

Civil society institutions offer an alternative approach and, as this paper illustrates, already exist in varying form in the bantustans. Whilst it is true that early attempts at decentralised control over land and development through CPAs have largely failed (Lahiff, 2008), it is clear that these interventions mainly focused on land transfers to heterogeneous groups and received little institutional support (Cousins and Hornby, 2002). Other civil society institutions exist and are clearly active in former bantustans such as the Transkei, despite the presence of traditional authorities. Even though they have no role in land administration, farmers' associations in villages such as Nyandeni are actively involved in local agrarian development. It would only be a short step to create a model similar to that operating in some areas of the former Ciskei (Bennett et

al., 2010) where local enforcement and land administration rests with elected chairmen presiding over Residents' Associations. These form an umbrella within which are nested farmers' associations with a devolved role in the governance of communal land and agrarian development and to which ward councillors are affiliated. In many respects this reflects the basic LUDC model of Rockcliff, but with the important exceptions that the leader is elected and accountable, no referrals over land allocation need be made to higher authority and boundaries of the local authority are standardised. Such an approach is radical and, as Mamdani (1996: 25) has emphasised, would require '...dismantling and reorganising the local state'. Moreover, as underscored by commentators such as Agrawal (2001), Cousins (2007) and Toulmin (2008) implementing it will be impossible without the active involvement of the central state in providing the necessary legislative and administrative backing to support this decentralisation.

Whether such civil society-based models might realistically be extended to the remainder of the former bantustan areas is debatable. Given the political weight currently being thrown behind traditional leaders, any approach in which they are relegated to effective figureheads in rural affairs is very unlikely to attract high level political support. However, the South African government must consider whether aligning itself with unelected traditional authority will really be politically astute in the longer term or serve to stifle the expression of democratic freedom and rural development it has committed itself to achieving.

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List of tables and figures

Table 1: Key land management and agrarian development roles and institutional responsibility at the three research sites.

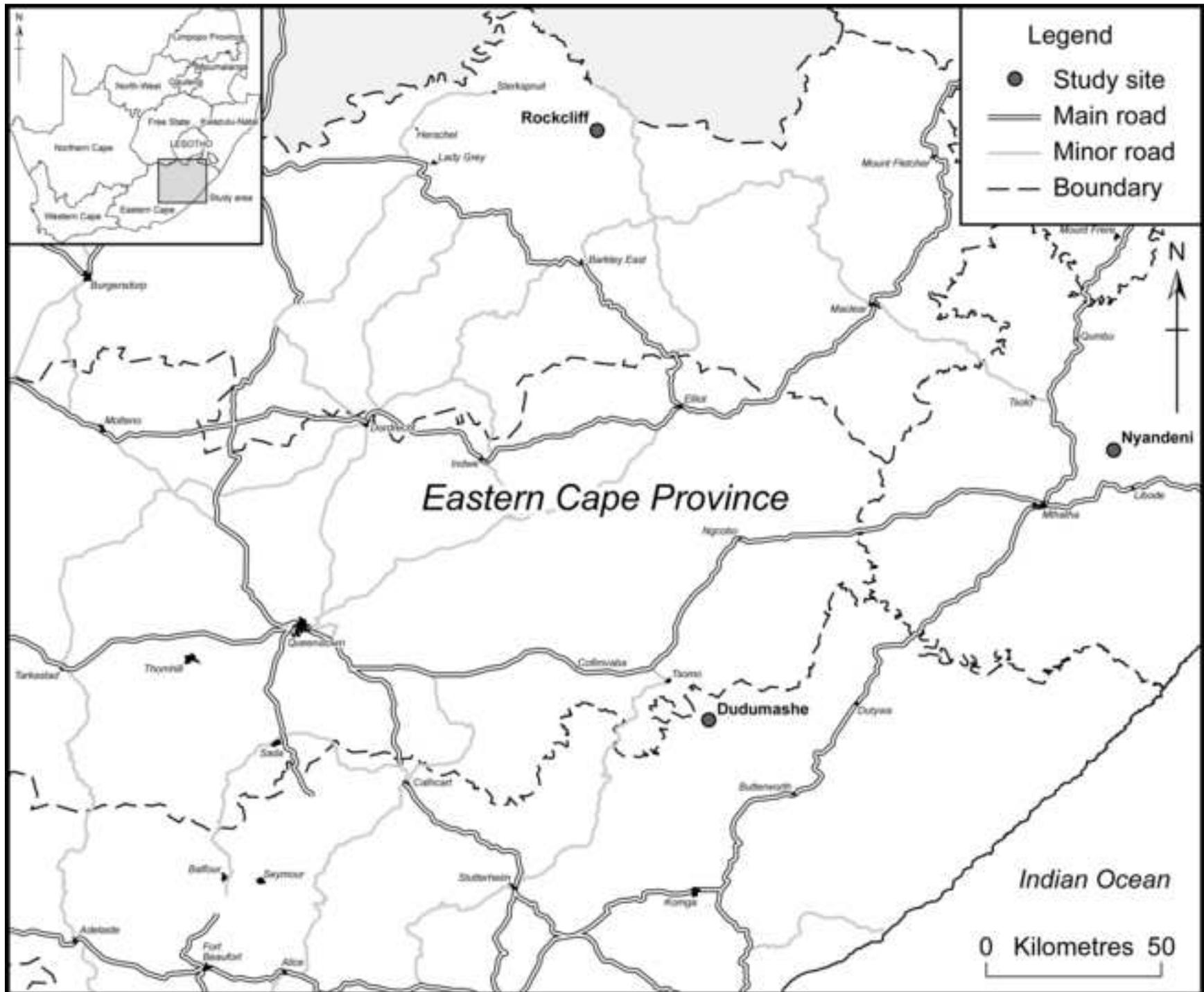
Figure 1: Location of study sites in Eastern Cape Province.

Figure 2: Strategic position of the Land Use and Development Committee (LUDC) within the process of rural development and service provision at Rockcliff.

Table 1: Key land management and agrarian development roles and institutional responsibility at the three research sites.

ROLE	COMMUNITIES		
	Dudumashe	Nyandeni	Rockcliff
Land allocation and access	Headman directly responsible for allocation of arable and residential land and ensuring ongoing access to communal land.	Headman (also a Chief) responsible for all land allocation and guaranteeing rights of local access.	Headman (also a deputy Chief) responsible for all land allocation and ensuring rights of access. Requests for land for development projects may also need approval from Chief.
Land control (management of communal grazing resources and arable fields)	Fencing defines boundaries with neighbouring communities but no institutional control over rangeland management within fenced camps. Control over grazing of arable land exercised by headman and <i>imbizo</i> .	Little effective fencing remains around rangeland or arable land. No attempt at control by traditional leaders over livestock from either Nyandeni or neighbouring villages so grazing occurs on 'open-access' basis. Limited individual rights over arable crop production in absence of fenced fields.	Rangeland boundaries with neighbouring communities still delineated through fencing. However, attempts by headman to impose rotational resting and grazing within community compromised by poor camp fencing and unwillingness by some to comply. Secure individual rights of crop production and grazing exercised over arable land.
Agricultural development	External projects facilitated by headman through direct contact with municipality. Individual producer groups within village support agricultural production and marketing. Unofficial, splinter groups engage in same role.	Agricultural development appears to have little involvement from headman. Rather, facilitated by direct interaction between farmers' associations and producer groups and local agricultural office and municipality.	Project ideas articulated by local producer groups and then presented to Land Use and Development Committee (LUDC), chaired by headman. LUDC is required to approve projects before referral to local agricultural office/municipality.
Service provision (water, electricity, roads etc).	Responsibility ostensibly with ward councillor but limited provision due to intransigence of headman.	Responsibility with ward councillor who interacts with headman on <i>ad hoc</i> basis for approval of land allocation or access.	Responsibility with ward councillors but must seek approval for projects at local level through LUDC before presenting to municipality.
Institutional interaction	Very limited. Village-level structures such as committee and official producer groups directly responsible to headman. Splinter groups exist outside formal system. Little interaction between headman and external civil society structures, e.g. ward councillor.	Limited interaction between headman and civil society structures. However, complex hierarchical layering of local producer groups feeding into the umbrella structure, Libode Farmers' Organisation (LFO), which provides forum for interaction with Nyandeni local municipality.	Considerable. LUDC provides forum for interaction between headman and all civil society actors at the village level around development issues. However, matters of local land administration dealt with exclusively by layers of traditional authority.

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