AN EXPLORATORY STUDY OF THE AMATSHEZI CHIEFTAINCY CONFLICT IN MTHONJANA VILLAGE, MQANDULI IN THE EASTERN CAPE, 2002–2007

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by

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DECLARATION:
In accordance with Rule G4.6.3, I hereby declare that the above-mentioned treatise/dissertation/thesis is my own work and that it has not been submitted previously for assessment at another university or for another qualification.

Signature:_____________ Date: ____________
DEDICATION

This treatise is dedicated to the blessed memories of my father, Agrippa Mbulelo Nodada (1953–2011), who did not live long enough to witness this achievement. I miss you Dad!
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I would like to thank the following people without whom the completion of this treatise would not have been possible:

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- to the Almighty, thank you, Father, for guiding me through this tough journey.
ABSTRACT

The battle for traditional leadership successions continue to have negative effects on many Tribal Authority Councils across Africa, for example, the Valoyi Tribe, part of Tsonga/Shangaan nation in South Africa, and the Godban chieftaincy conflict in the northern town of Yendi in Ghana. Community conflicts related to chieftaincy positions across South Africa are apparent.

This study was an attempt to explore and describe the dynamics of the AmaTshezi chieftaincy conflict in Mthonjana village, Mqanduli. The analysis focused on exploring the AmaTshezi chieftaincy conflict in terms of conflict and conflict process theory.

This explorative study sought to explore and describe the perceptions of eight ad hoc committee members (government officials) who had been involved with attempting to resolve the AmaTshezi chieftaincy conflict. The researcher conducted extensive face-to-face interviews with these committee members and thoroughly studied the necessary documents that informed the study.

Thematic data analysis revealed latent conflict, conflict emergence, conflict escalation, conflict stalemate, and conflict de-escalation, as key conflict phases in the AmaTshezi chieftaincy conflict. A number of recommendations are made about how those in authority could better manage communal conflict. The recommendations may, for instance, be used in the formulation of policies to influence better conflict management by government and help the Eastern Cape House of Traditional Leaders to manage communal conflicts better and to facilitate public education programmes about issues relating to birthright leadership positions and lineage procedures.

**Key words:** Conflict, conflict stages, chieftaincy, traditional leadership, conflict processes, conflict dynamics, ad hoc committee members, female regent, male regent, heir
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CHAPTER ONE: INTRODUCTION

1.1 General background to the study

The institution, status and role of traditional leadership in terms of customary law have been recognised, subject to the Constitution\(^1\) of the Republic of South Africa (Act 108 of 1996, section 211:123). Mthonjana Village, or Coffee Bay, in Mqanduli in the Eastern Cape is one of the many villages ruled by traditional leaders. The Constitution of South Africa recognises Traditional Councils\(^2\) as structures that govern traditional leaders. Traditional leaders are not appointed or elected but are born and inherit the status through the patrilineal line. In customary law in South Africa, only the heir of the royal family is eligible to become a traditional leader of a community.\(^3\) Act 41 of 2003 provides that a traditional community is recognised if it is subject to a system of traditional leadership in terms of that community’s customs and observes a system of customary law (section 2 [1] a and b). Based on Act 41 of 2003, Mthonjana Village is eligible to be recognised as a traditional community and to be led by a traditional leader. In terms of customary law, the person who qualifies to be the traditional leader is the male heir of the royal family.

The AmaTshezi family followed this trend until 1975 when the then chief/traditional leader died of natural causes. At the time of his death, his heir was still too young to lead the community. Therefore, a regent,\(^4\) who was the cousin of the late leader, was appointed to lead the community. That particular regent led from 1975 until 1986. Thereafter, the AmaTshezi tribe decided to appoint a second regent (brother to the chief who had died in 1975) who came directly from the AmaTshezi clan. The second regent led from 1987 until 2002, when he also passed away.

\(^1\) The Constitution of the Republic of South Africa is referred to as Act 108 of 1996.
\(^2\) Traditional Council means a council established in terms of section 3 of Act 41 of 2003.
\(^3\) Traditional Leadership and Governance Framework Amendment Act 41 of 2003.
\(^4\) A regent is any person who, in terms of customary law of the traditional community concerned, holds a traditional position in a temporary capacity until a successor to that position, who is a minor, comes of age and is recognised as a man who can lead that community.
During the period in which the second regent led, the heir became old enough to lead, but he was based in Johannesburg where he worked as a labourer on the mines. This heir of the AmaTshezi was working out of his own will. In addition, he still had to undergo the traditional cultural practice of circumcision. As a general practice of the AmaXhosa culture, boys are expected to be circumcised at the age of 18 or between the ages of 18 and 21 in order to be recognised as dignified. According to AmaXhosa culture, a male is fully recognised and listened to by circumcised men only after he had undergone the circumcision ritual. The elders of the AmaTshezi clan advised the heir to come back home and be circumcised in 2001. The reason why elders asked the heir to come back home was that the second regent was sick and unfit to lead the community.

The heir agreed to come home and be circumcised, and 31 August 2001 was the date set for the ritual. He had to resign from his job because he would not be going to go back to Johannesburg. However, on 12 August 2001 he was shot and killed in Johannesburg, the same week he was due to return home to prepare to take over as chief of the AmaTshezi Tribal Authority. The second regent died the following year due to natural causes. This then meant that another regent had to be appointed until the heir (son of the deceased heir) come of age (Mdlele, 2007).

At that stage, in 2002, the heir to the late heir who had died in August 2001, was still a minor. After the death of the second regent, the wife (widow) of the heir was appointed in 2002 by the king of the AbaThembu tribe to be a regent of the AmaTshezi clan. The AbaThembu king is the head of the Traditional Council to which the AmaTshezi clan belongs. The Traditional Council is the highest decision-making body of a tribal authority. A traditional council is comprised of traditional leaders and members of the community selected by the senior traditional leader. Among other things, its function is to administer the affairs of the traditional community in accordance with its customs and traditions. After the appointment of the widow of the heir as a regent, not everybody in the family and the community was happy about being led by her. Some members of the AmaTshezi clan and the community challenged their king on this. This went on until July 2004. In July 2004,
the king of the AbaThembu tribe officially declared the widow the regent on behalf of her heir. The community, including some relatives of the family, could not accept being led by a woman. They started attacking the female regent and everyone close to her. The first attempt on her life was during the night in September 2004, when she was shot while sleeping at home. She escaped unharmed (Sokana, 2007:2).

According to an article that appeared in the City Press (Sokana, 2007:2), after 2004, 10 people including a 91-year-old woman and a three-year-old boy were killed, and about 35 huts and three cars burnt. The female regent's homestead and the homes of close relatives were burnt down between March and September 2007. Close relatives were afraid to sleep in their houses, and as a result, people were sleeping in nearby bushes, gardens and kraals. One community member was quoted as saying, “We had to wait until dark, take our blankets and sleep in nearby forests or in the garden or kraal” (Sokana, 2007:2). The female regent was killed on 24 September 2007, when the perpetrators, some family members of the AmaTshezi clan and community members who were against being led by a female, surrounded the hut she was sleeping in and set it alight, randomly shooting at anyone who came out. The female regent was the first one who attempted to run out, and as a result, she was shot in the stomach while trying to open the door. She fell back into the burning hut and could not escape. The female regent was burnt beyond recognition. Other relatives, in the same house with her, managed to escape unharmed. Immediately after her funeral, in October 2007, the AbaThembu King appointed the deceased’s daughter as regent.

The AmaTshezi chieftaincy conflict took people back to the late 1990s when the struggle to liberate South Africa turned black brothers and sisters against one another. Between 2002 and 2007, different factions of the AmaTshezi clan fought for the chieftaincy position after the heir was shot and killed. Similar to most African states, the majority of South Africans are still living under a patriarchal system, which dictates that male traditional leaders rule only traditional areas. Even though there are tribes that are under the rule of a female traditional leader, they are few due to the dominance of the patriarchal system. The patriarchal system accommodates
male succession only. Generally, the top-down order of patriarchal traditional leadership is as follows: The king leads a certain tribe; for example, the AmaZulu have one king. Below the king are senior chiefs who lead a group of clans that belong to a certain tribe, followed by chiefs and headmen who are right-hand men of chiefs. They lead sub-groups of clans. Chiefs lead clans and all the people living in their demarcation irrespective of their clan. If the chief dies, the male heir traditionally is expected to take over and lead the clan, but if the heir is younger than 21 years, mostly any male member identified by the family may be recommended to the king to be appointed as regent.

Regents, mostly male, have led the AmaTshezi Tribal Authority at Mthonjana Village for more than three decades, from 1975 to 1986, 1987 to 2002, 2004 to 2007, and again from 2008 to 2009. From 2002 to 2007, the AmaTshezi clan of Mthonjana Village in Mqanduli in the Eastern Cape has experienced a power struggle resulting in violence that led to the death of many people, including the female regent and her close relatives. The AmaTshezi chieftaincy conflict continued to escalate during this period because it divided the extended family and polarised the Mthonjana community. One group was willing to be lead by the female regent (the deceased’s wife); the other group was opposed to being led by a woman. The opposing group proposed certain people, while the other group stood by the female regent as the rightful leader on behalf of her heir who was a minor.

After the death of the heir, until 2007, government initiated very little intervention to manage the conflict. It was when the conflict was at its climax, in June 2007, that an ad hoc committee, consisting of government officials, was formed with the mandate to mediate the conflict in order to negotiate a settlement between the opposing groups. The ad hoc committee was made up of civil servants who were drawn from various provincial departments such as Safety and Liaison, Social Development, the Office of the Premier, the South African Police Service, King Sabata Dalindyebo the local municipality within which Mthonjana village falls, and Oliver Reginald Tambo District Municipality. The ad hoc committee was involved in the community until the
first court case on 27 November 2007 when perpetrators accused of killing the female regent appeared before the Mqanduli magistrate.

The Constitution of South Africa prohibits interference with the judicial process undertaken by the courts. The ad hoc committee had to allow for the court processes to continue uninterrupted. For the benefit of this study, it was important to explore the perceptions of the ad hoc committee members in an effort to understand the dynamics of the AmaTshezi chieftaincy conflict between 2002 and 2007.

1.2 Definition of Concepts

Words and terms have various meanings in different disciplines and fields of enquiry. The definition and clarification of key terms are essential to eliminate ambiguity and increase understanding. Key concepts used in this study are defined below.

1.2.1 Conflict

A conflict is a struggle over values, claims to scarce status, power, and resources in which the aims of the opponents are to neutralise, injure or eliminate their rivals (Coser, 1956:8). According to Avruch (1998:24), conflict refers to perceived divergence of interests, or a belief that parties' current aspirations cannot be achieved simultaneously. Burton (1990:2) describes conflict as an act that is likely to be intractable and which can lead to behaviour that seriously prejudices the physical and psychological security and future development of the individuals, groups, society or nations concerned.

1.2.2 Disputes

Burton (1990:2) distinguishes between disputes and conflict. He regards disputes as those situations in which the issues are negotiable, in which there can be compromise and which do not involve the restructuring of societal structures. These disputes are a normal and constructive feature of social interaction. For Burton, conflicts, comprise the kind of behaviour that is not part of the normal disputes and confrontations, which arise in communities and societies. They are "destructive of
persons, properties and systems” (Burton, 1990:2), their sources are deeply rooted in human behaviours and they cannot be negotiated as part of normal human interaction. The challenges for resolving deep-rooted conflict are very different from interpersonal disputes and management problems in institutions.

1.2.3 Conflict Resolution

The term conflict resolution refers to the need to understand how conflict evolves and ends. It encourages the development of strategies and skills for dealing with the volatile and often destructive outcomes of conflict (Lederach, 1997:87). It is an ambiguous term in that it is used to refer both to the process (or the intention to bring such processes about) and the completion of the process (Miall, Ramsbotham & Woodhouse, 2000:21).

1.2.4 Deep-Rooted and Protracted Social Conflicts

A deep-rooted conflict is a conflict that is based on strife regarding the satisfaction of human needs between people with communal, collective identities. Deep-rooted conflict often becomes destructive. Burton (1990:3) defines deep-rooted conflicts as those conflicts founded in fundamental human needs for security, identity, recognition and development. The issues at the heart of deep-rooted conflicts cannot be compromised but require accommodation through problem solving rather than power-driven bargaining approaches. These conflicts often escalate into long-term malignant processes with high social and economic costs, eventually appearing boundless and hopelessly unsolvable (Kriesberg, 2007:165).

Intractable, never-ending conflicts are conflicts that go on for more than a generation. Such conflicts are particularly resistant to settlement. They persist despite efforts to resolve them even if they do eventually terminate or become transformed (Kriesberg, 2007:373). On the other hand, Azar (1990:16) defines protracted social conflict as mutually incompatible goals among parties amidst a lack of resolution mechanisms that cause communal rifts to become petrified and the prospects for cooperative interaction become progressively poorer.
1.2.5 **Chieftaincy position**

The term *chieftaincy* is used in South Africa to describe the position held by a traditional leader of a particular village. *Chieftaincy* is used in this research with specific reference to traditional leadership position that in terms of South African customary law of the traditional community concerned is occupied by a traditional leader and is recognised in terms of the Traditional Leadership and Governance Framework Amendment Act 41 of 2003. The meaning of chief/chieftainess or headman/headwoman is the same as *Inkosana/inkosazana* in isiXhosa. *Chieftaincy* is preferred in this study because the work is more gender-sensitive.

1.2.6 **Regent**

A regent is any person who, in terms of customary law of only a traditional community concerned, holds a traditional position in a temporary capacity until a successor to that position-who is a minor-is recognised (Act 41 of 2003).

1.6.7 **Civil Servant**

In this study, the term *civil servant* is used to refer to people who work for government. White (1955:39) defines a civil servant as a person who works in the civil service or the government departments in a country.

1.2.8 **Ad Hoc Committee**

In this thesis, *ad hoc committee* refers to a group of government officials who were selected from different provincial departments by the Eastern Cape government as recommended by different Heads of Departments with a mandate to mediate and manage the AmaTshezi chieftaincy conflict.

1.3 **Motivation for the Study**

Africa has seen many communal conflicts because of chieftaincy succession disagreements, and chieftaincy conflicts are becoming a trend in South Africa. In most instances, communities where few or no people have conflict analysis skills or
conflict management skills, are affected. Poor management of chieftaincy conflicts results in a societal milieu being annihilated because of the destructiveness of the conflicts. The AmaTshezi chieftaincy conflict demonstrated similar circumstances as in the cases described above. In the research reported here, the dynamics of the AmaTshezi chieftaincy conflict were explored and described. The consent to conduct the study was obtained from the Eastern Cape’s Department of Housing, Local Government and Traditional Affairs (see Appendix A).

The findings from this study may act as a reference to future research about communal conflicts in general as well as those motivated by chieftaincy succession. The explosive nature of the AmaTshezi chieftaincy conflict prompted a desire to investigate the dynamics of the conflict. Why the conflict occurred and who was involved are of less concern than describing how the conflict developed. The findings of the study may be used for policy development by both government departments and non-government organisations to improve the management of communal conflicts.

1.3.1 Problem Statement

For many years, chieftaincy succession conflicts have occurred across South Africa. Many contributing factors exist for the phenomenon: polygamy, greediness and the patriarchal system are some of the contributing factors to chieftaincy succession conflicts. Some of the succession cases have had to be resolved in a court of law.

According to Traditional Leadership and Governance Framework Act 41 of 2003, a traditional leader is any person who, in terms of the customary law of the traditional community concerned, holds a traditional leadership position and is recognised as such in terms of the Act. However, because of the patriarchal system, people find it difficult to accept female chiefs as leaders. If the chief does not have a son within a marriage, he is encouraged to take a second wife. This complicates the situation if the first wife gives birth to a boy who is younger than the first-born son of the second wife. Most often, the recognised heir is the son born of the first wife, which is in line with the patriarchal succession lineage system. However, greediness forces the heir
of the second wife to contest for the chieftaincy position, especially if elders support him. If the heir is still underage and is not ready to take his position, his mother can be appointed regent on behalf of the heir. However, the tendency is apparently not to recognise female traditional leaders as regents, based on gender. The AmaTshezi clan faced this challenge, and many lives were lost in the ensuing chieftaincy conflict.

The intention of the study was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict. Conflicts move through a series of stages that should not be treated as rigidly bounded and sequenced. Conflict is generally, but not always, characterised by the following stages: emergence, escalation, de-escalation and termination (Kriesberg, 2007:22). In order to explore and describe the conflict dynamics of the AmaTshezi chieftaincy conflict, the following research questions were posed to ad hoc committee members (interviewees):

- When (year) were you made aware of the AmaTshezi chieftaincy conflict?
- How did the AmaTshezi chieftaincy conflict develop?
- Which factors made the AmaTshezi chieftaincy conflict worse?
- Before the death of the heir in 2001, were there signs of disagreement over the chieftaincy position?
- Which conflict incidences were reported after the death of the female chief?
- Which role did government play?
- How has the conflict been resolved?
- What would you recommend as a peacebuilding or reconciliation method for Mthonjana Village?
- When did the AmaTshezi chieftaincy conflict come to the attention of those in authority, and what was their approach towards managing the conflict?

1.3.2 Significance of the Study

The main purpose of the study was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict. In the 21st century, most people desire to live in a
peaceful environment. The United Nations advocates peace around the world and the African Union (AU) is a busy organisation because numerous conflicts in Africa are ongoing. South Africa has seen many court cases related to chieftaincy succession and applicants challenging customary law. In 2008, South Africa was struck by incidences of xenophobia and it became apparent that no appropriate systems were in place to handle the communal conflicts that occurred regularly.

In most cases, communal conflicts are left alone to unfold, ripen and settle. The only intervention is by the police because their visibility is supposed to encourage the antagonists to retreat. However, if conflict is not managed as it unfolds, it may prove perilous for vulnerable groups. The intention of the study was therefore to explore and describe the dynamics of the AmaTshezi chieftaincy conflict. Exploring and describing the dynamics will serve as a guide for institutions like the Eastern Cape House of Traditional Leaders (ECHTL), the Eastern Cape Provincial Legislature, the South African Police Services (SAPS), and the provincial Department of Safety and Liaison in the formulation of policies that seek to address communal conflicts.

1.3.3 The Central Research Question

How did the AmaTshezi chieftaincy conflict processes unfold?

1.4 Aim and Objective of the Study

The aim of this study was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict. The objective of the study was to explore the perceptions of the ad hoc committee members who attempted to mediate in the AmaTshezi chieftaincy conflict.

1.5 An Exposition of Research Design and Methodology

Chapter Four extensively discusses the research design and methodology, highlights the challenges and limitations encountered in this explorative and descriptive qualitative study. The qualitative research method was employed because the purpose of the study was to explore and describe the dynamics of the conflict, not the
causes of the conflict. A meta-theoretical tradition of interpretivism was selected for the research design. For this study to reach its aim and objectives, an intrinsic case study analysis was adopted. An intrinsic case study analysis was appropriate for this study because the aim of the study was to explore and describe the process of a single conflict.

The target population from which the sample was drawn from were civil servants who formed an ad hoc committee that was intended to mediate in the AmaTshezi chieftaincy conflict. The researcher employed a non-probability purposive sampling method, which is typically used in an exploratory research. Data were collected by interviews and all interviewees were interviewed individually.

Multiple methods of data collection were employed, such as interviews, studying of documents and archival records, and audio-visual material. The data were analysed by using a well-structured coding system that assisted in conceptualising themes and analytical categories.

1.6 Dissemination of Findings

Neuman (2006:510) asserts that a “major norm of the scientific community is to publicly distribute knowledge. Powerful groups or institutions can impinge on social research by limiting the flow of information, restricting publication, or silencing researchers.” The Nelson Mandela Metropolitan University (NMMU) requires the findings of all research to be developed into a treatise and a copy of the treatise to be made available to its libraries. Copies of this treatise would be given also to the ad hoc committee members and to the Eastern Cape House of Traditional Leaders (ECHTL).

The recommendations of the research would be beneficial to NMMU’s Department of Political and Governmental studies for teaching in the Conflict Management and Transformation programme as well as the ECHTL and provincial Department of Safety and Liaison for their policy formulation and the management of chieftaincy
conflicts. The findings may prove particularly helpful to the ECHTL when handling the challenges of chieftaincy conflicts.

1.7 Chapter Outline

1.7.1 Chapter One: General introduction and Background to the Study

This chapter introduced the research topic and highlights the sectional order of the entire research project, namely the background of the study, the central research question, problem statement, aims and objectives of the study and an exposition of the research design and methodology.

1.7.2 Chapter Two: Literature Review

In this chapter, a detailed account of the necessary literature sourced for the research is given and discussed and it is shown how the research topic fits into the existing literature. Furthermore, the significance of the topic, its contribution to knowledge of conflict and the conflict process theory are discussed.

1.7.3 Chapter Three: Institution of Traditional Leadership

In this chapter, the historical background of the Institution of Traditional Leadership in South Africa from colonialism to democracy will be discussed. In addition, the dynamics of the Institution of Traditional Leadership and customary law succession process are described and the case study is discussed extensively.

1.7.4 Chapter Four: Research Methodology

This chapter presents a description of the research framework in order to provide a clear outline of the research procedures used in this research study. The research procedures related to the research design, sampling strategy, and data collection and analysis strategies, as well as measures to ensure validity, reliability, trustworthiness and credibility are given. The ethical considerations relevant to the research will also be addressed.
1.7.5 Chapter Five: Findings and Discussion

This chapter discusses the findings of the research and interprets the thematic categories of the data collected.

1.7.6 Chapter Six: Summary, Conclusions and Recommendations

In this chapter, a summary of the research is given. A conclusion is drawn on the entire research project, indicating the salient thematic discussions in the research. In addition, recommendations are made on how traditional leadership conflicts should be managed.

1.8 Conclusion

This section has sought to provide a general background to the phenomenon of AmaTshezi chieftaincy conflict that had arisen in Mthonjana village in Mqanduli. A background of the AmaTshezi chieftaincy conflict was discussed to give the reader an overview and understanding of the entire research context. The next chapter, the literature review, introduces the reader to a wider context of literature on conflict and conflict process theory. It exposes the reader to the rich literature that has been compiled on the process that conflicts follow and the methods employed to manage conflicts.
CHAPTER TWO: LITERATURE REVIEW

Conflict is inevitably triangular. At its simplest, it is party A, party B, and issue X. If this is not immediately resolved, the most anxious person will triangle C to gain an ally, so configuration may be AC-B. (Augsburger, 1992:155)

2.1 Introduction

Almost every academic discipline has contributed to the understanding of conflict; therefore it is difficult to include all the theories and approaches for explaining conflict. The main objective of this chapter is to provide the theoretical perspectives by which the phases of the AmaTshezi chieftaincy conflict can be explored. The first part of this chapter provides a review of the various conflict theoretical perspectives, which underpin this study. Thereafter, conflict processes, which involve the stages or phases of escalated conflict, are discussed. Furthermore, the incremental conflict manifestations that occur when conflict is not properly managed are discussed.

2.2 Conflict Perspectives

Weeks (1992:ix) states, “Conflict is an inescapable part of our daily lives, an inevitable result of our highly complex, competitive and often litigious society”. Conflict is intrinsic to organisations, families and modern city life. Fisher, Kopelman and Schneider (1996:1) label conflict a “growth industry”. They say in most settings, where humans live and work together, conflict erupts, sometimes in unexpected ways.

Isenhart and Spangle (2000:2) view conflict as a phenomenon that is complex because of its overlapping dynamics and processes. They add that, if conflict involves only a decision between two choices, most people would compromise or negotiate. Often, however, conflict involves a struggle for power and the outcome depends on the way decisions are made, the way parties talk to each other, and unresolved problems from past interactions. Several of these factors may be evident at the same time, so no one may be sure what the real problem is. Ramsbotham, Woodhouse and Miall (2005:11) align themselves with this view by saying the
process of conflict escalation is complex and unpredictable. New issues and conflict parties can emerge, internal power struggles can alter tactics and goals, and secondary conflicts and spirals can further complicate the situation.

Augsburger (1992:48) claims that conflict is essentially competitive in nature, but not all competition is conflicted. Augsburger adds that conflict is a feature of all human societies, and potentially, an aspect of all social relationships. How conflict and the root causes of conflict are conceptualised will determine to a large degree the sort of conflict resolution theories and practices favoured or even thought possible. Bradshaw (2008) goes further by saying that human conflict is truly a ubiquitous social phenomenon. It is experienced by all people much of the time. “It is the inevitable result of living in close proximity to vast numbers of intelligent and complex beings with ambitious goals that are not always going to be compatible in the context of a world of finite resources” (Bradshaw, 2008:15).

However, Pruitt and Kim (2004:9–19) give a different view. They state the positive about conflict is that although it is found in almost every realm of human interaction and although episodes of escalated conflict are among the most significant events of human life, it would be a mistake to assume that interaction necessarily involves conflict or that conflict usually takes a heavily escalated form. Furthermore, they state that when conflicts exist, they differ in size or magnitude because of differences of interest. The higher a party’s own aspirations, the higher the other party’s apparent aspirations; and the less promising the known alternatives, the more rigid the parties’ apparent aspirations.

Burton (1984:138) writes that the scarcity of basic human needs motivates conflict between people and the state. If the division of a cake of any given size or the allocation of scarce resources by normative processes is irrelevant to the nature of conflict, much of the law and order framework on which societies rely for social stability and the deterrent measures applied to deviance are doomed to failure. Conflict scholars agree that the causes of conflict emanate from inter alia socio-economic inequalities, ethnicity, absence of opportunities for political participation,

In the conflict literature, different types of conflict are outlined as follows: intrapersonal, interpersonal, intra-group, intergroup, interstate and intrastate. The focus of this study was on intra-group conflict. The AmaTshezi chieftaincy conflict involved members of the same clan who reside in one geographical area. When destructive conflicts unfold, these, in most cases reflect different elements. These elements include blaming of opponents; insensitivity to different cultures and values, disempowerment, relationships that are positional, rigid and defensive and various forms of aggression, prejudice and stereotyping, breakdown in communication, and domination (Anstey, 1991; Burton, 1984; Taylor and Marais, 1999). All of these aspects of conflict are obvious and sometimes they are not. At times, what may appear to be a serious conflict may not be that at all (Lewicki & Litterer, 1985:45).

Due to the continuous existence of conflicts in society, conflicts have undermined and devastated the lives of individuals, destroyed groups and organisations, and impoverished and traumatised communities. Scholars have embarked on the process of studying conflict and have provided various frameworks for understanding conflict. Anstey (2006:10) found that Thomas (1976) distinguishes between a structural model and a process model of conflict. According to Thomas (1976:893), the structural model of conflict attempts to understand conflict phenomena by studying how underlying conditions shape events, identify parameters that influence conflict behaviour and specify the form of the influence. Because these conditions are relatively fixed, they are seen as structural in nature. On the other hand, the process model of conflict focuses on the internal dynamics of conflict episodes, studying events and the effects on succeeding events in conflict episodes.

It is during the conflict episodes that conflict escalates. It is unknown how extreme the conflict is going to become until it starts to decline. Zartman and Faure (2005:3) note that escalation is the dynamics of determining where the conflict peak is and if it
has been reached. Wright (1965:435) also adds that escalation is the mark of conflict in its dynamic form, and conflict occurs when parties who hold incompatible views seek to make their will prevail in a situation in which parties are taking action against each other.

Based on the views of conflict scholars, the general observation emanating from the literature consulted is that conflict is a social phenomenon. It affects all humans at all levels of society and has many bases. In order for us to understand the bases of conflict, the next section discusses the conflict processes.

2.3 Conflict Processes

Conflict process refers to the series of stages that micro and macro conflicts follow. Wehr (1979:8) argues that less work has been done by social scientists on conflict regulation than on the origins of conflict. Social conflict is a dialectical process that occurs in phases in which synthesis takes place and by which society is transformed from one state to another. Social conflict is primarily cyclical in its development and moves through predictable sequence of stages.

Bradshaw (2008:39) states that regardless of the type of conflict being dealt with, most conflicts follow certain patterns of ebb and flow that collectively are called conflict dynamics. Although conflicts may differ from circumstance to circumstance, in general, similar patterns or similar processes can be discerned. These processes are important; they determine much of how conflict is perceived.

Conflict progresses as oppressed groups become more aware of a conflict of interest and move to alter the situation. Curle (1971) sees the linear sequences of this process as a lowering of awareness, a higher awareness of the basic conflict of interests, a confrontation of oppressed and oppressor by either violent or nonviolent means, conciliation and bargaining, and a restructuring of the formerly unmerciful relations. Each conflict situation contains predictable elements and dynamics such as escalation, inhibition and facilitation of processes and leadership change.
Conflict literature shows that it has become common to describe conflict as passing through a series of phases. Different authors identify different stages that are almost identical. The conflict stages (see Appendix D) identified by authors include latent conflict, conflict emergence, conflict escalation, hurting/stalemate, de-escalation, settlement/resolution, and post conflict/peacebuilding (Brahm, 2003; Deutsch, 1973; Gulliver, 1979; Kriesberg, 2007; McRoberts, 1988; Rubin, Pruitt and Kim, 1994; Shriver, 1995; Wehr, 1979; Zartman, 1985, 1989).

Kriesberg (1973, 2007) provides the most comprehensive review of sociological conflict theory. His mode of analysis is a cyclical one tracing the formation of objectives conflict (latent conflict) and following it through the awareness (conflict emergence), escalation, stalemate, de-escalation and termination phases (conflict resolution/settlement), as well as post-conflict peacebuilding to outcomes that may or may not contain the potential for a recycling of the conflict. Appendix D shows the phases of conflict in diagrammatic form as listed by conflict scholars. It is important to be acquainted with these stages or phases and to use them to explore and describe the dynamics and events that relate to the chosen case study.

2.3.1 Latent Conflict

Social life is above all the struggle for power and status regardless of the type of structure. An inevitable power differential between groups and between individuals produces latent conflict in all social relations (Wehr, 1979). The seeds of conflict may exist for long periods without actors being aware of them. Often one side, most likely the privileged one, is largely unaware of the existence of tensions. While the less privileged party may be aware of the situation and even consider it unjust, conflict does not emerge until adversaries act to change the situation (Deutsch, 1973).

At its roots, the latent conflict stage comprises the possibility of conflict that is inherent in different meanings, values, norms, statuses and classes among people. Latent conflict involves socio-cultural spaces as potentialities. Consequently, the latent conflict stage always exists wherever there is more than one person, group, society or culture (Berkowitz, 1993:168; Deutsch, 1958; Wright, 1965).
The latent conflict stage consists of those potentialities that are transformed into
dispositions or attitudes defining specific situations and goals and which are clustered
into role-dispositions and sentiments involving religion, self-esteem, and the
superego among other things. These clusters of attitudes define motivational
components along which lie socio-cultural inequalities. Inequalities in wealth, power,
prestige and class define the major attitudinal differences between people and their
propensity to be mutually opposed (Deutsch, 1973).

At the latent conflict stage, conflict is encouraged whenever individuals, groups,
organisations or nations have differences that bother one or the other. These may
be influenced by perceived differences in socio-economic inequalities, ethnicity,
absence of opportunities for political participation, differences in religious inclinations,
fragile government structures, inadequate civic structures, differences in political
ideologies, and competition over scarce resources (Anstey, 1991; Burton, 1990).
These differences are not big enough to cause one side to act to alter the situation,
but deprivation of basic human needs, power and resources and different interests or
values all have the potential to spark conflict if a triggering event occurs.

2.3.2 Conflict Emergence

Bartos and Wehr (2002:79) assert that the way conflicts begin varies. Some conflicts
start suddenly, while others develop gradually; some start violently, while yet others
start moderately. After a conflict has remained latent for some time, a triggering
event will cause the emergence of that conflict if the underlying grievances or
frustrations are strong enough. The event or episode may be the first appearance of
the conflict or a confrontation that erupts in the context of a protracted, but dormant,
low-level conflict.

The potential for conflict exists whenever people have different needs, values or
interests. Certain conditions are necessary for conflict to manifest (Kriesberg,
2007:53). First, another group has to be identified by members of the contending
party as the opponent. Second, members of the contending group must feel
aggrieved. Third, members of the aggrieved group must develop goals that require
changes on the part of the adversary. Finally, members of the aggrieved party must believe that their actions can induce the other party to change. The way these four conditions change for each adversary and the way the adversaries interact with each other largely determines the course of the conflict and the degree to which it becomes destructive or constructive. Furthermore, these four conditions are interdependent and provide the spark in the tinderbox that ignites a struggle (Denhardt, Denhardt & Aristigueta, 2002:336; Mitchell, 1981:15–18).

Conflict that starts from an early incubation stage goes through a dangerous phase before erupting (Sokalski, 2003:19). Kriesberg (2007:53) takes the argument further and remarks that the outbreak of a fight seems sudden, but is usually the result of many gradual changes. The circumstances producing an overt social conflict may have persisted for a long time; yet, some necessary component had been missing. Then some event indicates that an effective collective resistance is possible or necessary. Thereafter, many members suffering discrimination coalesce and act on their demands to end that discrimination, thus igniting a series of actions that make the struggle manifest.

Scholars argue that conflict emerges when members of one or more potential antagonistic parties develop a shared identity, generate a sense of grievance, form a goal to change another party so as to reduce the grievance, and, finally, believe that they can bring about the change to their perceived incompatibilities. Each of these conditions is necessary, but none is sufficient alone to ignite conflict (Cheldelin, Druckman & Fast, 2003:73; Kriesberg, 2007:86; Zartman, 2007). These various combinations provide the impetus for at least one side to move against another, and by doing so, ignite a conflict (Isenhart & Spangle, 2000).

2.3.2.1 Contentious Tactics

A variety of strategies for either resolving or perpetuating conflict is available to adversaries. Pruitt and Kim (2004:38) state that four strategies are available for adversaries to employ immediately when conflict emerges. These are contending, problem-solving, yielding and avoiding. If these settlement strategies fail to yield
positive results, the adversaries employ contentious tactics to resolve the conflict. The contentious tactics can either terminate or perpetuate the conflict. Coleman (2003:4) claims that, as conflict escalates, the issues in contention are transformed and take a threatening character, and so do the tactics employed by parties. Adversaries employ various tactics as conflict intensifies. Application of contentious tactics involves an increase in coercive actions that impose costs on the adversary, and ultimately, involve violence and physical harm (Mitchell, 1981).

The contentious tactics that parties can employ in an effort to prevail in conflict can be presented in an order that moves from lighter contentious tactics to their heavier counterparts, as follows: ingratiation, promises, persuasive argumentation, shaming, tit-for-tat action, threats, coercive commitments, and violence and nonviolence. The light-to-heavy sequence is often seen as conflict unfolds, reflecting the common tendency to conflict escalation, although not all the tactics are found in every conflict (Sharp, 1970:32).

As the conflict unfolds, a belief emerges among the adversaries that the solution to the conflict is attainable through superior force or trickery. The use of contentious tactics is increased further when the parties are emotionally aroused, for example, angry or frustrated. Where strong protections exist against punishing the actual source of frustration, the emotion may be displaced, finding expression in acts against more vulnerable and accessible targets (Anstey, 2006:40). Failure to terminate conflict when contentious tactics have been employed leads to conflict escalation.

2.3.3 Conflict Escalation

According to Kriesberg (1998:152), conflict escalation refers to an increase in the intensity of a conflict and in the severity of tactics used in pursuing it. Escalation is driven by changes within each of the parties, new patterns of interaction between them and the involvement of new parties in the struggle. Bartos and Wehr (2002:99) assert that when conflict escalates, more people tend to become involved. Parties begin to make bigger and stronger threats and impose harsher negative sanctions.
Violence may start, or if violence has already occurred, it may become more severe and/or widespread as the number of participants involved in the conflict increases and a greater proportion of people actively engage in fighting.

When adversaries engage in a coercive strategy, they generate a spiral of tit-for-tat retaliation. They increase the amount of tit-for-tat punishment with each move, both parties paying higher and higher prices for a continuing standoff (Oberschall, 2007:33). Pruitt and Kim (2004:89) list five changes that occur as conflict escalates:

1. Parties move from light tactics to heavy tactics. Light tactics include things such as persuasive arguments, promises and efforts to please the other side, while heavy tactics include threats, power plays and even violence.
2. The conflict grows in size. The number of issues in contention expands, and parties devote more resources to the struggle.
3. Issues move from specific to general, and the relationship between the parties deteriorates. Parties develop ostentatious positions and often perceive the other side as “evil”.
4. The number of parties grows from one to many, as more and more people and groups are drawn into conflict.
5. The goals of the parties change from doing well to winning and, finally, to hurting the other.

2.3.3.1 Transformations in Conflict Escalation

As conflict escalates, parties attempt to influence each other to renounce demands. Rubin, Pruitt, and Kim (1994:69) argue that understanding transformations in conflict escalation is important because when conflict escalates, it is intensified and becomes difficult to undo. They explain that one reason why escalated conflicts are so hard to undo is that when one side uses more aggressive tactics, the other side also uses more aggressive tactics, producing a vicious cycle.

When conflict escalates, the cluster of emergency behaviours that accompany competitive confrontations exaggerates the destructive processes: anxiety rises,
perceptions and reasoning become more selective. The atmosphere of competition inevitably accelerates anxiety in the urgency for victory. As anxiety rises, misperceptions and biased perceptions increase because biased perceptions create conflict within persons and the need to reduce dissonance creates cognitive consistency by bending and blending thought and belief (Augsburger, 1992:48). These behaviours interlock, reinforce and accelerate a spiral of intensification.

The use of progressively heavier contentious tactics is by no means an inevitable outcome of conflict, but it is important because of the great human cost it often carries. Escalation is commonly accompanied by several other transformations:

- issues proliferate;
- parties become increasingly committed to the struggle;
- specific issues give way to general ones;
- the desire to succeed turns into a desire to win, which turns into a desire to hurt members of the other party;
- positive feelings give way to negative feelings; and
- both sides expand by recruiting formally neutral individuals and groups (Anstey 2006: 36; Kriesberg 2007).

Several models have been developed to help understand how parties attempt to influence each other during conflict escalation. These models may be conceived as "flowcharts" that assist in understanding the order of events and the influence of variables during conflict escalation. Three different models are discussed to understand the modifications during conflict escalation better: the contender–defender model, the conflict-spiral model, and the structural-change model. All three models have the some value for accurately describing the developments in some kinds of conflict escalation (Pruitt & Kim, 2004:92).

a) The contender–defender model

The contender–defender model traces escalation to the contending party’s efforts to pursue its ends and escalating its use of contentious tactics progressively as its
efforts are frustrated. The defending party only reacts on the contenders’ actions, increasing levels of response in accordance with the activities of the aggressor. The escalation continues until the contending party desists or wins (Anstey, 2006:36). The win-at-all-costs behaviour, or zero-sum thinking as it is termed by Pruitt and Kim (2004), encourages conflict because there seems to be no way both sides can achieve their aspirations. One party must win. According to Kriesberg (2007:9), antagonists in a conflict generally see themselves in such a zero-sum situation.

The contender–defender model appears to present one side as being mainly at fault. The aggressor seems to lead the conflict escalation. One party is viewed as having a goal of creating change, and that places it in conflict with the other party. The goal may consist of taking something from the other party, altering reality at the expense of the other party, or stopping the other party’s annoying behaviour. The party with the goal (the contender) usually starts with less contentious tactics. If the contender does not achieve the goal through less risky tactics, he/she will eventually resort to heavier contentious tactics. On the other hand, the defender may remain passive or, alternatively, may escalate the conflict, but only as a defensive measure. White (1984:95) states that each action is a result of the cumulative impression from all the previous actions by the other side, but actions that are more recent are usually given greater weight than earlier actions.

The contending party’s escalation of the conflict is never in defence and is used strategically and intentionally to achieve its goal. However, Pruitt and Kim (2004:96) argue that, in reality, both sides usually contribute equally to a conflict so that the conflict-spiral model may be a better description.

b) The conflict-spiral model

The conflict-spiral model traces conflict escalation from a vicious circle of action and reaction – their anger escalate in response to each other. One party’s contentious tactics encourage a contentious retaliatory or defensive reaction from the other party, which provokes further contentious behaviour from the first party, completing the circle and starting it on its next interaction. Each retaliation action in the spiral
provides a new grievance. These dynamics explain the movement from lighter tactics to heavier tactics, as well as the expansion of issues in conflict (Mitchell, 1995; Pruitt & Kim, 2004:96).

The conflict-spiral model can be either retaliatory or defensive. In the retaliatory spiral, each party punishes the other for actions it finds hurtful. In contrast, in the defensive spiral, each party reacts to protect itself from a threat it finds in the other’s self-protective actions (Kriesberg, 1998:158; Rubin, Pruitt, & Kim, 1994:79). The conflict-spiral model is a bilateral reaction model because each party is reacting to the other party’s prior actions. Conflict escalation is best explained by invoking both retaliatory and defensive reactions. The conflict-spiral model helps with understanding conflict escalation by viewing the progressively heavier tactics as either a contender–defender episode embedded in a broader conflict spiral or a conflict spiral that is part of a larger contender–defender dynamic.

Augsburger (1992:53–55) argues that, if conflict is not channelled, undirected trends become self-perpetuating vicious cycles. The cycle, as it intensifies, escalates until the conflict becomes detached from its original causes and develops its own self-energising cause. Augsburger adds that a negative spiral becomes fully self-perpetuating as personal, positional and relational investments are made.

The conflict-spiral model recognises that conflict escalation causes flow in both directions. Each party’s actions influence the other party’s responses; yet, these responses themselves are actions provoking yet another round of responses. With each cycle, parties increase the contentiousness of their tactics and the competitiveness of their orientation (Cheldelin, Druckman, & Fast 2003, 2003:71). Using the analogy of tactics moving from light to heavy, issues proliferate and the parties become absorbed and polarised. As a consequence, communication breaks down, suspicions are heightened, misperceptions increase, tactics become more coercive, perceived similarities and common interests disappear, and the focus shifts to use of power (Deutsch, 1973).
c) The structural-change model

D’Estrée (2003:73) names the final model for understanding transformations in conflict escalation the structural-change model. The structural-change model is built on the conflict-spiral model. This latter model sheds light on the persistence of a conflict, and helps to explain why de-escalation is so difficult to achieve. The structural-change model states that, in more enduring psychological states, changes in group structure and function and community polarisation carry a conflict past thresholds that make it difficult to return. In addition to psychological states, contentious tactics by one party also produce structural changes in the receiving party, encouraging contentious tactics in response.

In the structural-change model, a set of changes occur in the individuals and groups involved in a conflict and the communities to which they belong. Intra-party structural changes are changes that take place once a group, community or nation finds itself in conflict with another group, community or nation. At least five conflict-exacerbating dynamics seem common during conflict escalation: mobilisation, enlargement, polarisation, dissociation and entrapment. The result of these changes is a more complex conflict that becomes much more difficult from which to disentangle adversaries (Mitchell, 1995; Oberschall, 2007:33).

Intra-party structural changes during conflict escalation are both a cause and a result of significant psychological changes among the parties involved. Anger, fear, negative attitudes, perceptions and stereotypes of the opponent can drive escalation, as well as be caused by it, thus initiating another conflict spiral. Parties have a tendency to blame the other side for any harm suffered and want at least restitution, if not retaliation (Rubin, Pruitt, & Kim, 1994:85). Parties may also form ideas about the dispositions, basic traits and motives of the other side. For example, each side may believe that the other is fundamentally selfish, unfriendly and hostile to its welfare. As a result, actors often come to regard revenge and punishing the other side as an end in itself. Discussions about substantive issues and grievances give way to personal attacks upon the other group.
Group structural changes include the development of hostile group goals, the emergence of runaway norms, enhanced group identity and cohesiveness, and the emergence of militant subgroups and leaders. Groups can also be polarised, with their members moving from moderation to militancy, as can the communities surrounding the conflicting parties (Kriesberg, 1998:167; Rubin, Pruitt, & Kim, 1994:94). Hostile perceptions of the group and destructive motives become cemented with group norms, and pressures are brought to bear on members to accept these norms as right (Kelman, 1997, cited in Zartman, 2007:95). Groups often become more internally cohesive when facing an external enemy and the attractiveness of this dynamic alone makes rapprochement with the other party costly. Such structural changes are difficult to restrain, given their self-perpetuating quality (Cheldelin, Druckman, & Fast, 2003:74; Coser, 1956; Rubin, Pruitt, & Kim, 1994:90–93; Simmel, 1955).

Negative feelings and beliefs about the other party lead to negative interpretations of the other party’s behaviour, reduced contact, making retaliation more acceptable, resulting in reduced empathy (Bartos & Wehr, 2002:111; Kelman & Hamilton, 1989). Reduced empathy against the other group allows group members to be judged based on their group affiliation and not as individuals. Furthermore, group members are de-individualised. De-individualisation together with dehumanisation is employed because inflicted aggression is perceived as more acceptable; control over aggression is reduced and violence is justified (Zimbardo, 1970). Because of a group having a common enemy, the psychological changes enhance group cohesion and group mobilisation and contribute to the enforcement of these norms and the dedication of group members to the newly found goals and means of implementing goals (Cheldelin, Druckman, & Fast, 2003:73).

Another structural change that occurs as conflict escalates is the development of militant leadership and militant subgroups. The development of militant leadership during conflict escalation gives certain individuals status, wealth and even a sense that life is meaningful. These leaders perpetuate conflict because they fear that they will be replaced should they be seen as weak or submissive. Such leaders often
refuse to admit past mistakes and are likely to grow in militancy and take a harder line. In many instances, these leaders seek to ritualise the conflict and exhibit a complete lack of interest in conflict resolution. Such individuals have incentives to resist conflict resolution and make sure that the war effort continues (Kriesberg, 1998; Rubin, Pruitt & Kim, 1994:108).

The structural-change model shows how continuing conflict further reinforces increasing polarisation and makes de-escalation and cooperation processes difficult to set in motion. During conflict, neutral community members find it hard to remain neutral. In effect, relationships in a community are restructured such that community members have to interact as part of two opposing poles, a process called community polarisation (Rubin, Pruitt & Kim, 1994). The community polarisation dynamic adds to escalation as each pole continues to strengthen at the expense of those on neutral ground. The swelling ranks increase confidence that the position of the group to which a community member belongs is justified and further provide a rationale for the use of heavier tactics. The bonds within one’s group are strengthened, while the bonds across groups are neglected and therefore deteriorate because, as controversy develops, associations wither between persons on opposing sides (Coleman, 1957:11). This contributes to misunderstandings and hence to the proliferation of conflict issues.

The three models discussed above explain why conflict escalation persists. As conflicts escalate, they become increasingly difficult to manage because they become self-perpetuating. The conflict escalation phase diminishes the chances of managing or resolving conflicts. The downside of conflict escalation is not only the pains and costs that the parties endure, but the resistance to de-escalation and resolution that the negative interactions create, resulting in the stalemate stage (Deutsch, Coleman & Marais, 2006:185; Fisher, 1997:166; Ramsbotham, Woodhouse & Maill, 2005:11).
2.3.4 Conflict Stalemate

Vasquez, Johnson, Jaffe and Stamato (1996:91) argue that stalemate is a turn-around stage that may entail a crisis that leads to further escalation or de-escalation. Once conflicts have escalated for a while, they often reach a stalemate, a situation in which neither side can win but neither side wants to back down or accept loss either. Conflict stalemates emerge for a number of reasons: the failure of contentious tactics, exhaustion of necessary resources, loss of social support, and unacceptable costs (Pruitt & Rubin, 1986, cited in Anstey, 2006:50).

Bradshaw (2008:41) remarks that parties involved in a conflict will eventually become exhausted. They will run out of resources to invest in the conflict. When the conflict has reached a plateau, the escalation of conflict has begun to level off. At a point of perceived stalemate, parties will usually not escalate the conflict further, although the parties may not yet be willing to take the actions that will eventually generate an agreement. Stalemate is a high-water mark for the conflictual ark. Wallensteen (2007:43) argues that this is likely to be a moment requiring change of action. At this point, the parties might agree on a cease-fire in order to reduce the pain, have a chance for recuperation, or even to have an opportunity to buy weapons. The painful stalemate can be used as a move forward to settlement and not simply as a way to freeze the status quo.

Stalemates represent a balance of effective power: neither side has the power to move the other. Stalemates can be broken by yielding, withdrawing or problem-solving strategies. However, it is not always possible to withdraw from a conflict. Yielding may be unacceptable, particularly if the parties are already over-committed and strongly concerned with losing face. The most important consequence of stalemate is that the parties may be compelled to adopt a problem-solving strategy (Starr, 1999).

Kriesberg and Dayton (2009:70) affirm that it is only when a conflict is at a stalemate that third-party intervention may be possible. Mediation is only successful when the conflict has lasted a long period, the conflicting parties have reached an impasse, the
parties no longer want to shoulder the costs of escalation and both parties are ready to engage with each other. Sprinz and Wolinsky-Nahmais (2004:198) have a different view. They argue that a stalemate on the battlefield will lead to persistence of the dispute in the post-war period. Conversely, the avoidance of war may bring about the end of the dispute by means of a negotiated agreement, while a standoff in the crisis will result in the continuation of the dispute.

Ganguly and Macduff (2003:18) remark that the prospects of peace are at their highest and brightest when a conflict is at the stage of “hurting stalemate”, where adversaries are exhausted and have come to believe that little can be gained by further prolonging and escalating the conflict. Stalemate influences one of the antagonists to come to the grudging realisation that it cannot prevail at acceptable cost and risk, yet it is also unwilling to cede victory to the other party through yielding or withdrawing. Antagonists view yielding as a blow to their pride and if adopted, it signals weakness to other. On the other hand, antagonists see withdrawal as tantamount to capitulation; hence, it would also be unacceptable.

When parties find themselves locked in a conflict that they cannot escalate to victory and the deadlock is painful to both, they tend to seek a way out. A recent or impending catastrophe can provide a deadline or sharply increased pain, which may force the parties to take a step back and think (Zartman, 2008:232). Druckman and Green (1995) and Mitchell (2000) support this view by saying some shock may be needed to bring adversaries to their senses, for example, a striking event that dramatises the hopelessness of their campaign or the costs and risks involved in pursuing the conflict that mobilises careful examination of what is actually happening. Then parties will reconsider their actions and start formulating other objectives, like settling the dispute.

It is at this stage that unilateral initiatives are successful because they result in a de-escalatory spiral, a sequence of alternating conciliatory actions by the two sides producing enough trust on both sides for negotiation to seem viable. In such a spiral,
each action is a confidence-building move that encourages reciprocal action from both sides.

2.3.5 Conflict De-Escalation

After a conflict has been in equilibrium for a long time, it tends to de-escalate. Conflict de-escalation is a process whereby coerciveness between parties lowers, hostility decreases and the tendency to retaliate is reduced (Bartos & Wehr, 2002:113). When parties have reached the stalemate stage, they no longer have the energy or resources to invest in conflict, so the conflict de-escalates. Sislin and Pearson (2001:86) hold that manifestations of de-escalation include a contraction of the scope of the fighting, a lessening of the intensity of the conflict, the declaration of a cease-fire by some or all of the parties, or the initiation of negotiations among the disputants.

Fisher (1997:177) adds that closely related to de-escalation is timing, that is, recognising the most propitious points in the cycle of conflict for parties to make de-escalation moves. Kriesberg (1973) explains that timing involves knowing when the parties are ready to move down from stalemate to de-escalation and then to resolution. He states that timing is important because inappropriate initiatives can be counterproductive. Initiatives like unofficial problem-solving interactions among coalitions of “doves” from opposing camps can lay a basis for future de-escalation.

Conflict scholars argue de-escalation may be influenced by non-coercion, which can lead to de-escalation in two ways. That is, it is sufficient to prevent the other side from continuing with the conflict. As the other party loses its capacity to continue its conflict behaviour at the same level, it allows the conflict to de-escalate and loses its will to persist in the conflict. It may doubt its abilities and question the desirability of continuing (Kriesberg, 1973:167; Vledder, 1997:110).

Brockner & Rubin (1985:193) focus on how the de-escalation stage can be realised by avoiding destructive escalation and how it can lead conflict towards de-escalation. They argue that, although entrapment often fosters escalation, it can be controlled
and so help avoid destructive escalation. They say if individuals set limits on how far they will go prior to embarking on a possibly entrapping course of action, they will tend to avoid entrapment and therefore open space for conflict de-escalation.

In the de-escalation phase, concessions and conciliation play something of the same role that demands and coercion play in escalation. De-escalation of conflicts do not guarantee that re-escalation of conflict will not occur. If escalation is pursued too vigorously, it could be dangerous because the opponent might conclude that the resolve or assurance is weakening and that more pressure would yield results. In addition, the other party may retaliate and re-escalate the conflict (Kahn & Schelling, 2010:231–233).

In support of the above, Kriesberg (2007:200) argues that, for seemingly intractable destructive conflicts to pass through a transition to a mutually acceptable de-escalation, each side must believe that the other does not threaten its collective existence. In addition, it is easier to stop a conflict from escalating destructively if the struggle has not persisted for a long period and has not escalated greatly. Kriesberg (2007:209) adds that one way to increase the likelihood of crisis de-escalation is for one or more adversaries to allow time for the other side to reflect on its course of action and not be pushed into a corner and face humiliation.

Furthermore, Oberschall (2007:33) warns that a crisis may also erupt in the course of de-escalating conflict when those who reject transformation try to disrupt the initiative. A case in point is what happened during the transformation ending apartheid in South Africa when a threat arose. An African National Congress (ANC) prominent member, Chris Hani, was assassinated. His assassination nearly reversed all the good work that had been done by all parties who were involved in the negotiations that led to the end of apartheid. However, Frederik Willem de Klerk (commonly know as FW de Klerk), who was President of South Africa at the time, and Nelson Mandela, the ANC leader, handled the tragedy well by advising fellow South Africans, blacks and whites, that they should take the act as a crime that was not politically motivated. By
doing this, Kriesberg (2007) says, De Klerk and Mandela prevented the negotiations that were underway from being derailed.

2.3.6 Conflict Resolution

As conflict ends, the components of the conflict start to change. Thus, after de-escalation, neither side’s new goals include the destruction of its adversary. All of the underlying causes of the conflict are remedied. Finally, the conflict may be resolved permanently or at least temporarily. If some grievances remain, however, the conflict may be resolved for the time being and may develop later as grievances again become significant. Formal negotiation is more effective to a conflict because all parties involved own the terms of resolution (Holsti, 1974; Thackrah, 2009:18).

Mazrui (1997:206) maintains that a conflict resolution process involves a measure of compromise, power sharing and gradualness, and successful implementation of a resolution will thus be the main work of the moderators. On the other hand, Burton and Dukes (1990:83–87) argue that disputes are generally considered disagreements involving negotiable interest. Such issues can be resolved through negotiation, mediation or adjudication. Conflict resolution therefore refers to the working out of a mutually satisfactory agreement between the parties involved. Conflict resolution is primarily concerned with upholding established social norms.

Burton (1990) supports this view by taking the argument further and explaining that conflict resolution implies suppressing differences through a power-bargaining context. According to Kriesberg (2007:294), an agreement to resolve a conflict may put the fire out for good, but too often it only suppresses the flames and leaves smouldering ashes that later burst into flames. An agreement may contribute to the gradual constructive transformation of the conflict, resulting in a stable and equitable relationship between former enemies. On the other hand, a resolution may turn out to be only a pause in a protracted destructive struggle. The losing side may regroup and rise again, trying to regain what it lost when signing the agreement and during its implementation. However, some conflicts are terminated with a unilaterally imposed
resolution. In such a case, one side of the conflict triumphs and the other is defeated. The defeated side may surrender or cease to be an organised entity.

Coser (1967:40–42) outlines a different view, which holds that explicit provisions for termination of social conflicts must be made by the contenders. If no mutual agreements are made at some time during the struggle, conflict ceases on the death or in the total destruction of at least one of the antagonists. The termination of conflict is a social process dependent upon but not directly deducible to its pursuits. It belongs to neither war nor peace, just as a bridge is different from either bank it connects. Termination involves a reciprocal activity that cannot be understood simply as a unilateral imposition of the will of the stronger on the weaker. Therefore, not only the potential victor but also the potential vanquished make crucial contributions to the termination of conflict.

As conflict terminates, new or greatly changed collective identities become dominant. Grievances underlying the conflict are reduced for one side, but to resolve the conflict, the other side's grievances must be minimised as well. It does not work to satisfy one side but increase the harm to the other. Goals also change as conflict ends. This change may reflect the separation of a few leaders on one side from their now-transformed constituency. The members of a communal or ideological organisation may repudiate the organisation leaders upon their defeat, and the victorious other side may accept the repudiation as genuine (Vasquez, Johnson, Jaffe, & Stamato, 1996:92).

Although a particular conflict may be resolved permanently, another similar or related conflict may arise again if the underlying causes of that conflict still exist. For a conflict to be resolved, the fundamental causes must be identified and addressed. These may include basic human needs and access to essential resources that have to be addressed because they are non-negotiable issues, and the issues can be dealt with beyond conflict resolution by employing peacebuilding initiatives.
2.3.7 Conflict Management and Peacebuilding

Conflict management and peacebuilding are very important, not only for the recovery of affected parties, but also, to avoid the re-emergence of conflict and ways to manage it when it has emerged. Conflict management and peacebuilding as conflict prevention strategies are not an event, but a process; therefore it requires more attention because societies emerging from conflict are usually fragile, needy and generally in a mess. The prevention of a reoccurrence of conflict depends on satisfying the most urgent needs of a post-conflict society (Ewald & Turković, 2006:260–261; Murithi, 2009:6).

According to Anstey (2006:326), peacebuilding as a conflict management strategy require the establishment of participative mechanisms to address the root causes of the violence and means to overcome unnecessary delays in achieving access to available resources. Lederach (1997:82–83) contend that the structural dimension of peacebuilding focuses on the social conditions that foster violent conflict. When managing conflict, stable peace must be built on social, economic and political foundations that serve the needs of the populace. In many cases, crises arise out of systemic roots. These root causes are typically complex, but include skewed land distribution, environmental degradation and unequal political representation. If these social problems are not addressed, there can be no lasting peace. Thus, in order to establish durable peace, parties must analyse the structural causes of the conflict and initiate social structural change. The promotion of substantive and procedural justice through structural means typically involves institution building and the strengthening of civil society.

Even after a resolution has been reached and a peace agreement is signed, this is by no means the end of the conflict. The conflict resolution process has to be implemented through conflict management and peacebuilding programmes. If it is just a conflict between two people, this may not be hard; those two people do what they agree to do, and past problems may be solved. However, in communal- and societal-level conflicts, implementation becomes much more complex. In addition to
the elite who negotiated the agreement, their constituents also have to agree to the conflict management and peacebuilding programmes to be followed or else the agreement is likely to fail. Usually, there is a long period of peacebuilding among the grassroots people, eventually culminating in apology, forgiveness and reconciliation (Assefa, 2001).

The key to transforming and managing conflict is to build strong equitable relations where distrust and fear were once the norm. Kriesberg (1998:322) discusses three ways in which to build a foundation for peaceful, equitable relations:

• the nature of the resolution must suit the present conditions of the conflict;
• steps must be taken to reconcile adversaries; and
• constructive intervention is useful to move the parties to a better path.

At the peacebuilding stage, outside actors can play an important role in monitoring the agreement and demobilisation efforts. In addition, the construction of civil society through reconciliation may be necessary, something on which third parties may be able to provide assistance.

It should be mentioned that reconciliation itself is a complicated and highly contested term (Crocker, 2000:99). Some see it as simply coexistence (Villa-Vicencio, 1998), others as respect (Gutmann & Thompson, 1997) and still others as mutual forgiveness. Kriesberg (1998) suggests there are four aspects of reconciliation:

• truth, or coming to acknowledge there is some merit to the other side’s interpretation of events;
• justice, or gaining redress as a means of putting the past to rest;
• regard, or forgiveness on the part of victims; and
• security, or expectations of a peaceful coexistence.

The concept of reconciliation is a profoundly Christian one, and the post-apartheid South African case shows evidence that it can be achieved. On the other hand, not all situations will see reconciliation fully realised. The reconciliation process is a long one, and the length of time it takes to reconcile is compounded by the fact that individuals may take much longer to become reconciled compared to the group or
the nation (Muchenga-Chicuecue, 1997). Reconciliation is not necessarily the end of every conflict; some conflicts may end before complete reconciliation takes place. However, all intractable conflicts that do end must go through some peacebuilding process if the parties are going to have to interact again in the future. If peacebuilding or reconciliation processes do not take place, the conflict is likely to recur, even after a resolution of a particular episode is reached (Lederach, 1997).

As a result, building peace requires attention to psychological and emotional layers of the conflict. The social fabric that has been destroyed by conflict must be repaired, and trauma must be dealt with at national, community and individual levels. At community level, parties can pay tribute to the suffering of the past through various rituals or ceremonies or build memorials to commemorate the pain and suffering that has been endured. Strong family units that can rebuild community structures and moral environments are also crucial (Van der Merwe & Vienings, 2001:344).

At individual level, one-on-one counselling has obvious limitations when large numbers of people have been traumatised and insufficient resources to address their needs exist. Peacebuilding initiatives must therefore provide support for the mental health infrastructure and ensure mental health professionals receive adequate training. Mental health programmes should be adopted to suit the local context and draw from traditional and communal practice and customs wherever possible. Participating in counselling and dialogue can help individuals to develop coping mechanisms and to rebuild their trust in others (Van der Merwe & Vienings, 2001:347). If it is acknowledged that individuals' attitude influences behaviour, new emphasis must be placed on understanding the social psychology of conflict and its consequences. If ignored, certain victims of past violence are at risk for becoming perpetrators of future violence. Conflict management and peacebuilding through victim empowerment and support can help to break this cycle.

2.4 Conflict Dynamics

In arguing for the legitimacy of conflict, Himes (1980) states that all societies wrestle with tensions between conflict and cooperation. Over time, norms tend to be
established around the expression of conflict behaviour, and societies sanction deviations from this standard. Such norms may vary through time, but no society tolerates high intensity violent forms of expression that threaten the survival of a system. While Clegg (1975:309–316) argues that whereas democratic societies tend to allow wide latitude for nonviolent protest and disruptive tactics, seeing them as a healthy manifestation of freedom, and conflict as functional to societal health and adaptability, in more rigid societies, such expression is seen as a threat to the survival of the system and given little latitude.

A conflict is constructive in its process and consequences if all parties are satisfied with the outcome and believe they have gained because of the conflict, whereas a conflict is destructive if the parties are dissatisfied with the outcomes, or one party believes it has lost because of the conflict (Deutsch, 1969:10). Himes (1980:21) asserts that the demarcations of legitimate and non-legitimate conflict reflect the self-interests of an inclusive social system. Legitimacy stems from tradition, collective policy and political authority, which are interrelated and, in stable societies, probably self-reinforcing. In societies in transition or in crisis, all these sources may be called into question.

Simmel (1955:31) suggests that no group can be harmonious, for it would then be devoid of process and structure. He says that groups require disharmony as well as harmony and dissociation as well as association, and conflicts within groups are by no means altogether disruptive factors. Therefore, group formation is the result of both types of processes. Simmel further argues the belief that one process tears down what another builds up is based on a misconception: both positive and negative factors build group relations.

Deutsch (1973:73) argues that group relations in a social environment often provide the grounds for conflict. This is because the social context within which potential adversaries confront each other is non-static and changes all the time, which helps arouse the parties’ sense of grievance. Changing the social context is not only a possible source of actual deprivation, but also helps provide the criteria for judging
conditions to be unsatisfactory. The nature of the social milieu within which conflict arises and the style within which the parties engage indicates the type of conflict and its effect.

With respect to the explanation of social conflict, Bradshaw (2008:45) claims social conflict emanates from the biological and psychological fields that are based on theories of human aggressiveness. Dougherty and Pfaltzgraft (1990:275) state the inner principles by which human life are organised cannot be understood without an understanding of the evolutionary and genetic aspects of behaviour. According to Du Pisani (1988:13), human beings do not learn aggression; aggression is an inborn mechanism for ensuring the survival of the species. On the other hand, Wehr (1979:2) suggests that primitive human beings were, overall, peaceful beings.

Du Pisani (1988:15) further argues that the psychotherapeutic approach to conflict also traces the source of conflict to within human beings, but postulates that conflict is the result of a particular configuration of biological, social and psychological elements. Bradshaw (2008:46) explains that the balance of the arguments presented in the literature suggests that while conflict cannot just be laid at the door of instinctive human aggression, the existence of such aggressive instincts in humans cannot simply be discounted as one of the causal factors of social conflict either.

As presented at the beginning of this chapter, certain causes of conflict and the dynamics associated with the escalation of conflict are:

- a scarcity of resources that put pressure on any system, individual or group identity;
- structural imbalances or perceived inequalities;
- uncertainty as to the boundaries of acceptable behaviour;
- the pursuit of different goals by different parties;
- different strategies for attaining goals;
- distorted information communicated to the parties involved; and
- poor interpersonal relations.
At both the interpersonal and intergroup levels, conflict is rapid when followed by a slowdown, zero-sum thinking, and ambiguity about relative power, invidious comparisons, status inconsistency, distrust, and a lack of normative consensus. A tendency toward intergroup conflict is produced by the mere presence of another group because favourable intergroup comparisons are a source of self-esteem. Intergroup conflict is even more likely if group aspirations are frustrated, producing a sense of fraternal deprivation (Anstey, 2006:12–30; Pruitt & Kim, 2004:35).

Kriesberg (2007:7) acknowledges that every conflict is unique, and yet, each has some qualities in common with others. The commonalities allow people to learn from particular conflicts and apply what has been learned to similar conflicts.

2.5 Conclusion

The central focus of this chapter was to define conflict dynamics and discuss the series of phases that a conflict passes through as presented in the conflict literature. While presenting the conflict phases, different trends and themes emerged from the first stage to the last. These trends and themes were discussed and described. Also discussed were the conflict dynamics.

The main objective of presenting the conflict literature was to lay a theoretical background from which the AmaTshezi chieftaincy conflict will be studied. The AmaTshezi chieftaincy conflict will then be explored and discussed in order to identify how it follows the trends and themes of the conflict process theory described. This will be achieved by applying the theory about conflict trends and themes against the case study trends and themes that emerged from the data.

The next chapter is focused on the case study. First, it outlines the historical background of the Institution of Traditional Leadership in South Africa and the challenges the institution experienced under colonial and apartheid regimes. It will be explained in the chapter how post-apartheid South Africa has accommodated and accepted the Institution of Traditional Leadership as an important stakeholder in governing the country. Certain sections of the Constitution that recognise the
Institution of Traditional Leadership will be presented and discussed. A discussion on how the Constitution restored the dignity of traditional leaders will also be presented.
CHAPTER THREE: INSTITUTION OF TRADITIONAL LEADERSHIP IN SOUTH AFRICA

3.1 Introduction

This chapter looks at the historical background of the Institution of Traditional Leadership and the various levels of traditional leaders that existed before colonialism. The chapter will state the effects of colonialism in the structure and practices of traditional leadership. It will also look at the role played by colonial and apartheid regimes in diluting the Institution of Traditional Leadership by introducing laws that contributed to traditional leadership succession disputes that we see now. Moreover, this chapter will explain why the removal of legitimate traditional leaders gave birth to contestations and serious clashes over traditional leadership positions.

Furthermore, this chapter will outline the recognition that the Institution of Traditional Leadership is receiving in the South African democratic dispensation. The chapter will also give an elaborate exposition on how the South African Constitution, as the supreme law of the country, recognises the institution of traditional leadership. The current debates and legal aspects of traditional leadership will also be discussed in this chapter. A number of case studies are discussed to give background to the main case. Finally, an attempt is made to explore and describe the case of the AmaTshezi chieftaincy conflict.

3.2 The Historical Background of Traditional Leadership

3.2.1 Traditional Leadership before Colonialism

The African continent lived under the rule of traditional leadership until the emergence of colonialism in the 1800s. Succession to positions of power under traditional leadership was in line with the customary law applicable to the people who resided in a community. The emergence of colonialism and the rise to power of the apartheid regime in South Africa resulted in the manipulation of customary law of succession. The colonial and apartheid regimes interfered with customary law by introducing a number of legislative acts that gave the colonial and apartheid regimes
the authority to appoint chiefs that they wanted regardless of the clan the chiefs came from. This resulted in the sidelining of certain legitimate chiefs and the appointment of illegitimate chiefs.

A number of traditional leaders were deposed in terms of laws that were passed by the colonial and apartheid governments because the traditional leaders were not amenable to colonial and apartheid government directives. Consequent to that, some of the power-stripped chiefs went into exile in various countries because they were against the policies of the colonial and apartheid regimes. Those who stayed behind were forever fighting for their rightful positions, but to no avail. Certain powerful groups within communities forced themselves into traditional leadership positions through customary law. In some instances, actions of powerful groups were influenced by the desire to control land and community resources, and to avoid being led by women. Their actions led to the manifestation of traditional leadership conflicts and the polarisation of some communities.

According to customary law, traditional leadership positions have three levels, namely kingship, chieftainship and headmanship. In the pre-colonial era, the king exercised authority over all the homesteads. In pre-colonial African societies, traditional leadership was patrilineal although there were a few matrilineal systems. In a patrilineal system, the line of descent is along the male line. Matrilineal systems are not common but are normal among the Bolobedu in Limpopo Province. A matrilineal system is a leadership system in which the line of descent is through the female line (Bertrand, 1967:308).

The smallest social unit in traditional societies was the family headed by the father. A number of families together formed a kraal headed by an elder. A number of kraals together formed a village headed by a headman (Omer-Cooper, 1994:11). A number of villages together formed a nation headed by a chief. A kingdom existed where several chiefs were subordinate to a leader called a king. This is how a government structure was organised in pre-colonial African societies (Maylam, 1986:22).
The purpose of having these divisions was that leaders were expected to take care of their members’ material and spiritual well-being. The members were provided with residential sites, fields for crop farming, lands for animal pastures, and protection against invasions, etc. Chiefdoms and kingdoms emerged and were consolidated as a result of military conquests when chiefdoms or kingdoms competed for grazing lands, ploughing fields, ivory trade, watersheds and protection against possible invasions particularly during the Mfecane period, etc (Maylam, 1986:23).

As a strategy to control subjects, traditional leaders grouped their subjects based on age. All men and women on reaching the age of puberty were gathered into age-sets. Females in these age-sets could not marry unless the king granted permission. In doing so, the king controlled the rate and direction of production and reproduction. The king had land rights and he had to allocate land to the households for cultivation. He had to regulate trade and agricultural activities, and also had to coordinate activities like ploughing, harvesting, hunting, ancestral worship, caring of widows, performance of rituals, etc (Maylam, 1986:28).

Although the Zulu kingdom under Shaka was more centralised in administration, the size of the state necessitated the delegation of authority. According to Maylam (1986), before African states were engulfed by European colonialism, they were rooted in tradition. A traditional leader who cared for the needs of his subjects attracted a following. Omer-Cooper (1994:57) writes that this was the case with King Shaka of the Zulu nation. His military indunas (chiefs) received many cattle from him and were able to build up a large personal following. All members of the kingdom also shared in the pride evoked by the magnificence of the royal herds as well as the consciousness of unrivalled military power. Smaller chiefs gained greater security from incorporation in the Zulu kingdom. As long as they had the king’s favour, no local rival could challenge those smaller chiefs and their subjects. It was the responsibility of traditional leaders to see to it that their subjects were well cared for without any influences.
The king’s medicines and his favours with the unseen powers had to be used for the benefit of the people. The king was responsible for the prosperity of the realm. With the help of medicines, certain kings were able to prevent droughts, plagues, insect infestations and similar disasters. The king had to perform rituals to ensure the well-being of the subjects (Maylam, 1986:24). He had to have specialist rainmakers and medicine men who cared for the health and well-being of his people and who had to perform rituals for various activities that ensured the prosperity of the kingdom.

This argues well against unfounded beliefs of the colonialists that the African masses were roaming the African continent in the pre-colonial era. And that these masses were on the verge of extinction due to unorganised way of living had it not been due to timeous interventions by colonialists, who introduced an organised way of living. Historical literary evidence has shown that the pre-colonial Africans were never as backward as colonialists had assumed. Through the Africans’ indigenous knowledge systems that catered well for all aspects of their existence, prosperity was guaranteed.

Traditional leadership was well entrenched in pre-colonial African communities. It emerged and developed to prominent heights. Though there were no written constitutions, roles and responsibilities of leaders and their subjects and other provisions were enshrined in unwritten constitutions. Nothing was haphazard. The pre-colonial communities under their pre-colonial African traditional leaders were thus well organised and highly self-reliant without any foreign influence.

3.2.2 Traditional Leadership in Colonial and Apartheid Eras

Fortes and Evans-Pritchard (1973:128) strongly criticise colonialists and state that they were racist. These authors go further to say that colonialists believed in their own superiority over indigenous Africans and came to South Africa with wild and disastrous pre-perceptions of Africans as uncivilised and barbaric people with no conceivable destiny. Colonialists then developed prejudices and stereotypes against the Africans, which then biased them against the positive aspects of African culture and development. Fortes and Evans-Pritchard add that the colonialists’ belief in their
superiority over Africans encouraged them to treat Africans unfairly. This was shown by the colonialists faith in their military strength, which encouraged them to exploit indigenous African people, taking their land by force and removing them forcefully from their fertile lands and relocating them to barren lands. They further removed all traditional leaders from positions of leadership such kings, chiefs, and headmen who resisted colonial policies. Those removed were replaced by favourable successors who were appointed based on favouritism rather than according to customary law.

During the colonial era, foreign additions to the traditional leadership positions of kingship, chieftainship and headmanship such as sub-chief, super-chief and independent headman were added. The foreign additions rivalled the traditional leadership structures. Unlike in the pre-colonial colonial era, colonialists based the leadership of sub-chiefs, super-chiefs and independent headmen on appointment. These new additional positions were meant for dispossessing land and the cattle from those who had lost wars against colonialists. These pro-colonialist leaders were then allocated land that they had to rule over and they were instructed to collect taxes from those under their jurisdiction. These traditional leaders reported to the magistrates and they were paid monthly salaries. This meant that the Institution of Traditional Leadership was formalised by colonial authorities. The westernised way of living was imposed on people. Rural people were forced to pay taxes. In order for them to be able to pay taxes they had to look for employment or else their property was dispossessed. The traditional way of living changed as many rituals could no longer be performed as people flocked to urban areas in search of employment. The cattle that people owned were forcefully reduced because people who defaulted on payment of taxes had their cattle repossessed. Moreover, colonialists created district councils and thus limited the powers of traditional leaders (Omer-Cooper, 1994:109).

The formalisation of traditional leadership was followed by the advent of Christian missionaries. Kings, like Kgama in Bechuanaland, became Christian converts. He then started fighting against most of the BaNgwato’s cultural practices as he now regarded these as heathen practices (Sparks, 1990:150). A Christian Kgama then deprived the chieftainship in Bechuanaland of almost all of its tribal significance.
Moreover, the advent of colonialism brought many changes in traditional authority. After Governor D'Urban had annexed part of the AmaXhosa territory in 1835, he appointed white commissioners as representatives of the government and decrees were passed on the chiefs (Omer-Cooper, 1994:110). Colonialists proclaimed that they were there to teach Africans the value of labour, trade and money.

Governor Smith hoped to turn Africans into civilised, educated, Christianised, well-dressed British subjects who were acquainted with the capitalist system and the value of labour. Colonialists reduced the number of cattle, which were the symbol of African wealth, and forced Africans to seek employment. This weakened traditional authorities and fragmented chiefdoms. Africans returning home from urban employments often felt independent from their chiefs siding with the colonialists and questioned the authority and actions of the chiefs, thus preferring the urban way of life to the traditional one (Omer-Cooper, 1994:110).

Colonialism spread throughout South Africa and as a result, the AmaXhosa were conquered by British military forces and then brought under British administration as they had lost their cattle and lands which were the pivots of their economy, life and existence. The economy of the AmaXhosa then had to depend on colonial markets. It was not by choice that Africans had to become British colonial subjects but by military coercion. Sir Harry Smith in a similar way as his colonial predecessors continued the brutal subjugation of Africans with the intention of solidifying their ambition of creating a total dependency of Africans on their colonial British masters. Smith wanted to turn the AmaXhosa hereditary chiefs into salaried magistrates, and to “civilise” the AmaXhosa by means of schools, missions and trade money. Chiefs and their councillors who had suffered a loss of revenue due to the impoverishment of their followers were sometimes given inducement payments. Smith further ridiculed the Institution of African Traditional Leadership by calling himself the Inkosi Inkulu (sic) (Great Chief) and referred to the AmaXhosa chiefs as his children and all AmaXhosa as dogs (Pieres, 1989:53).
These were some of the horrifying barbaric humiliations inflicted on the institution of traditional leadership by the uncaring and unsympathetic colonialists. The strategy by the whites of annexing one chief’s territories and giving these to another chief sowed the seed of a great disunity among the Africans in the face of the advancing imperialists. Some Xhosa chiefs ended up forming alliances with the colonial forces against other AmaXhosa chiefs (Omer-Cooper, 1994:111).

During the apartheid era, traditional leader roles became increasingly divorced from their roots in the domestic realm and were attached to Bantustan/homeland state structures. Many chiefs and their allies pursued accumulation through positions in bureaucracies and companies (Hyslop, 1999:424). According to Hyslop (1999:425), apartheid efforts to build the Bantustans/homelands as alternative states and civil societies created new forms of land use, tenure, property holding and rent-seeking. Sections of the population began to derive their incomes from civil service and teaching jobs.

Throughout the apartheid era, the chiefs were called upon by the government to act as agents of the South African state. For their services, they were rewarded with the trappings of power and the material comforts of high office. The homelands served as labour reservoirs from which the mining industry, in particular, could draw the requisite supply of migrant labour. The institution of African traditional leadership during the apartheid era did not have any role to play at both national and provincial levels. Due to the pressure exerted by colonialists, the Institution of Traditional Leadership was used as a platform to micro-manage people. Few services were provided to the rural people and people were forced by circumstances to look for employment in big cities like Johannesburg, Durban and Cape Town. On the other hand, kings, chiefs and headmen became state functionaries while the state sought to co-opt the inherited legitimacy of their positions. The state wanted to domesticate the legitimacy of chiefs and many pre-colonial functions of chieftainship were usurped by the state (Hyslop, 1999:424).
3.2.3 Traditional Leadership in Post-Apartheid South Africa

In most sub-Saharan African societies, traditional leadership authority finds expression in forms such as religious leadership, lineage headship, leadership in extended families and chieftaincy. Traditional leadership is, however, the fullest institutionalised expression of traditional rule. It embodies the basic features of prescribed kinship and lineage succession to office, the awe and sacredness of office holders, specific forms of contractual relationship between chiefs and their subjects, and institutionalised procedures for conflict resolution, decision-making and implementation, mostly at the levels of community or kingdom (Assimeng, 1996). Traditional leaders therefore have contractual arrangements with their people in the maintenance of peaceful relations within the family/community as well as a host of general well-being functions.

The recognition of the Institution of Traditional Leadership by the South African democratic dispensation came as a huge relief to the Institution. South Africa is a republic with several thousands of chiefs and headmen, and seventeen kings, paramount chiefs and queens. Most are gathered in two provinces, namely, KwaZulu-Natal and the Eastern Cape, while the two richest provinces, namely Gauteng and the Western Cape, have no kings or queens at all. Even though the Constitution of the Republic of South Africa promotes gender equality, very few female chiefs exist, and even fewer young men are represented. Chieftaincy in South Africa is not only essential, but also a vital element in the social, political and cultural establishment of South African communities. It is a dynamic institution that reflects and also responds to the evolving political and social transformations of society. The Institution of Traditional Leadership and the institutions of the modern state are located along the lines where the traditional world meets the modern-state administration. Therefore, as South Africa continues to develop its political institutions to serve the demands of a democratic government in the modern-state, the position of traditional leaders continues to attract the attention of policy makers.
Present-day South Africa is characterised by numerous traditional leadership disputes among clans over succession. One of the key problems facing South Africa is that chieftaincy operates on principles that are antithetical to democratic ideals. Selection for the office of chief is not by popular vote, but is usually hereditary and for life. It is a hierarchical and patriarchal system that has largely excluded women from office, and it supports customary laws that are exclusionary and oppressive towards women, particularly in relation to inheritance (Beall, Mkhize & Vawda, 2004).

During the transformation to a new democracy, there were calls for the complete abolition of traditional leadership. However, traditional leadership remains an influential force in contemporary South African communities, as recognised by Chapter 12 section 211–212 of the Constitution of Republic of South Africa Act 108 of 1996. By way of affirmation that the Institution of Traditional Leadership is recognised in South Africa, section 211 of the South African Constitution of 1996 states the following:

(1) The institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution.

(2) A traditional authority that observes a system of customary law functions subject to any applicable legislation and customs, which includes amendments to, or repeal of, that legislation or those customs.

(3) The courts must apply customary law when that law is applicable subject to the Constitution and any legislation that specifically deals with customary law.

Section 212 states the following:

(1) National legislation may provide for a role for traditional leadership as an institution at local level on matters affecting communities.

(2) To deal with matters relating to traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law –
a. national or provincial legislation may provide for the establishment of houses of traditional leaders; and

b. national legislation may establish a council of traditional leaders.

Since 1996, there have been further attempts to define the role of traditional leaders and the traditional courts. The status of traditional leadership was affirmed by the passing of the Traditional Leadership and Governance Framework Act 41 of 2003. Although the Act does not specifically indicate that succession to traditional leadership should henceforth be gender neutral, section 2(3) indicates the following:

A traditional community must transform and adapt customary law and customs relevant to the application of this Act so as to comply with the relevant principles contained in the Bill of Rights in the Constitution, in particular by –

(a) preventing unfair discrimination;
(b) promoting equality; and
(c) seeking to progressively advance gender representation in the succession to traditional leadership positions.

Section 3(2)(b) states that at least one third of the members of the traditional council must be women. Moreover, the Traditional Leadership and Governance Framework Act of 2003 states, “traditional communities should be governed by a traditional council” and at least 25% of the members must be democratically elected. The Act also allows for the President to refuse issuing a certificate of recognition to a traditional leader if there is evidence that this leader was not appointed according to customary law. Thus, efforts have been made in the Act to address past problems of identifying “real” traditional leaders and concerns about the accountability of the institution to all sectors of the community.

In order to provide background for an understanding of traditional leadership structures, it is necessary to make certain generalisations, keeping in mind that names could differ in specific South African areas because of language. In general, there are three rungs in the hierarchy of traditional leadership, namely king, chief and
headman. A chief, being the second from the top in the power hierarchy, is a traditional leader of a specific traditional community who exercises authority over a number of headmen in accordance with customary law, or within whose area of jurisdiction a number of headmen exercise authority.

At the next level are headmen; they are usually the leaders of influential families and control specific areas of land. All these levels of leadership should be exercised to benefit the wider group rather than the individual who occupies the position. Traditionally, a leader’s office is inherited by his eldest son, and in the case of polygamous marriages, it is the eldest son of the principal wife. Traditionally, because of the principle of patrilineal succession, women were not allowed to hold ruling positions, but they could serve as regents for chiefs who were too young to rule (Assimeng, 1996).

As with other customary structures, colonial and apartheid governments have distorted the Institution of Traditional Leadership. In particular, colonial government invented the council system of local government whereby colonial governors appointed people to govern together with the chiefs. The council system of government became the model for local government in rural areas, and it was nationalised with the passing of the Native Affairs Act 23 of 1920. The creation of the Department of Native Affairs in 1920 meant that control over succession to traditional authority was transferred to the white government, which generally appointed members of the ruling families who would not oppose the apartheid policy. This process considerably eroded the respect that people felt for traditional leaders at the same time as it decreased the incentives for traditional leaders to act in the interests of their subjects (Beall, Mkhize & Vawda, 2004).

Over the years, the colonial and successive apartheid governments passed various laws aimed at controlling the Institution of Traditional Leadership. These laws inevitably impaired the image and integrity of the institution. When the notorious Bantustan system was introduced in 1951 by the then Prime Minister, Daniel François Malan (commonly known as DF Malan), through the introduction of the...
Bantu Authorities Act 68 of 1951, the institution was further traumatised by a myriad of Bantustan legislation. In the process, legitimate traditional leaders who differed from the government of the day and supported the liberation movement were banished, disposed of or driven into exile. As a result, numerous traditional leadership disputes, claims and counterclaims were and still are, by all accounts, the order of the day because of the interference by the colonial and apartheid governments.

Because of the interference with traditional leadership by both the colonial and apartheid governments that appointed certain individuals as kings, chiefs and headmen, South Africa was faced with many traditional leadership disputes and claims. As a result, on 16 October 2004, the then President of the Republic of South Africa, Thabo Mbeki, established the Commission on Traditional Leadership Disputes and Claims in terms of section 22(1) of the Traditional Leadership and Governance Framework Act 41 of 2003. In terms of section 25(4) of Act 41 of 2003, the Commission has authority to investigate all traditional leadership claims and disputes, with those disputes after 1 September 1927 being the main focus and exceptional cases being entertained for a period before this date.

Commissioners were appointed into the Commission in terms of Section 23(1) of Act No. 41 of 2003, which outlines the following:

> The President must appoint not more than 15 persons as members of the Commission who are knowledgeable regarding customs and the Institution of Traditional Leadership.

The State President of the Republic of South Africa, Honourable Mister Jacob Ged’eyihlekisa Zuma, made the findings of the Commission public in July 2010. The highlight of the findings has been that, of the six kings in the Eastern Cape, three were deemed illegal (the three will remain kings for life but thereafter no one will succeed to their thrones) and only three were pronounced legal kings.
According to a statement released by the Department of Cooperative Governance and Traditional Affairs on 16 October 2004, various attempts were made to settle the disputes through courts of law and commissions of enquiry, but to no avail. With the advent of democracy, a strong voice emerged, particularly from those who were unfairly disposed of in the past, demanding that the democratic government restore them to their rightful positions. Section 25(2) of Act 41 of 2003 states that the Commission has authority to investigate either on request or of its own accord:

(i) a case where there is doubt as to whether a kingship, senior traditional leadership or headmanship was established in accordance with customary law and customs, and

(ii) a traditional leadership position where the title or right of the incumbent is contested.

When considering a dispute or claim, the Commission considers and applies customary law and customs of the relevant traditional community, as they were when the events occurred that gave rise to the dispute or claim. Decisions of the Commission taken with the support of at least two thirds of the members of the Commission were conveyed to the President for implementation. However, after the announcement of the Commission’s findings in 2010, media reports indicated that those who had been deposed of their leadership positions, especially kings, were intending to challenge the findings and recommendations of the Commission through courts of law.

3.3 Traditional Leadership Debates and Legal Aspects

Besides challenges that the Institution of Traditional Leadership experiences, there are positive developments with respect to its recognition and roles within the South African democratic dispensation. The birth of democracy in South Africa allowed for the development of an equality-driven society in which political ideals and the rights of all citizens have legitimate voice guaranteed by the Constitution. There are, however, a number of critical issues that have stemmed from the democratisation and liberalisation of South Africa. In particular, the practice of traditional leadership
has become a point of vociferous debate, which has led to political contention. The political and legal contention about traditional leadership and its legitimacy stems from its role in implementation of policies of the colonial and apartheid regimes between the 1800s and 1990s. According to Lambert (1995), chiefs were manipulated by the colonial regime. More specifically, although chiefs were offered the opportunity to increase their power through the accumulation of livestock and land, as the colony became firmly entrenched and the British gained greater power in the region, there were increasing attempts to reduce the authority the chiefs had.

Under the National Party regime, a number of laws were formulated to regulate and control traditional leadership, often to the advantage of the racist regime (Nthai, 2005). The following legislative measures determined the appointment of traditional leaders in different homelands/Bantustans that have traditional leaders:

- Bantu Authorities Act 68 of 1951;
- Black Administration Act 38 of 1927;
- Bophuthatswana Constitution Act 89 of 1976;
- Bophuthatswana Traditional Authorities Act 23 of 1978;
- Ciskei Authorities Act 37 of 1984;
- Ciskei Constitution Act 20 of 1981;
- KwaNdebele Traditional Authorities Act 2 of 1984;
- KwaZulu AmaKhosi and Iziphakanyiswa Act 9 of 1990);
- Lebowa Local Authorities Act 15 of 1988;
- Lebowa Royal Allowance Act 3 of 1984;
- Proclamation R110 of 1957;
- QwaQwa Administration of Authorities Act 6 of 1983);
- Transkei Authorities Act 4 of 1965;
- Transkei Constitution Act 15 of 1976;
- Venda District and Territorial Council Act 15 of 1986; and

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Traditional leaders did and do not exist in the highly urbanised province of the Western Cape as well as the rural Northern Cape. However, in Gauteng there is one, the Kekana clan will be discussed below which is under the leadership of Chieftainess Mavis Mmamokete Kekana. The Acts listed above were not repealed even though the Traditional Leadership and Governance Framework Act 41 of 2003 was enacted into a law.

As a result, the various Acts continue to be implemented by those who had been “illegitimately appointed” through them as a reference to defend themselves. The effect of these laws is that provinces are using different laws of succession and procedures in the appointment of traditional leaders into positions of power. Furthermore, a number of traditional leaders were deposed in terms of these laws for not being amenable to colonial and apartheid government directives.

However, the present government is in the process of re-instating those who were deposed. Notwithstanding the traditional legitimacy they enjoyed, those who were ousted from office or passed over in matters of succession were deposed and legislation was also used to establish new chieftaincies as well as merge and dissolve existing communities. The Institution of Traditional Leadership, its status and role in according to customary law is recognised subject to the Constitution, in terms of section 211 (1)(2) of Act 108 of 1996. Section 211(3) asserts that the courts must apply customary law when that law is applicable subject to the Constitution and any legislation that specifically deals with customary law. This, in fact, means that the legal chaos of the apartheid era has continued in the new dispensation.

Cases are known where, during the apartheid regime, chieftainship was usurped or acquired by trickery or force. Such occurrences have resulted in succession disputes that involved mostly genealogical controversies. Recently, women in traditional communities challenged succession laws and customs on the basis that these laws and customs discriminate against them. Such cases will be discussed below. The Constitution of the Republic of South Africa and the Promotion of Equality and
Prevention of Unfair Discrimination Act 4 of 2000 are used as a basis for such challenges.

The post-apartheid government has enacted subsequent pieces of legislation. These include, more significantly:

- Communal Land Rights Act 11 of 2004;
- Local Government Municipal Structures Act 117 of 1998;
- National House of Traditional Leaders Act 10 of 1997; and

The Traditional Leadership and Governance Framework Act of 2003 is one of the most pertinent pieces of legislation aimed at outlining the roles and functions of the Institution of Traditional Leadership within the broader thrust of the post-1994 democratic dispensation in South Africa. However, besides the many pieces of legislation that have been discussed above, traditional leadership succession still subscribes to the customary law of succession.

### 3.4 Customary Law of Succession: Patriarchal and Matriarchal Systems

Central to the customary law of intestate succession in South Africa is the rule of male primogeniture. Male primogeniture is inheritance by the eldest surviving male child, from which women and extra-marital male children are excluded. With the entrenchment of the Bill of Rights in the 1996 Constitution of South Africa, however, the constitutional validity of male primogeniture has been called into question in a number of cases that have come before the courts, for example, the case of the Valoyi clan. This case and others are discussed below.

Male primogeniture has been challenged because it discriminates unfairly on the grounds of age, birth and most importantly, gender. Thus far, the aspects of gender discrimination that have received judicial attention have been confined largely to intestate succession of a deceased’s estate devolving in accordance with personal law or family law. Little attention, either judicial or academic, has been paid to the issue of gender discrimination as played out by the customary (and constitutional)
law of patrilineal succession in terms of which women may not hold any traditional positions.

As the majority of traditional leaders are males, there are few clans that are under the traditional leadership of females, and they function very well. Bekker (2000:110) states that a few traditional communities exist in South Africa where an exceptional rule to patrilineal succession operates. Two such communities are the Balobedu clan and the Mianzwi clan in Limpopo, and the Madlebe clan in KwaZulu-Natal. In Limpopo, the Balobedu clan of Modjadji are renowned throughout Africa for their female rulers, and it is generally believed that their queen has rain-making powers. Before it became customary for female rulers to reign over the Balobedu clan, the eldest son of the tribal chief’s senior wife succeeded to the throne. Since the start of the Modjadji dynasty in about 1800, with the inauguration of Modjadji I, the daughter of Kgoshi Mkoto, it has been customary for the rain queen to be succeeded by her eldest daughter.

The second clan in Limpopo that practices matriarchal succession is the Mianzwi clan of the Venda tribe. This clan also believes that only women are blessed with rain-making powers. Among the Venda of the Northern Transvaal it is claimed, “succession to the powers of rain-making and to the chieftainship at Mianzwi has been matrilineal in an apparently unbroken line from Luvhimbi” (Roberts, 1997:6). According to Roberts (1997:7), the first female ruler at Mianzwi in Venda before 1900 was Mufanadzo, also known by the title of Dzhenzele Ramiholi. She was treated like a chief. The third clan, and the only one in KwaZulu-Natal that practises matriarchy, is the Madlebe clan. Kerr (1994) cites a newspaper article that reported that in 1992, a woman chief reigned among the Madlebe clan, a group member of the Zulus in KwaZulu-Natal.

The Balobedu, Mianzwi and Madlebe clans function well under the leadership of female traditional leaders. However, some communities in South Africa have seen many chieftaincy succession conflict-related incidences wherein mostly male chiefs have been brutally killed and male regents appointed. These incidences occur even
though male-led traditional communities are customary under the patriarchal system. For example, in Ward Z at the Ethekwini Municipality in KwaZulu-Natal, a violent chieftancy succession conflict erupted in 1988 after the brutal killing of the chief of the ward. In March 1988, the chief of Ward Z, who was the biological father of the reigning chief, came under attack in his home and was shot and killed, execution-style, allegedly by members of the neighbouring chiefdom. In the aftermath, the chiefly family decided that one of his brothers should act as regent because the current chief was only eight years old at the time (Kramer, 2009).

An indication of communities that function well under a matriarchal system has been explained above. Some clans had disputes and ended up going to courts for mediation over chieftaincy disputes involving sisters, brothers and cousins. These cases are motivated by communities not recognising females as heirs. However, even though there are cases of the nature, affected female heirs are demanding recognition by approaching courts of law. Females in such cases ask courts to reaffirm their equal rights, as in the case of males, and request to be allowed to take chieftaincy positions, as enshrined in the Constitution of the Republic of South Africa.

One such case is that of the Valoyi clan case\(^5\), Phillia N’wamitwa (applicant) versus T.L.P. N’wamitwa-Shulubana (first respondent). The Pretoria High Court was asked to determine whether a woman could succeed her late father, a chief, and become the chief of a traditional community. The first respondent and the applicant in the case were respectively female and male members of the royal family of the Valoyi clan. The Valoyi clan, which is part of the contemporary Tsonga/Shangaan tribe led by Modjadji I (1800–1852) to Modjadji VI (2003–2005), is discussed only for illustrating the challenges of the chieftaincy succession system.

The immediate events culminating in Valoyi dispute originated on 26 May 1948 when Chief Fofoza N’wamitwa was enthroned as chief. He reigned for two decades until

\(^5\) N’wamitwa versus N’wamitwa-Shulubana [2005] 3 case SA 536 Republic of South Africa
his death on 24 February 1968. Chief Fofoza was the father of the first respondent. The first respondent was the only child born of the first wife. Chief Fofoza did not have a son. In view of this, when Chief Fofoza died in 1968, his younger brother, Richard, was appointed regent. Later in the same year, he was appointed Chief. He remained Chief until his death in 2001. Chief Richard N’wamitwa was the father of the applicant. The applicant was Chief Richard’s first-born son from his first wife. It was upon the death of Chief Richard N’wamitwa in 2001 that the issue arose as to whether the applicant or the first respondent (the applicant’s female cousin) should succeed as chief of the Valoyi clan (Mireku, 2007).

The contenders for the chieftainship of the Valoyi clan were cousins: their fathers were brothers. For over five generations, the appointment and succession to chieftaincy among the Valoyi clan has been strictly patrilineal, as determined by the organising principle of male primogeniture. The judgement was against the applicant on the grounds of the primogeniture principle that favours sons to inherit all the material positions of the father (Mireku, 2007). He then appealed the judgement in the Supreme Court of Appeal. On 1 December 2006, the Supreme Court of Appeal\(^6\) unanimously dismissed an appeal against the High Court judgment in the case. The Supreme Court of Appeal decision, which largely upheld the reasoning of the High Court, is reported in *N’wamitwa-Shilubana v N’wamitwa* [2006] SCA 174 (RSA).

Based on various resolutions adopted by the Valoyi royal family, royal council and tribal authority, the Limpopo provincial government, acting for the State, appointed the first respondent as chief in 2002 in accordance with the practices and customs of the Valoyi clan and within the meaning of the Constitution of the Republic of South Africa, Act 108 of 1996. The applicant challenged the appointment of the first respondent and applied for an interdict from the High Court to the effect he was the

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\(^6\) *N’wamitwa-Shilubana v N’wamitwa* [2006] Supreme Court of Appeal, case 174 Republic of South Africa
heir to the Valoyi chieftaincy and had the right to succeed his late father as the chief. In his application, the applicant’s points of argument were as follows:

- the first respondent was not entitled to succeed the applicant’s late father as chief;
- all letters of appointment of the first respondent as chief issued by the State be withdrawn; and
- the State is ordered to issue the applicant with letters of appointment as chief of the Valoyi clan.

Judge Swart heard oral evidence with a view to determine inter alia three key legal issues:

- First, the court sought to determine whether in terms of the customs and traditions of the Tsonga nation and, in particular the Valoyi clan, a woman could be appointed a chief.
- Second, the court had to declare on the issue of whether, when appointing the first respondent as chief, the royal family acted in terms of the customs and traditions of the Valoyi clan.
- Last, the court had to rule on the larger constitutional issue as to whether the provincial government’s appointment of the first respondent as chief was in accordance with the practices and customs of the Valoyi tribe within the meaning of the 1996 Constitution (Mireku, 2007).

The court cases ensued and culminated at the Constitutional Court in 2008 where the principles of human rights enshrined in the Constitution were observed and the rule of democracy was fulfilled. The first respondent, T.L.P N’wamitwa-Shulubana, won the Constitutional Court case and she was named Chief T.L.P. N’wamitwa II by her clan. Chief N’wamitwa II became the first woman of the Tsonga nation to become a ruler, a historic event indeed. In all, the appointment of Chief T.L.P N’wamitwa II in 2002 was characterised by a struggle of succession to the throne. Customarily, before this case it was a taboo for a female to rule the Valoyi clan. It was a prerogative of the male primogeniture.
3.5 Chieftaincy Dynamics and Succession Disputes

Many tribes retained their indigenous authority system despite the process of cultural changes to which they were subjected and the fact that they had been under the administrative control of colonial authorities for many years. The traditional leader was the most important person in the central traditional government. The leader is normally the eldest son of his father’s principal wife. He holds a hereditary position and is therefore generally of the most senior lineage and clan in the tribe. However, Ray and Reddy (2003:149) found that in the 18th century, King Moshoeshoe I and King Phalo broke the rule of appointing the genealogically senior son as the only successor. The former divided his tribe into seven clusters and made all four of his sons and some relatives chiefs of those areas, and the latter divided the AmaXhosa tribe into two and made his sons, King Gcaleka, who was the heir, and King Rharabe, kings of the AmaGcaleka and AmaRharabe tribes.

Nearly half of all black Africans in South Africa are still living in rural areas. The great majority live in traditional groups headed by hereditary kings and chiefs as well as chiefs and headmen. The chief, for example, still plays a central role as the keeper and promoter of the traditional way of living (Chambers, 2000). This way of living encourages male domination because women are excluded from decision-making. Barber and Allen (1992) view this treatment as oppression because these practices exclude women, in general, from experiences and activities that could enhance their growth and development in society as well as their access to resources and positions of power.

An interesting account is presented by Hartman, Kriel, Else, Boonzaaier and Wassermann (1993:3) who say that, according to section 2(1)(a)(ii) of the Black Authority Act 68 of 1951, a community can choose its own leader through democratic procedures if there is no hereditary chieftainship. The chairperson is elected from among community members and by the community’s councillors. The genealogically senior headman in the community becomes chairperson almost automatically. The
community authority eventually changes into a tribal authority, of which the chairperson becomes the recognised chief.

According to Beall, Mkhize & Vawda (2004), in Africa more generally, traditional authorities have become dependent on elected or military governments for resources or recognition, leading to awkward lines of upward accountability. In South Africa, similar instances occurred under the colonial and apartheid regimes. Nevertheless, post-apartheid political pragmatism demands that governments seek co-existence with the Institution of Traditional Leadership in South Africa.

Although resilient, the Institution of Traditional Leadership across the continent bears the battle scars of having to adapt to survive. This is as true for South Africa as elsewhere. In post-apartheid South Africa, traditional authorities are recognised under the 1996 Constitution of the Republic of South Africa and are represented at national level by the National House of Traditional Leaders. There is also a Provincial House of Traditional Leaders in six of the nine provinces, namely the Eastern Cape, Free State, Limpopo, Mpumalanga, North West and KwaZulu-Natal. The Traditional Leadership and Governance Framework Act 41 of 2003 accorded traditional leaders a role in local government and sought to reinforce their role in local governance and minimise the succession disputes.

Although succession disputes and competition for power have occurred with remarkable frequency in Southern African chiefdoms, scholars have tended not to view these conflicts as sufficiently important to warrant a re-assessment of underlying assumptions about chieftaincy (Comaroff, 1978:1). Determined not to see democracy in chieftaincy, the scholarship of dichotomies has branded such negotiability or manipulability of rules and legitimacy anomalies and continues with its sterile prescriptions divorced from real-life experiences.

One of the key problems facing South Africa is that chieftaincy in Africa operates on principles that are antithetical to democratic ideals. Selection for the office of chief is not by popular vote, but is usually hereditary and for life. It is a hierarchical and patriarchal system that has largely excluded women from office, even though
legislation supports women involvement. Customary laws that are exclusionary and oppressive towards women, particularly in relation to the right to inherit material positions and possessions, support exclusion of women. In such a system, obvious limits to representation and downward accountability exist.

The issue of gender equality has an effect on traditional leadership, marriage and family law and succession and inheritance. In the case of traditional leadership, succession to traditional leadership positions is based on the principle of male primogeniture in terms of which only the eldest male child is supposed to succeed, although this succession is subject to appointment by the head of state (Olivier, Bekker & Olivier, 1995:162). The reason behind this rationale used to be that the eldest son would step into the shoes of the father and was responsible for continuing after him. Customarily, daughters are expected to marry and might therefore not have been able to continue to lead effectively after their fathers have passed on because it would lead to traditional leadership being transferred to a man she would marry, something which was unacceptable. There is, however, no doubt that in the light of the South African Constitution, the eldest daughter might challenge such succession. In fact, the Valoyi case has set a precedent, which says that eldest daughters are eligible to inherit from their fathers.

In order to provide a background for the case study in terms of the dynamics of chieftaincy conflicts, some South African and Botswana case studies are discussed below.

3.4.1 The Kekane Chieftaincy Dispute

According to Moselakgomo (Sowetan, 2010:4), a bitter rivalry in the AmaNdebele-a Lebelo royal family at Majaneng in Hammanskraal, north of Pretoria, was raging ahead of the historic coronation of the first woman chieftainess of the clan. Heir to the crown, Mavis Mmamokete Kekana, has revealed that the tribal council has scheduled a meeting with Gauteng premier Nomvula Mokonyane to set a date for the coronation. Mavis Mmamokete Kekana’s coronation, as the eldest daughter of the late Chief Hans Kekana, who died in 1962, will make her the first woman to lead the
clan and the first to ascend to chieftainship in Gauteng. The chieftainship of the tribe has been at the centre of a bitter storm between the royal family, Mavis Kekana, and her cousin Cornelius Kekana, who has been the regent of the clan since 2005. However, historical records show that Chief Hans Kekana’s widow, Esther Kekana, was appointed regent in 1963. On 12 April 1977 she was removed by the Bophuthjatswana government due to political interference. In the same year, 1977, Nathaniel Sillo Kekana was appointed regent of the Kekana clan. Nathaniel Sillo Kekana was also removed by the Bophuthatswana government in 1981 and replaced by Agrippa Kekana (regent). In 1986 Agrippa Kekana died and Nathaniel Sillo Kekana was reinstated as regent again and ultimately appointed chief of the Kekana clan until 2005 (Lekgoathi, 2003).

3.4.2 The Monnakgotla Chieftaincy Dispute

An article in the Sunday Times (Hawkey, 2010:3) reported that there was tension between ousted regent, Ezekiel Monnakgotla, and his sisters over the wealth of the Johannesburg Stock Exchange-listed company, Wesizwe Platinum Limited. At that stage, regent Ezekiel Monnakgotla had been acting since 2003, but his father, Kgosi David, who was ill, had died in 2009. In an unprecedented action, the family voted regent Ezekiel Monnakgotla out of his position in January 2010 after he was accused of secrecy and dismal mismanagement of clan’s finances to the tune of R250 million including the community’s empowerment stake in Wesizwe Platinum Limited valued at R170 million belonging to the 30 000-strong community. The regent was then replaced by his older sister Margaret Monnakgotla. Ezekiel Monnakgotla was said to be challenging the appointment of his sister as chief of the Ledig community on the grounds that it was not traditional practice to have a woman as head of the Bakubung clan. However, the article reported that Ezekiel failed to convince the High Court in Mafikeng that he should resume his duties.

3.4.3 The Sechele Chieftaincy Disputes

In his study of the Barolong boo Ratshidi of South Africa, a sister chiefdom to the Barolong of Botswana, Comaroff (1978:2–6) observed that not only was competition...
for power an ubiquitous feature of everyday politics and nor was it precluded by rule
nor limited to interrogation, but rules could also not be assumed to determine the
outcome of indigenous political processes. If succession was to be exactly according
to prescription, 80% of all cases of accession to the Barolong boo Ratshidi
chieftainship would have represented anomalies. He also noted that while access to
authority is determined by birth, political power depends upon individual ability, and a
significant amount of power in practice is wielded by recruited talented office-holders.
Thus, although entitled to formal respect and ceremonial precedence, the chief is
regarded as a fallible human being who may or may not be powerful and who may or
may not rule efficiently. Placing as high a value upon consultation and participatory
politics as chieftaindom does would ensure that even an incompetent chief would benefit
from the advice of his subjects, whether it be proffered informally or in public.

Similar negotiation and manipulation of legitimacy are frequent among the Tswana of
Botswana, almost 30 years after Comaroff’s (1978) remarkable insights about the
Barolong boo Ratshidi of South Africa. Present-day Botswana is characterised by
numerous disputes over succession among majority and minority tribes alike. This
points not only to chieftaincy as an institution, marrying might and right in fascinating
ways, but it also highlights the continued importance of chieftaincy in Botswana. Of
the eight Botswana chiefdoms with permanent representation in the House of Chiefs,
it is not only among the Balete that there have been disputes over succession to the
throne. The Bakwena have also been plagued by such disputes since the death of
Bonewamang Sechele in 1978, and the designation of his then four-year-old son,
Kgari Sechele III, as heir apparent. Kgari Sechele III’s cousin, Kealeboga Sechele
laid claim to the throne, describing Kgari Sechele III’s 1978 designation “irregular and
accordingly null and void”, and arguing that he is the rightful heir following the death
of his father Mokgalagadi in 2000 (Nyamnjoh, 2002).

In March 2002, however, Kgari Sechele III, was sworn in at the House of Chiefs,
taking over from Kgosikwena Sebele, who had served as regent for 16 years, and
who resigned in January 2002. Kealeboga Sechele tried in vain through his lawyer to
stop the swearing in, and Kgosikwena was not happy with initiatives taken by Kgari
Sechele III supporters without consulting him. In 2000, he was instructed by the Ministry of Local Government to make arrangements for Kgari Sechele III’s accession to the throne. Kgosikwena Sebele disobeyed the instructions on the grounds that another Bakwena royal, Mokgalagadi Sechele, was also a claimant to the throne on behalf of her son, Kealeboga Sechele. Instead, he called upon the Minister of Local Government to appoint a judicial commission of enquiry, as provided for in the law. The Minister refused, insisting that Kgosikwena must make way for Kgari Sechele III’s enthronement. Kgosikwena Sebele took the matter to court, which ruled against him, seeing no credible doubt to Kgari Sechele III’s legitimacy as heir to the throne. The court did not understand “why the applicant was so stubborn as to consult the very tribe upon which his power must largely depend”. The court also wondered why Kgosikwena Sebele, in full knowledge, had delayed for 21 years before raising his doubts about Kgari Sechele III’s legitimacy as heir apparent. Kgosikwena Sebele resigned as regent following the court decision, which he appealed (Nyamnjoh, 2002).

Commenting on a delegation of the Bakwena elders to Serowe (home of Kgari’s mother) to update the Bangwato royal family on the preparations for Kgari’s enthronement, Kgosikwena Sebele said,

I do not know who sent them to Serowe because I am the contact between the clan and the royal family. All communication between these two parties has to go through me. I also hear that last month Kgari Sechele III was formally introduced to the tribe in the kgotla (meeting). How can that be when I am supposed to do that?

He was also opposed to the enthronement of Kgari Sechele III before the court decided on the dispute over succession. Kgosikwena Sebele further said,

The case of who is the rightful heir to the throne is still before the High Court, and at this stage, it is premature to be talking about – let alone making preparations – for anyone’s installation. When the High Court rules, either in Kgari Sechele III or in Kealeboga Sebele’s favour, it is only
then that people can start talking about installing the next Bakwena paramount chief and sending delegations to other tribes.

This claim was made despite the Botswana’s Chieftainty Act 19 of 1987, Section 25(1), which states that no court shall have jurisdiction to hear and determine any matter concerning chieftainship, particularly with regard to the designation, recognition, appointment or suspension of chiefs. Amid this controversy, Kgari Sechele III’s enthronement was scheduled for 17 August 2002. In July 2002, however, Kgosi Kgosikwena Sebele reportedly withdrew his appeal case from the court because he could not raise the money, R15 000.00, needed to lodge an appeal whilst working as security guard. Commenting to the press, his lawyer, Duma Boko said, “It is frustrating to both the lawyer and the litigant when a person with a reasonably arguable case cannot see the light of the day in court just because he cannot raise security for costs” (Nyamnjoh, 2002).

3.4.4 The Kgalagadi Chieftainty Dispute

Struggles for legitimacy are also common among chiefs and headmen of the minority tribes, sometimes not unconnected with the fact that these are paid positions in the civil service. Among the most well-known struggles for succession at sub-chief level, is the court battle between Legodimo Leipego and Anthony Moapare for the position of sub-chief in Kgalagadi. The court ruled in favour of Anthony Moapare, but to appease the former, the Botswana government took the unprecedented step of creating the post of deputy sub-chief (Dingake, 1995:171).

Despite the large percentage of South Africans living in traditional communities, literature and research on how communities view traditional leadership in South Africa is scarce. In addition, studies conducted on chieftaincy conflicts in South Africa are rare except for newspaper articles that are published when there is a case before a court of law. The national newspapers, in most cases, do not provide follow-up articles.
The above case studies on dynamics of chieftaincy conflicts in South Africa and Botswana were discussed in order to provide a background for the case study of the AmaTshezi chieftaincy conflict dynamics.

3.5 Case Study: The AmaTshezi Chieftaincy Conflict

Mthonjana village, in the jurisdiction of Mqanduli in the King Sabatha Dalindlebo Local Municipality, is situated along the Wild Coast of the Eastern Cape. The area is popularly known as Coffee Bay/Hole-in-the-Wall (see Annexure F). Mthonjana village is one of the rare villages found along the coast where people are still living a so-called “traditional lifestyle”. This community is still living under the leadership of a traditional leader, the chief. The majority of the people of this village are of the AmaTshezi clan, and the chief of the area belongs to the same clan. The area has a tourist attraction site, Hole-in-the-Wall, which has resulted in many people becoming interested in investing in the area. Hole-in-the-Wall has the potential to grow, but it remains very natural and most of the area belongs to the community that resides on it.

This village, according to the Traditional Leadership and Governance Framework Amendment Act 41 of 2003 section 2 (1) (a) and (b), is eligible to be recognised as a traditional community and to be led by a traditional leader. In terms of customary law, a person who qualifies to be the traditional leader is the heir of the royal family. However, if the heir is younger than 21 years, anyone identified by the family may be recommended to the king to be appointed as regent.

The AmaTshezi family followed this trend until 1975, when the then chief/traditional leader died of natural causes. At the time of his death, his heir was still too young to lead the community. Therefore, a regent, who was the cousin of the late leader, was appointed to lead the community. That particular regent led from 1975 until 1986. Thereafter, the AmaTshezi clan decided to appoint a second regent who came directly from the AmaTshezi clan. The second regent led from 1987 until 2002, when he also passed away due to natural causes.
The period in which the second regent led, the heir was old enough to lead, but he was working in Johannesburg and yet to be circumcised. Family elders advised the heir in 2001 to come back home and be circumcised. The heir agreed to return home to be circumcised and 31 August 2001 was the date set for the ritual. He had to surrender his job because he would not be going back to Johannesburg. However, on 12 August 2001, he was shot and killed in Johannesburg, the same week he was due to return home to prepare to take over as chief of the AmaTshezi Tribal Authority (Mdlele, 2007).

After the death of the second regent, the wife (widow) of the heir was appointed in 2002 by the King of the AbaThembu tribe to be temporary regent of the AmaTshezi clan. The AbaThembu king is the head of the traditional council to which the AmaTshezi clan belongs. Not everybody in the clan was happy about being led by a woman. The decision to make her the regent was taken because the next heir was still too young for the position. In July 2004, the king of the AbaThembu tribe officially appointed the widow the regent on behalf of her heir. Community members, including some relatives of the family, could not accept being led by a woman. They started attacking the female regent and everyone close to her. The first attempt on her life was at night in September 2004 when she was shot at while sleeping at home. She escaped unharmed (Sokana, 2007).

All in all, the AmaTshezi Tribal Authority at Mthonjana Village has been led by regents for more than three decades: from 1975 to 1986, 1987 to 2002, 2004 to 2007 and 2008 to 2009. From 2002 to 2007, the AmaTshezi clan of Mthonjana village in Mqanduli in the Eastern Cape experienced a power struggle that resulted in the outbreak of violence that led to the death of many people, including the female regent and her close relatives. The AmaTshezi chieftaincy conflict continued to escalate because it divided the family and polarised the Mthonjana community. One group was willing to be led by the deceased’s wife, while the other group was opposed to being led by a woman. The opposing group proposed certain people, while another group stood by the female regent as the rightful leader on behalf of her heir who was a minor.
Another attempt was made in broad daylight on 17 September 2004, when she was shot at whilst walking in the village. She again escaped unharmed and managed to identify the culprit who was arrested on 19 September 2007. The female regent was eventually killed on 24 September 2004, when a relative’s house, within which she was sleeping, was burnt down. After her funeral, in October 2004, the AbaThembu king appointed the deceased’s daughter the next regent.

Even though the first person to be killed in August 2001 was the heir, it appears that his death was not linked to the AmaTshezi chieftaincy conflict. This is because the emergence of conflicts is said to have begun in 2003. One of the questions that this study sought to answer was whether there were any incidences of conflict in Mthonjana with respect to the AmaTshezi chieftaincy conflict before 2002. Answers to this question have the potential to reveal what was happening before 2002 and to offer possible grounds for the later conflict.

Based on documents, the case of Mthonjana chieftaincy conflict was only reported to the leadership of the province in May 2007. During this period, the opposition group that was against the appointment of the female regent was executing contentious tactics. The homes of those who supported her were burnt down, cars were set alight and people were killed. In May 2007, the Eastern Cape Provincial Government established an ad hoc committee with the mandate to mediate for a resolution. However, prior to that, the AmaTshezi chieftaincy conflict was manifesting on its own without any intervention on the part of government.

Documents show that it was only in July 2007 that the South African Police Services noticed trends in cases that were reported to the Coffee Bay Police Station. The Cluster Commander of Mqanduli area appointed a team of three officers to investigate the cases. At the time, nine cases had been reported between March 2006 and June 2007. In 2006, three cases were reported: two were attempted murder cases and one was an arson case. Between May and June 2007, six cases were reported: three cases were for arson, and three were attempted murder cases.
The investigating team arrested 10 suspects who appeared in court and were refused bail.

After the death of the heir, until 2007, government initiated very little intervention. It was when the conflict was at its climax, in June 2007, that an ad hoc committee consisting of government officials was established. The committee was involved in the community until the first court case on 27 November 2007. The perpetrators accused of killing the female regent appeared before the Mqanduli magistrate. Because the Constitution of the Republic of South Africa prohibits interference with the judiciary, the ad hoc committee had to open access to court processes and ever since, the committee ceased to operate.

3.6 CONCLUSION

In an attempt to outline the historical background of the Institution of Traditional Leadership, this chapter discussed how the pre-colonial traditional leadership was structured. The chapter further explored how the colonial and apartheid regimes and their policies diluted the Institution of Traditional Leadership in South Africa. Moreover, this chapter explained how the practise of customary law favours male heirs at the expense of female heirs, and how South Africa’s new democratic dispensation recognises the existence of the institution of traditional leadership and the right of equality between male and female heirs.

This chapter further delineated legal provisions that recognise the Institution of Traditional Leadership since the advent of democracy in South Africa. The current main debates and legal aspects of traditional leadership were discussed. A few cases of chieftaincy succession disputes in South Africa and Botswana were also discussed with specific focus on the case of AmaTshezi chieftaincy conflict. Before moving on to look at the specific findings of the current research, the following chapter will outline the research methodology that was employed.
CHAPTER FOUR: RESEARCH METHODOLOGY

4.1 Introduction

The previous two chapters provided a frame of reference for this study. In Chapter Two, a literature review of the theory covering conflict processes was presented, and in Chapter Three, the history of the Institution of Traditional Leadership in South Africa was outlined. The focus was on the pre-colonial, colonial and apartheid eras, and the current democratic dispensation. The current legal debates about the Institution of Traditional Leadership were explained, and the AmaTshezi chieftaincy conflict was discussed from its origin until the conflict stopped.

In this chapter, the research design and the methodology of the study are discussed. The purpose of the chapter is to discuss the background, rationale, and research problem as well as the primary aim and objectives of the study. In addition, the sampling method and procedure, the methods of data collection that included document reviews and interviews as well as the data analysis and interpretation are described in detail. Finally, the validity and reliability of the qualitative research, relevant ethical considerations, and limitations of the research are discussed in detail.

4.1.1 Background of the Study, Motivation and Research Problem

Due to the interference by colonial and apartheid regimes, South Africa has seen many communal conflicts because of chieftaincy succession disagreements. These chieftaincy conflicts are becoming a trend and there are no proper systems in place to manage them. Poor management of chieftaincy conflicts results in the annihilation of a societal milieu because of the destructiveness of the conflicts. In this study, the dynamics and evolution of the AmaTshezi chieftaincy conflict are explored and described.

The intention of the study was to provide a reference to future research about communal conflicts and conflicts motivated by chieftaincy succession. The explosive nature of the AmaTshezi chieftaincy conflict prompted a desire to investigate the dynamics of the conflict. Why the conflict occurred and who was involved is of less
concern than describing how the conflict developed and evolved. The findings of this study might be used for policy development by both government departments and non-government organisations to improve the management of communal conflicts.

In most cases, communal conflicts are left alone to unfold, ripen and settle. Generally, the only intervention is by the police, because police officers can enforce the law and their visibility will encourage the antagonists to retreat. However, conflict that is not managed as it manifests may prove perilous for vulnerable groups. The intention of this study was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict. The findings may serve as a guide for institutions like the Eastern Cape House of Traditional Leaders (ECHTL), the Eastern Cape Provincial Legislature, the South African Police Services (SAPS), and the provincial Department of Safety and Liaison in the formulation of policies for addressing communal conflict.

4.2 Primary Aim and Objectives

The primary aim of this study was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict. The specific aim for executing the methodology was to follow an appropriate procedure in achieving that objective. A methodology involves the “steps one has to take, one by one, realistically at grass roots level, within a certain span, in order to attain the dream” (De Vos, Strydom, Fouché & Delport, 2007:104). A qualitative research approach was followed to explore the perceptions of ad hoc committee members (government officials) about the chieftaincy conflict by using AmaTshezi chieftaincy conflict as a case study. The aims and objectives of the research study are outlined below.

4.2.1 Aim

The aim of the research was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict in Mthonjana village of Mqanduli, Eastern Cape.

4.2.2 Objectives

The objectives of the study were:
• to analyse the dynamics of the AmaTshezi chieftaincy conflict from 2002 to 2007;
• to explore and describe the impact the AmaTshezi conflict had on the chieftaincy position;
• to discover if any incidences of conflict in Mthonjana Village were reported prior the outbreak of the AmaTshezi chieftaincy conflict in 2002;
• to ascertain when the AmaTshezi chieftaincy conflict came to the attention of those in authority and what their approach towards mediating between the parties was; and
• to ascertain if any conflict practitioners were part of the ad hoc committee.

4.3 Interpretive Theory as the Foundation of this Research

The aim of interpretive social science is to develop an understanding of social life, discover how people construct meaning in natural settings, and explore what is meaningful to the people being studied (Neuman, 2006:28). Human consciousness forms the basis of the presumed connection between the study of human beings and the study of society. The aim of the interpretive approach in research is to define and explain the understanding of people in society in a scientific way.

Interpretive social science is idiographic and inductive in its approach. The term *idiographic* shows that the approach provides a symbolic representation or thick description of something else. It is therefore rich in description (Neuman, 2006:91). In this philosophy, an explanation is considered to be true if it makes sense to those being studied and if it allows others to understand deeply or enter the reality of those being studied. According to Smart (1976:100), if scientific accounts of human action were to be presented to an individual actor as a script, the account must be understandable to that actor, translatable into action by the actor and, furthermore, it must be comprehensible to fellow actors in terms of a common sense interpretation of everyday life.

Interpretive social science is closely associated with qualitative research methodology. Qualitative research seeks a holistic perspective by using words as the units of analysis for an in-depth description of study objects, usually objects in a
small-scale research in which the researcher is deeply involved (Denscombe, 2003:232–234). When conducting research, the researcher brings his or her subjective experience to the text, absorbs the viewpoints presented in the text, and then develops a deep understanding of how the parts relate to the whole. Participant observation and field research are often used to gather data by interpretive researchers. Researchers gather qualitative data from research participants using one of a number of techniques such as interviews, diaries or focus groups. Data is collected in order to focus on grasping the experiential world of the research participant. Open-ended dialogue between the researcher and participants leads to unforeseen answers, including new perspectives about the research question (Babbie, 2007; Babbie & Mouton, 2008; Neuman, 2006).

4.4 Research Design and Methodology

A research design is a careful and detailed planning of a scientific inquiry indicating as much as possible about both major and trivial characteristics that are an integral part of the inquiry. That is, the research design clearly specifies what the researcher wants to discover. In this study, a qualitative paradigm was adopted because the research involved exploring and describing the perspectives and experiences of the ad hoc committee members.

A qualitative design uses holistic methods of gathering information. It involves direct personal contact with participants of the study and includes inductive logic where specific observations lead to the discovery of general patterns for the purpose of analysis (Strauss & Corbin, 1990). Furthermore, a qualitative research design yields inside knowledge that is rich, contextual and deep, involving many interrelated variables useful for understanding a particular phenomenon (Bhana & Kanjee, 2001).

A research methodology is the approach employed to achieve the objectives and the aims of a study (Babbie & Mouton, 2006:72). The methodology deals with the proper application of the methods, techniques and procedures at the time of executing the research design.
4.4.1 The Research Purpose

There are a number of rationales for carrying out a scientific inquiry. The reasons for conducting a study may differ in similar studies. However, three of the most common and useful purposes for conducting social research are exploration, description and explanation. An exploratory, descriptive and contextual qualitative research design was employed in this study to explore and describe the dynamics of the AmaTshezi chieftaincy conflict.

Neuman (2006:157) holds that qualitative researchers see most areas of social life as intrinsically qualitative. For qualitative researchers, data is not imprecise or deficient; data is highly meaningful. Instead of trying to convert social life into variables or numbers, qualitative researchers borrow ideas from the people studied and place the ideas within the context of a natural setting.

De Vos, Strydom, Fouché, and Delport, (2007:272) remark that the exploration and description of a case takes place through detailed, in-depth data collection methods involving multiple sources of information rich in contextual information. The methods may include interviews, documents, observations and archival records. A meta-theoretical tradition of interpretivism has been selected for this research design. Interpretivism emphasises that all human beings are engaged in the process of making sense of their worlds (Neuman, 2006).

According to Mark (1996:219), three types of case study analyses exist. First is the intrinsic case study, which is focused solely on the aim of gaining a better understanding of the individual case. The purpose of intrinsic case study is to describe the case studied. Intrinsic case study analysis was the research method adopted for this study.

The other two types of case studies are instrumental and collective case studies. The former is used to elaborate on a theory or to gain a better understanding of a social issue; the latter furthers understanding of a social issue or population being studied. In these two types of case study, the interest in the individual case is
secondary to the interest in a group of cases. Cases are chosen so that comparisons can be made between cases and concepts, and theories extended and validated.

Intrinsic case analysis is an established research method. It is one of the most commonly used in social sciences. This method is crucial, especially in the study of social phenomena. Denzin and Lincoln (2003:136) claim that case analysis is a method used at individual level to gain knowledge and insight into a social phenomenon that is associated with it. The fundamental assumption on which case analysis rests in the social sciences is that a social phenomenon is a human act and the point of departure in the investigation ought to be the perceptions of human beings.

The current study was an attempt to explore and describe the dynamics of the AmaTshezi chieftaincy conflict, using the intrinsic case study method. An intrinsic case study analysis was appropriate because of the aim of this study. A qualitative research method was chosen because the purpose of the study was to explore and describe the dynamics of the conflict, not the causes of the conflict. The perceptions of ad hoc committee members and the analysis of documents pertaining to the case studied were used to provide data.

4.4.2 Unit of analysis

A good research design clearly identifies from the onset what it is going to be studied. A unit of analysis is thus the concept the researcher has applied and about which he or she does the study. Concepts can be applied to individual people, groups, organisations, movements, institutions, countries, and so forth. When a concept is applied to unit of analysis, the researcher has a duty to explicitly decide on the focus of the study and tailor the concept to that focus. In applying a concept to a unit of study, the researcher becomes clear about his or her sampling population and establishes theoretical connections that could operate across the unit of analysis (Neuman, 2006:58).
The sample comprises elements of the population considered for actual inclusion in
the study or a subset of measurements drawn from a population of interest (Arkava &
Lane, 1983:27). In this study, the sample was drawn from civil servants who formed
an ad hoc committee intended to mediate in the AmaTshezi chieftaincy conflict. The
ad hoc committee was comprised of government officials from various Eastern Cape
Provincial departments and state organs.

4.5 Qualitative Research

Interpretivists claim research is essentially subjective. From this perspective, a
researcher exercises a great deal of power over the research conducted. Qualitative
researchers select what they believe to be appropriate research topics. When they
review literature, they select aspects they judge relevant to their purposes. During
data collection, they construct the questions accordingly, and they are likely to hear
most clearly those statements from interviewees that dovetail with their research
expectations and perhaps even personal preferences.

During analysis of the data collected, qualitative researchers create meaning by
finding the connections between the reality and the content of the data that help
justify their interpretations (Babbie, 2007). Much of this process may be
unconscious. In interpretive research, therefore, a considerable degree of power is
exercised over the research, a process that was initiated at the outset of the research
when the researcher started to create meaning by choosing the topic and
conceptualising the research.

In this research, an interpretive approach was adopted for seeking to understand the
phenomenon of the AmaTshezi chieftaincy conflict. Babbie (2007:270) writes that in
qualitative research, an attempt is made to understand human behaviour from the
perspective of the social actors themselves, which involves describing and
understanding rather than explaining. A qualitative approach to research permits
exploration and description of the dynamics of a case study.
4.6 The Case Study Approach

A case study is an intensive investigation of a single unit (Babbie & Mouton, 2001:281). According to Babbie (2007:298), in case studies, the focus of attention is on one or a few instances of some social phenomenon. An in-depth study of a particular case can yield explanatory insight. Case study research excels at eliciting an understanding of a complex issue and can extend experience or add strength to what is already known through previous research. In case studies, the emphasis is on detailed contextual analysis of a limited number of events and their relationships.

Social scientists, in particular, have made frequent use of qualitative research methods, such as case studies, to examine contemporary real-life situations and to provide the basis for the application of ideas and extension of methods. Yin (2003:23) defines the case study research method as an empirical inquiry that investigates a contemporary phenomenon within its real-life context when the boundaries between phenomenon and context are not clear, and in which multiple sources of evidence are used to test the theory.

Even though there are many traditional leadership conflicts across the world, it is not possible to study them all at once or to encompass all of them within one study. Moreover, it is unfeasible to undertake a generic study without reference to an exploration of the real-life experiences of the phenomenon (Denscombe, 1998:38). For this reason, this research focused on a particular case that allowed the exploration of a phenomenon occurring within a single context.

The case study method has the advantage of using multiple sources of data and data collection methods or triangulation to achieve consistency and credibility. Triangulation helps to verify data as it is being collected. Babbie & Mouton (2006:282) state that triangulation allows multiple sources of evidence to be brought to bear on the interests of the participants by employing methods such as interviewing, simple observation and document analysis.
4.6.1 Limitations of the Case Study

Adopting a case study has its own limitations. The limitation of a case study approach is that the resulting recommendations will be directly applicable to the case study context only. Generalisations cannot be justified based on this methodology (Burke-Johnson, 1997:163). Often, generalisations from case studies are treated with varying degrees of scepticism. Case study researchers face the difficulty of convincing others that from a single case, one can arrive at a general view, as is the case in experimental research. According to Yin (2003:10), a common concern with case studies is expressed in the question: “How can you generalise from a single case?” However, Yin counters this with a similar question: “How can you generalise from a single experiment?” Nevertheless, he agrees that scientific facts based on single experiments are rare.

With Yin’s (2003) assertion in mind, the major limitation of the current case study was that the target group consisted of people who were not directly affected by the AmaTshezi chieftaincy conflict. If the environment at Mthonjana Village were conducive to include community members and antagonists as part of the study, it would have generated more data that are valuable. Because the directly affected groups could not be included in this study, generalisation of the findings is limited.

For an inclusive research project, enough time, resources and experience of working in post-conflict zones would be required. Time restrictions and the decision not to incorporate antagonists and community members in the field research were major limitations for the current study. Nonetheless, the study could contribute to a wider body of research about similar cases, which might justify generalisation in the longer term.

4.7 Sampling Strategy

This study employed non-probability purposive sampling, which is used most often in an exploratory research. Non-probability purposive sampling refers to any kind of
sampling where the selection of elements is not determined by the statistical principle of randomness (Terre Blanche, Durrheim & Painter, 2006:139).

Flick (1998:41) states that for qualitative research, the way in which interviewees are selected for the study is determined by relevance rather than representativeness. Information-rich subjects, namely ad hoc committee members, were chosen to gain an in-depth understanding of the dynamics of the AmaTshezi chieftaincy conflict.

4.7.1 The Sample

In this study, insights about the AmaTshezi chieftaincy conflict were accessed from members of the ad hoc committee who worked together in attempting to mediate between the adversaries. According to Babbie and Mouton (2008:166), it is acceptable to select a sample based on knowledge of the population towards which the research is directed. Purposive sampling is used for exploratory research, in which case selection is undertaken with a specific purpose in mind. Neuman (2006:222) adds that purposive sampling is appropriate to select unique cases that are especially informative. The judgement of an expert is used in selecting cases for the sake of achieving a specific purpose.

The selected interviewees in the study were part of the ad hoc committee mandated to mediate in the AmaTshezi chieftaincy conflict. Eight members of the ad hoc committee were interviewed in order to gain an in-depth understanding of the dynamics of the AmaTshezi chieftaincy conflict. The interviewees included one official from the Department of Local Government and Traditional Affairs, two members of the South African Police Service, two officials from the Department of Safety and Liaison, and three officials from Department of Social Development (one based in the local office and the other two based in the district office). These people had the ability to articulate the dynamics of the case study from different angles, and further to contribute effectively to the research process. A purposive sampling method was used to select interviewees.
4.8 Data Collection Methods

Before the process of data collection via interviews began, the identified ad hoc committee members were contacted telephonically in order to obtain their permission to be included in this study. Once permission was obtained, appointments for interviews were made.

Data were collected using semi-structured interviews. Questions were open-ended in order to provide a frame of reference without influencing responses, to build an atmosphere of mutual discovery, and to stay as close as possible to the interviewees’ experiences of the research phenomenon (De Vos, 1998: 297; Neuman, 2006:407).

4.8.1 Documents Available for Public Use

Documents are important sources of insights into the social meanings underpinning social action. Documents can explain social meanings underlying social action and can show how people interpret the social worlds in which they live, as well as give evidence of how institutions and events are constructed (McNeill & Chapman, 2005:156).

Official documents (minutes, memorandums, articles and reports of the ad hoc meetings) were accepted when supplied. Documents were an important source of information for helping to elicit meaning from social actions and events. Documents were also used to triangulate data collected through interviews. After verifying the documents’ authenticity and credibility, they were used to cross-check the history of events and describe the emergence of the phenomenon under study.

4.8.2 Semi-Structured, Face-to-Face Interviews

De Vos, Strydom, Fouché, and Delport (2007:287) state that interviewing is the predominant mode of data or information collection in qualitative research. Qualitative interviews are an attempt to understand the world from the interviewees’ points of view, to unfold the meaning of their experiences, and to uncover their lived world prior to providing scientific explanations.
During data collection, a semi-structured interview method was employed. This method allowed the process to be guided while giving participants enough space to steer the interview in a particular direction (Terre Blanche & Durrheim, 1999). The purpose of the qualitative research interview has been depicted as the description and interpretation of themes in interviewees’ lived worlds (Kvale, 1996). This type of interview encourages interaction between researcher and interviewees in an attempt to understand individual experiences and the way interviewees make sense of what is happening. At the most basic level, qualitative interviews are conversations (Kvale, 1996).

A digital voice recorder was used to record each interview and written notes were taken to ensure the accurate capture of data. The research process was explained and permission sought to use the digital voice recorder to collect data. The primary method of creating text from interviews is to tape-record the sessions and to transcribe them (Seidman, 1998). Data recorded was transcribed verbatim for the purposes of close analysis, as suggested by De Vos, Strydom, Fouché, and Delport (2007:298).

Before the start of the interview, interviewees were asked to sign a consent form, namely the NMMU REC-H Informed Consent Form (see Appendix C) after the purpose of the study and the rights of the interviewees had been explained to them.

Interviewees were asked the following open-ended questions:

- When (which year) were you made aware of the AmaTshezi chieftaincy conflict?
- How did the AmaTshezi chieftaincy conflict develop?
- Which factors made the AmaTshezi chieftaincy conflict worse?
- Before the death of the heir (in 2001), were there signs of disagreement over the chieftaincy position?
- Which conflict incidents were reported after the death of female chief?
- What role did the government play?
- How has the conflict been resolved?
• What would you recommend as a conflict management and peacebuilding or reconciliation method for Mthonjana Village?
• When did the AmaTshezi chieftaincy conflict come to the attention of those in authority, and what was their approach towards managing the conflict?
• Were conflict practitioners part of the ad hoc committee?

4.9 Data Analysis

Qualitative data analysis is defined by Bogdan and Biklen (1992:145) as working with data, organising data, breaking data into manageable units, synthesising data, searching for patterns in the data, discovering what is important and what is to be learned from the data, and deciding what one is going to tell others. Furthermore, qualitative analysis is a process used to expand understanding of multifaceted social and human factors in ways that cannot be understood through employing quantitative data analysis method (Kerlin, 1999).

4.9.1 Categorisation and Coding

Neuman (2006:460) argues, “Concept formation is an integral part of data analysis and begins during data collection” in qualitative research. Neuman adds that, in case study analysis, “cases are not given pre-established empirical units or theoretical categories apart from data; they are defined by data and theory”. This approach is important in data analysis, especially for covering extensive and multiple sources of information. By means of conceptualising and organising the data from the onset of the data collection, themes and concepts are identified and categories created to compound the themes. Thematic categories are defined and relationships analysed between the themes. Thereafter, concepts and themes are converted into theoretical statements.

A qualitative data coding system was employed to condense and reduce the large amount of raw data to a more manageable data set and then to analytical categories (Neuman, 2006:460). An open coding technique was used to identify interspersed thematic categories in order to link both complementary concepts and theories.
together and to identify contrasting features in the data (Babbie & Mouton, 2006:499; Neuman, 2006:462). After several reviews of the categorised codes, through a second, axial coding technique, the codes were organised and linked in order to discover key analytical categories (Babbie & Mouton, 2006:500).

In order to discover regularities in the data, a third stage of coding, selective coding, was carried out in order to identify data that supported the conceptual coding categories already developed (Neuman, 2006:464). This step in the process of data analysis sought to identify major or key connecting theories and to establish the final analysed categories (Babbie & Mouton, 2006:501). The “constant comparison method” of Ryan and Bernard (2000:783) was employed to build the analysed categories into theoretical models. In recognition of possible interpretative errors, similar research conducted was accessed in order to augment the reliability and validity of the interpretations reached, as suggested by Boulton and Hammershey (2006:257).

4.10 Research Objectivity, Validity and Integrity

Qualitative research is interested in giving a fair, honest and balanced account of social life from the view of those who live it every day (Babbie & Mouton, 2008:122). Conducting research using civil servants who attempted to mediate in the AmaTshezi chieftaincy conflict ensured the collection of reliable data about the dynamics of the case study. Reliability is a matter of whether a particular technique, applied repeatedly to the same subject of study, yields the same results each time (Babbie & Mouton, 2008:119). An effort was made to ask relevant and clear questions about topics with which interviewees were familiar. In qualitative research, reliability means dependability or consistency (Neuman, 2006:196).

To preserve anonymity, protection of the identity of interviewees was ensured at all times. Babbie and Mouton (2008:523) argue that ensuring anonymity in cases where it is requested must be regarded as a minimum measurement of both validity and reliability. Neuman (2006:136) states that anonymity is the ethical protection that interviewees will remain nameless and that their identities will be protected from
disclosure. Assuring interviewees they would not be identified in any way was a means for obtaining honest and truthful responses.

4.11 Triangulation

Keeping documents and notes collected during the research process and employing triangulation when verifying for consistency supported the reliability of the study. Triangulation refers to the use of a variety of methods and techniques of data collection in a single study (Neuman, 2006:149). Triangulation, reliability and objectivity were used in an attempt to balance out the shortcomings emanating from using two methods of data collection, namely interviews and document analysis. Findings were the product of analysing and combining the data collected from interviews and documents.

Triangulation implies that it is better to look at a phenomenon from several angles than to look at it from only one perspective (Neuman, 2006:146). Qualitative researchers are encouraged to articulate their findings in such a manner that the logical process by which the findings were developed is accessible to a critical reader. The relationship between the actual research and the conclusions is made explicit and the claims made are thereby rendered credible and believable (Thorne, 2000).

4.12 Limitations of the Study

The intention of the study was not to analyse what contributed to the outbreak of AmaTshezi chieftaincy conflict, to establish who spearheaded the conflict, or to identify what the interests of those who started the conflict were. Rather, the aim of the study was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict. Because of the sensitivity of the case study, the antagonists and community members were not included as interviewees in the study. In addition, at the time of data collection a court case about the AmaTshezi chieftaincy conflict was still before a High Court Judge. Inviting Mthonjana community members to participate in the research might have resulted in unintended legal consequences.
The target group of the study were ad hoc committee members who were mandated to mediate in the AmaTshezi chieftaincy conflict. Of the targeted 10 interviewees, two withdrew from the study due to unforeseen circumstances. In qualitative research, the sample size is usually small, which affects the possibility for generalising the results. Moreover, as pointed out by Creswell (2008:248), it is difficult to aggregate data and make systematic comparisons.

4.13 Ethical Considerations

Ethical behaviour is important in research, as is true of any other field of human activity. Certain ethical considerations associated with matters such as plagiarism and honesty in the reporting of results arise in all research, but additional issues arise when the research involves human subjects in both the biological and social sciences. According to Welman, Kruger and Mitchell (2005:181), the principles underlying “research ethics” are universal and concern issues such as honesty and respect for the rights of individuals. Ethical considerations come into play at three stages of a research project, namely when interviewees are recruited, during the interviews and the measurement procedure to which interviewees are subjected, and in the release of the results obtained.

In order to comply with the above principles, the following tasks were addressed:

- Interviewees gave their informed consent to participate in the study.
- Interviewees were not deceived in any way. The research is freely and openly available for perusal by interviewees.
- Interviewees were allowed to withdraw from the study at any time without prejudice or sanction.
- Respect for interviewees’ rights to confidentiality, anonymity and privacy were preserved throughout.
- The risks to interviewees were minimal.
4.14 Conclusion

In this chapter, the research methodology used to describe the dynamics of the AmaTshezi chieftaincy conflict in Mthonjana village of Mqanduli, in the Eastern Cape was outlined and the appropriate research design used to give credibility to the entire research process, based on the aim and objectives of the study, was described. The motivation for the qualitative research framework was explained. A detailed account of the philosophical and methodological paradigms was rendered as a justification for the research process as a scientific inquiry.

An attempt was made to justify the choice of qualitative research, and more specifically, the case study method, and the advantages and disadvantages associated with and encountered in the process were provided. The limitations and advantages of a case study were considered and important issues of validity and reliability were covered. The importance of ethics in social science research was clarified and ethical concerns pertaining to the research discussed to allay any scepticism because the research topic involved vulnerable and sensitive issues. In the following chapter, the findings of the research are discussed, using the literature review and various other sources of data that served to triangulate the themes discovered in the course of the data analysis.
CHAPTER FIVE: FINDINGS AND DISCUSSION

5.1 Introduction

In the previous chapter, the research design and methodology for the study were discussed in detail. In this chapter, the focus is on presenting the data analysis and discussion of the findings. The findings of this study are discussed by focusing on the aim of the study, which was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict in Mthonjana village in Mqanduli. In this chapter, the researcher interprets and analyses the data using the thematic analysis that is commonly known as the systematic and interpretative analysis of data.

This chapter is discussed around conflict processes theory, which has seven themes:

- latent conflict;
- conflict emergence;
- conflict escalation;
- conflict stalemate;
- conflict de-escalation;
- conflict resolution; and
- conflict management and peacebuilding.

The last two themes, namely conflict resolution and conflict management and peacebuilding, are conflict intervention strategies. These themes have been derived from the literature that was reviewed in Chapter Two as well as the documents that explained the conflict dynamics as it was the basis for this study. From the data that was collected sub-themes emerged. The analysis of the interconnection between themes and sub-themes was quite significantly presented based on the primary information sourced from the interviewees.

5.2 Data Analysis

In this section, the findings of the study are presented using thematic analysis, and it is interpreted and discussed with reference to the interconnection of the findings with conflict processes theory. The themes, sub-themes and analytic categories are
tabulated below and precede discussion (see Table 5.1). Throughout the discussion, verbatim quotes from the interviewees are used to support discussion of the findings.

Table 5.1: Thematic Data Analysis Table

<table>
<thead>
<tr>
<th>THEME</th>
<th>SUB-THEME</th>
<th>ANALYTICAL CATEGORIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>LATENT CONFLICT</td>
<td>Chieftaincy position</td>
<td>Heir dies</td>
</tr>
<tr>
<td></td>
<td>Death of the heir</td>
<td>Two candidates for the AmaTshezi clan emerge</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Power and control of resources</td>
</tr>
<tr>
<td>CONFLICT EMERGENCE</td>
<td>Appointment of widow as regent</td>
<td>Community polarisation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Authorities support female regent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Female regent and supporters threatened and attacked</td>
</tr>
<tr>
<td>CONFLICT ESCALATION</td>
<td>Contentious issues proliferate</td>
<td>Dispute over the legitimacy of the “new” heir</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Relatives attacked and killed each other</td>
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<tr>
<td></td>
<td></td>
<td>Houses burnt</td>
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<tr>
<td></td>
<td></td>
<td>People displaced</td>
</tr>
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<td></td>
<td></td>
<td>Involvement of third parties</td>
</tr>
<tr>
<td>CONFLICT STALEMATE</td>
<td>Catastrophe occurred</td>
<td>Female regent killed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Regent’s supporters killed and homes burnt</td>
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<tr>
<td></td>
<td></td>
<td>Many cases of violence reported</td>
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<tr>
<td></td>
<td></td>
<td>Police arrested many suspects</td>
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<tr>
<td>CONFLICT DESCALATION</td>
<td>Ad hoc committee intervention</td>
<td>Community meetings</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Victim support measures</td>
</tr>
<tr>
<td>CONFLICT RESOLUTION</td>
<td>Unresolved conflict</td>
<td>Current female regent (sister of the “new heir” and eldest daughter to the deceased female regent) not recognised</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No formal agreement regarding the community resources</td>
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<tr>
<td></td>
<td></td>
<td>Conflict became latent</td>
</tr>
<tr>
<td>CONFLICT MANAGEMENT AND PEACEBUILDING</td>
<td>Advocacy</td>
<td>Community sensitisation and awareness</td>
</tr>
<tr>
<td></td>
<td>Cultural interventions</td>
<td>Gender equality and succession issues</td>
</tr>
<tr>
<td></td>
<td>Traditional leadership interventions</td>
<td>Changing of community perceptions and attitudes</td>
</tr>
<tr>
<td></td>
<td>Conflicts practitioners’ interventions</td>
<td>Ritual performance</td>
</tr>
<tr>
<td></td>
<td>Government interventions</td>
<td>Cultural activities</td>
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<tr>
<td></td>
<td></td>
<td>Awareness of traditional leadership regulations</td>
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<tr>
<td></td>
<td></td>
<td>Community reconciliation</td>
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<td></td>
<td></td>
<td>Problem-solving workshops and facilitation</td>
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<td></td>
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<td>Development of conflict management system</td>
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<tr>
<td></td>
<td></td>
<td>Community rebuilding</td>
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<tr>
<td></td>
<td></td>
<td>Community development programmes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Counselling the victims</td>
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</tbody>
</table>
5.2.1 Discussion of Themes and Sub-Themes

5.2.1.1 Latent Conflict

The circumstances fuelling the AmaTshezi chieftaincy conflict included a variety of issues. Conflict emerges whenever individuals, groups, organisations, or nations have differences and contradict each other. The contradictions may be influenced by perceived differences in socio-economic equalities, ethnicity, the absence of opportunities for political participation, religious inclinations, fragile government structures and civic structures, and political ideologies as well as competition over scarce resources (Anstey, 1991; Burton, 1990). However, these differences are often not great enough to cause one side to act to alter the situation. There are various sources of conflict. These include the need for control (power), scarce resources, different interests and values, which all have the potential to ignite conflict, especially when a triggering event occurs.

a) Chieftaincy position

The circumstances contributing to the AmaTshezi chieftaincy conflict emerged from the responses of interviewees. When interviewees were asked how the AmaTshezi chieftaincy conflict developed, they expressed the following views, suggesting the triggering event was the death of the heir and differences of opinion about who should take over as regent as well as objection to a female regent:

After the death of the heir, a family member (uncle) who was working at Lusikisiki was asked to leave his job and come back home and be the chief of the clan. At that time, the widow of the heir was still mourning. At the end of the mourning period, the widow made herself available to take over as a regent. The uncle, with the support of other family members, refused to relinquish the position. However, other family members went ahead and appointed the widow as a regent, but those who supported the uncle insisted that he would remain their chief. The uncle’s group was also disputing the legitimacy of the widow’s son. They claimed that he was not of their clan because when he was conceived, the widow and the late heir were separated. When the second group realised that the widow was supported by authorities and by the king, who proposed that DNA (deoxyribonucleic acid) tests should be conducted to prove the claim, the opposing group rejected
the idea. Then they started attacking the female regent and her supporters, mostly those attacks were happening at night. (Interviewee 5)

[I]t was developed on the fact that the AmaTshezi clan did not want to be led by a female regent. Also, there was a group that appointed their own chief because they refused to be led by a female regent. The group was also disputing the legitimacy of the heir to the deceased. (Interviewee 1)

It started in 2002, a year after the death of the heir. A group of family members rejected the female regent and the uncle, who had no right to occupy the chiefaincy position, availed himself to the position … the majority of people preferred him. (Interviewee 2)

All was well until the death of the heir. When a regent was supposed to be appointed on behalf of the young heir, another group of the AmaTshezi clan proposed another candidate instead of the widow. The group that opposed being led by a female elected the uncle as chief and threatened those who opposed [or] rejected him. When they saw that they were not supported by higher traditional leadership structures, they started attacking and burning households of those who supported the widow. (Interviewee 3)

After the death of the heir who was to be appointed the chief, the family had different candidates for the chiefaincy position. The [one] group wanted the widow to be appointed as the regent, whereas the other group wanted an uncle to take over as the chief because they [were] not in favour of the idea of being led by a female regent. (Interviewee 4)

When the heir died, some members of the family appointed one of them as the chief without consulting the main household. At the time, the widow was still mourning. When the mourning period was over, the widow availed herself to take over as the regent, but the uncle refused to leave the position. The uncle, some family members and the community claimed that they cannot be led by a woman, and they were also questioning the legitimacy of her son. The whole community was then divided into over the matter. (Interviewee 6)

It was as a result of the appointment of the female regent. Certain quarters of the family refused to be led by a woman, and they had their own preferred candidate. When it was put to them that the law provides that females can be appointed as regents, they disputed that. Those in authority went ahead and appointed the widow as a regent. (Interviewee 7)
It started after the death of the heir. There were disagreements about who should take over as the regent. The family had different candidates that they felt should take the position. Some wanted the widow to be the regent, whereas others wanted the uncle because they said they cannot be led by a female. (Interviewee 8)

b) The death of the heir

It is important to remember that in Mthonjana village, a chief died due to natural causes and a regent (cousin to the chief) held the reigns until the heir to the chief came of age. However, the heir died before he inherited the throne, and then a female regent (widow to the heir) was appointed to the throne but was murdered by opposing family and community members.

While all interviewees emphasised that the death of the chief and the appointment of a female regent were the cause of the conflict, none mentioned the death of the heir to the throne prior to the appointment of the female regent as directly linked to the violent AmaTshezi chieftaincy conflict when asked about the state of affairs prior to heir’s death. The period between the heir’s death in 2001 and the establishment of the ad hoc committee in 2007 was long, but nonetheless, the circumstances in existence before the heir died were probed. The point was to try to find out more about the dynamics of the AmaTshezi chieftaincy conflict.

It is necessary to mention that people in conflict always have a biased or incomplete perception of the true nature of the conflict. They become too immersed in the conflict and a cluster of emotions accompanies their subjective experience. The researcher had to ensure that interviewees remain impartial when they responded to questions by utilising follow-up questions. Based on the responses from interviewees, it appeared that the death of the heir was related to the conflict.

[Yes] there were signs even before the heir died. The son of the senior chief wanted the chieftaincy position to be occupied by someone whom he could manipulate. When it was clear that the heir was coming back to take over the position, suddenly he was killed before he came back home. Thereafter the uncle (brother to senior chief) whose son who wanted the position was appointed as the chief whilst the widow was still mourning. (Interviewee 1)
There were signs. The regent who was at the helm was reluctant to hand over the reins to the heir upon his arrival. The then regent claimed that he left his permanent job in Lusikisiki for that position, and the chieftaincy position was his only source of income. However, unfortunately, he [uncle, the then regent] passed away because he was sick. (Interviewee 3)

Yes, there were signs of disagreement because one of the key persons who wanted that position was the son of the uncle. He wanted that position although he did not qualify for it. Then he pushed that his father be appointed as a chief so that after him, he can take over as the chief. That happened when some elders were advising the heir to come back home because the then regent was sick. (Interviewee 7)

Interviewee 4 claimed not to know the circumstances because “It was only after the death of the heir and the appointment of two chiefs that the disagreement was obvious.” Interviewee 6 pointed only to the possibility of disagreements by suggesting, “It is possible that the reason why the heir was killed was related to the control of resources because some business initiatives were brought into the village before his death.”

5.2.2 Conflict Emergence

5.2.2.1 Female Regent

According to Kriesberg (2007:53), the potential for conflict exists whenever people have different needs, values or interests. Conflict may not become apparent until a triggering event leads to the emergence of obvious conflict. The AmaTshezi chieftaincy conflict did not become violent immediately. It developed gradually and was triggered when two chiefs competed for leadership of the AmaTshezi. The conflict remained latent for a long time, and when the matter of who should be the chief of the village was not addressed and agreed upon, the conflict became manifest and erupted in violence.

The appointment of the heir’s widow in 2004 as regent when certain members of the family elected another uncle chief triggered the conflict. The AmaTshezi chieftaincy conflict started as a low-level conflict, but it was left to ripen. This was demonstrated
by the responses of interviewees when they were asked when (the year) they became aware of the AmaTshezi chieftaincy conflict. Their responses were as follows:

I became aware of the AmaTshezi chieftaincy conflict in May 2007, when a number of criminal incidences (attempted murder, murder, and arson cases) were report through the media and by the police. After being involved, I realised that the appointment of the female regent triggered the conflict. (Interviewee 1)

Interviewee 2 stated, "I became aware of it in 2003 when the community was in the process of appointing a regent. But I was not involved then … it was in 2007 that I became involved", while Interviewee 3 stated as follows:

It was in 2003 when threats that were subjected to certain members of the AmaTshezi clan who supported the appointment of the female regent were reported to the police. Whilst investigating the reported incidences, the police realised that the opposing group was employing violent tactics to express rejection of the female regent. The police found that the sporadic incidents were related to the AmaTshezi chieftaincy conflict. Then a number of arson, attempted murder and murder cases were reported and were also associated with that conflict.

We were informed sometime in 2007 that members of the AmaTshezi clan were rejecting the female regent. At that time, the conflict had become manifest and that is when I started to attend the ad hoc committee meetings. (Interviewee 4)

Interviewee 5 claimed, "I became aware of it towards the end of 2006. The appointment of the female regent triggered the conflict", while Interviewee 6 said, "It was brought to the attention of my department in 2007; I am not sure about other departments". Interviewee 7 replied:

It was immediately after the death of the heir. It was in 2002, when the Department of Local Governance and Traditional Affairs was in the process of appointing his widow as the regent. The department was served with court paper from the High Court of Mthatha opposing her appointment.

Finally, Interviewee 8 said, "I think it was in July 2007 when it came to our attention". 
5.2.3 Conflict Escalation

When adversaries engage in coercive strategies, they generate a spiral of tit-for-tat retaliation. Each party increases the amount of tit-for-tat punishment with each action and reaction, with both parties paying higher and higher prices for a continuing standoff (Oberschall, 2007:33). A spiral of tit-for-tat retaliation explains why adversaries, all of whom were members of the AmaTshezi clan in the AmaTshezi chieftaincy conflict, found themselves trapped in conflict escalation. It appears many contributing factors led to the opposing group wanting to win the battle at all costs. The irony of being trapped in a conflict is that the greater the cost and sacrifice expended in the conflict, the more valuable winning becomes and the less likely parties are to change their courses of action as issues proliferate. The opposing group appeared to have employed zero-sum strategy in this violent conflict.

5.2.3.1 Contentious Issues Proliferated

Like any conflict, the chieftaincy conflict escalated as the opposing group employed heavier and heavier tactics against the actions of the other group. The uncle’s group employed heavy tactics by becoming violent against the group supporting the widow. The whole family was polarised as contentious issues expanded and the conflict escalated. Interviewees’ general perceptions about the factors making the conflict worse were as follows:

The fact that relatives were attacking and killing each other at night made it worse and difficult to manage the conflict. Night attacks made it difficult to identify the culprits. People were displaced … those that stayed behind were sleeping in nearby bushes as they were running for their lives. That area has tourist attraction sites like Hole-in-the-Wall, potential business sites and a lot of people have an interest to own pieces of land. The existence of a community trust fund, which had money donated by government, further made things worse, and the opposing group wanted to have control over it, being motivated by self-enrichment; the two hotels that the community were shareholders of were benefiting few individuals, not the whole community. Hotel owners wanted the uncle to be part of their board and sidelined all those [who] were capable of understanding how the business
operates, including the female regent. We found out that the local ward councillor also supported this idea. (Interviewee 1)

The division within one family made it difficult for us to manage the conflict when the opposing group defied their king (king of the AbaThembu tribe), who suggested that deoxyribonucleic acid (DNA) tests should be conducted between those who disputed the legitimacy of the widow’s son. This emanated from rumours that the heir and the regent were once separated, hence the claim that the “new” heir was not of the AmaTshezi clan. (Interviewee 2)

When perpetrators were arrested, they were released on bail, and when they were out, they continued perpetuating the violence. Those who were outside were bailing out those arrested. Perpetrators were not denied bail. Also, the violence was left alone for too long before intervention was initiated. People with business interests were requesting permission to open businesses in the areas from the opposing group. The opposing group was continuing selling pieces of land to business people. And lastly, the opposing family members refused to do DNA tests but continued to label the young boy as an illegitimate child. (Interviewee 3)

The family members and the community were manipulated. Some community members were not open enough about the situations when they asked about it. When they were asked about what the contributing factors [were], they claimed that they knew nothing. To us it appeared as if they were withholding information because of fear of being attacked. When the ad hoc committee convened community meetings to advocate against domestic violence, child abuse and for gender equality, the community members were not attending those meetings. No one wanted to be associated with us. It was difficult to gain access to community members. (Interviewee 4)

It was the fact that the young boy was not ready to take the position, and therefore, the traditional leadership regulations had a provision that a female regent can be appointed. When authorities supported the appointment of the female regent, the opposing group became angry. On the other hand, the uncle was not willing to vacate the position as he was supported by some elders of the family and the community. So the female regent was supported by the authorities, but the support was not enough within the family. Lastly, the House of Traditional leaders should not have allowed the uncle to be appointed as the chief. (Interviewee 5)

It was because there were allegations that faceless community members who were based in Rustenburg and the business people who wanted to open businesses were financing the opposing group.
When it was clear that money was involved, we knew that it was going to be difficult to manage the conflict. For example, a R20 000 deposit in Rustenburg into the account of a certain community member was intercepted by the police. On the other hand, the widow had a vision to develop the community, whereas the uncle had no clue, but his son, whom we suspect was eying the chieftaincy position, was at the forefront of those who did not want the widow to lead them. Another thing there were business projects initiated without the involvement of the community and it was not going to benefit them, so the widow stopped them. In general, besides the chieftaincy position issue, there were silent contributing factors. The fact that money was involved, there was no way we could have resolved the conflict. (Interviewee 6)

Government took long to appoint the widow as a regent and should not have allowed the uncle to be appointed as the chief instead of the widow. The department of Local Government and Traditional Affairs consulted the king and the House of Traditional Leaders, and both supported the appointment of the widow as the regent, but the process was delayed unnecessarily. (Interviewee 7)

The fact that people who were killing and burning houses were operating at night made it complicated. It was not easy to identify culprits. Close to 121 members of the AmaTshezi clan were victims of that conflict. Some were left homeless; others lost their children and parents. Overall, dealing with family members made the conflict worse because during the day all was well, but at night, it was a different story. (Interviewee 8)

5.2.4 Conflict Stalemate

In describing the reaction after a tragedy between adversaries, Zartman (2008:232) discusses how, when parties find themselves locked in a conflict from which they cannot escalate to victory and the deadlock is painful to both, the parties tend to seek a way out. A recent or impending catastrophe can provide a deadline, or sharply increased pain may force the parties to take a step back and think. The parties being forced to take a step back and think arose as a sub-theme (catastrophe) in the process towards de-escalation of the conflict that affected AmaTshezi clan.

5.2.4.1 Catastrophe: The Killing of the Female Regent

The general feeling arising from the interviewees was that, after the death of the female regent, the AmaTshezi chieftaincy conflict de-escalated and discontinued.
The interviewees expressed the following sentiments when they were asked about conflict incidences reported after the death of the female regent:

[There were none] to my knowledge, but there were tensions among community members in the village. It emerged that relatives who were based in Rustenburg sponsored the violence. These relatives provided the arrested suspects with money to hire a lawyer. (Interviewee 1)

Interviewee 2 commented, “Only two cases [were reported], one of arson and a close associate of the late female regent was murdered.” In turn, Interviewee 3 noted, “Yes, two or three cases were reported, and the victims were those that supported the female regent, but other than that, it was quiet.” Interviewee 3 noted, “There were two cases [reported]. Two households that were in favour of the killed female regent were attacked”, and Interviewee 5 said, “There were few cases reported. But I do not remember the details.” Interviewee 6 replied, “Not to my knowledge; all the people who were at the forefront were arrested”, but Interviewee 7 admitted, “Yes, there were cases [reported]. As a result, even the heir to the deceased female regent was not present during his mother’s funeral proceeding for fear of his life.” Interviewee 8 disagreed, suggesting, “No. After her death and intervention of government everything was back to normal.”

Anstey (2006:50) and Pruitt and Rubin (1986) emphasise that once conflicts have escalated for a while, they often reach a stalemate, or a situation in which neither side can win but neither side wants to back down or accept loss either. Stalemates emerge for a number of reasons: the failure of contentious tactics, the exhaustion of necessary resources, the loss of social support, and unacceptable costs. Nevertheless, after the conflict reaches stalemate, the next stage is de-escalation and then resolution. Literature shows that it is during the de-escalation stage that a conflict can be resolved through interventions by third parties. However, there was some disagreement among interviewees about whether the “conflict” was over or not.

It appears that after the death of the female regent, the manifestation of the conflict was no longer visible but as with all deep-rooted conflicts with a history which involve
human needs, they recycle and become latent again. The death of the female regent may be taken as an indication that the AmaTshezi chieftaincy conflict was at a stalemate. After that catastrophe, the conflict became latent again and it may re-emerge in another form. Pruitt and Kim (2004:175) assert that parties in conflict often do not recognise when they have reached a stalemate. In such circumstances, some sort of shock may be needed to bring them to their senses. Such shock leads parties to carefully examine what is actually happening. It is at this stage that conflicts de-escalate and, if the contributing factors are not addressed, the conflict become latent again.

5.2.5 Conflict De-Escalation

The intervention by the ad hoc committee had a minimal impact; it merely discouraged the perpetuation of the AmaTshezi chieftaincy conflict. Bartos and Wehr (2002:113) argue that after a conflict has been in equilibrium for a long time, it tends to de-escalate. Conflict de-escalation is a process whereby coerciveness between parties becomes lower, hostility decreases and the tendency to retaliate becomes smaller.

5.2.5.1 Ad Hoc Committee intervention

It is at the stage of de-escalation of a conflict that it is easy for third parties to intervene and initiate resolution. Based on the findings, it was at this stage that the ad hoc committee, as government representatives, tried to convince parties to end the conflict. However, it did not have much success because members of the opposing group members were not known. They only operated in the evening, therefore they were not easy to identify. The ad hoc committee demonstrated little capacity to mediate in the conflict. This is based on the interviewees’ responses when asked about the role played by the government during the AmaTshezi chieftaincy conflict:

Intervention by the ad hoc committee played a huge role to a certain extent … South African Police Services patrolled the area for almost a year. People were provided with food parcels and
tents for shelter. Government did not put in place proper systems to manage the community trust fund. However, all these were short-term interventions. The mistake that was done by government was to concentrate on addressing the chieftaincy conflict and not deal with other contributing factors. (Interviewee 1)

The ad hoc committee tried to address the conflict by convening community meetings where people were addressed about the disadvantages of conflict. But community members did not participate fully. Police were permanently deployed to patrol the area. The establishment of the ad hoc committee also helped victims of that conflict. (Interviewee 2)

Police patrolled the area for a long time … the Department of Social Development assisted victims of violence by providing them with food parcels; the local municipality gave people that lost their homes tents. Community meetings were held, and the negative impact of violence was explained to the community but they were not freely participating. (Interviewee 3)

Government tried to manage the conflict, but the capacity was not enough because there were no conflict practitioners involved. We only emphasised the value of family preservation and of a human being to those that we managed to speak to. However, it was not enough because no one came up front and said he or she is behind what was happening. Government provided assistance in different ways, like providing counselling, food parcels, shelter and a place of safety for the children who had lost parents. (Interviewee 4)

Social workers offered counselling and trauma debriefing to all victims. Community basic-needs assessments were conducted and as such, affected people were provided with food parcels, tents, blankets and clothes, and psychologists were made available to the people. Police investigated the reported cases and suspects were arrested and sentenced. The local municipality promised to build houses for all the victims. (Interviewee 5)

We tried to identify members of the opposing groups but it was not easy because they only operated at night. After the eldest daughter of the late female regent was appointed a regent, government provided the victims with food, clothes and blankets, and I think shelter was also made available. Different government departments came together and assisted the community members with their social needs but the dynamics of the conflict were never addressed. (Interviewee 6)
Government took an active and a very positive role in trying to resolve the conflict, but conflict practitioners were not involved. Relevant departments were brought together by the provincial government and the committee was established and given a mandate to mediate in the conflict. However, I regret that government did not protect the female regent or took her away from that community until the matter was resolved. (Interviewee 7)

We, as government officials from the social needs cluster, convened community meetings, but the attendance was poor. So, it was difficult to gain access to community members. An event, 16 Days of Activism on No Violence against Women and Children, was hosted in that community, which was meant to bring awareness of how dangerous the violence was in the community. But I do not think we were effective. (Interviewee 8)

Even though there was an ad hoc committee mandated to mediate in Mthonjana, the above responses indicate insufficient capacity among the ad hoc committee members to deal with the conflict. Government relied on arrests made by police. Conflict scholars (Kriesberg, 1973:167; Vledder, 1997:110) argue that de-escalation may be influenced by coercion, which can lead to de-escalation in two ways. First, if coercion is sufficient to prevent the one side from continuing with conflict physically, the party loses its capacity to continue its conflict behaviour at the same level and must allow the conflict to de-escalate. Second, one side may lose its will to persist in the conflict because it doubts its abilities and questions the desirability of continuing.

5.2.6 Conflict Resolution

5.2.6.1 Unresolved Conflict

The concept of conflict resolution has been discussed in detail in Chapter Two, and it has been clearly stated that, in order for a conflict to be resolved, both parties should own the agreement. Bradshaw (2008:74) writes that the term conflict resolution is frequently used to cover a broad range of conflict management strategies. Conflict resolution implies a termination of conflict, through solving of the fundamental problems that have given rise to it. Conflict resolution denotes the addressing of human needs frustrations underlying a deep-rooted social conflict. The implication is
that this is a long-term solution to conflict. Coser (1967:40–42) holds that social conflicts follow a law of social inertia insofar as they continue to operate if no explicit provision for stopping their course is made by adversaries. In social conflict, contenders must make explicit provision for its termination. If no mutual agreements are made, at some time during the struggle, conflict ceases on the death or total destruction of at least one of the antagonists.

Besides the arrest and prosecution of perpetrators, the AmaTshezi chieftaincy conflict was never resolved. There was no agreement reached by neither antagonists nor a resolution for a settlement facilitated by the ad hoc committee. Under normal circumstances, in order for a conflict to be resolved, parties to it should have an agreement that addresses the contentious issues. The responses of the interviewees show a worrying factor. When asked if the conflict has been resolved, the following was said:

Well, on the surface, it has settled. But the conflict in Mthonjana is not settled. If you do not provide proper counselling for people, one day the young people who lost their parents will want to revenge for what happened. Then the conflict will re-emerge. Land ownership as the real cause of the AmaTshezi chieftaincy conflict has not been addressed even today; how the hotel community shares should benefit the community has not been addressed; and what should be done with the trust funds that are not being utilised are some of the outstanding issues that a settlement should be reached around. All the development that was planned was put on hold since the outbreak of conflict. The unaddressed underlying factors can trigger the emergence of that conflict anytime. (Interviewee 1)

It has settled. All those who were arrested but found not guilty would never participate in any violence of such nature. They were lucky to escape jail terms. But I cannot be sure that the conflict will never erupt. (Interviewee 2)

Based on the period since the last cases were reported, I am of the opinion that it has settled. Community members who were opposing the appointment of the female regent claimed that they were not going to benefit in any way even if the regent was allowed to lead them. But the people who were opposing the female regent do not attend community meetings convened by the current regent unless there are government services provided. (Interviewee 3)
I do not think so because before the death of the female regent, we all thought it was settled. Then we surprisingly heard that the [female] regent had been killed. Also, after everything that happened, nothing has been done to address the matter or target the perpetrators with regard to the change of their mindset. But currently, the community is under the leadership of another female regent (daughter to the deceased). But I think there is a need for a post [-conflict] intervention on the Mthonjana case, just to make sure that it is addressed otherwise it will erupt again. (Interviewee 4)

Interviewee 5 said, “I am not sure, but since the appointment of the current female regent nothing has been reported”, while Interviewee 6 claimed, “Even though it has been quiet since the death of the female regent, I cannot say it has settled.” Interviewee 7 indicated as follows:

It is difficult to say so, but at this stage, we have no reason to believe that the conflict has not settled. There are no signs of any conflict in that community. But there is no guarantee that it will never re-emerge in future.

Interviewee 8 said, “I think it has settled because since the death of the female regent, nothing has happened. But we do not know what will happen in future.”

Based on the above responses, the AmaTshezi chieftaincy conflict has not been resolved, and this suggests no guarantee exists it will never re-emerge. The responses clearly show that after the AmaTshezi chieftaincy conflict had reached the de-escalation phase it became latent again. Like all deep-rooted conflicts, this conflict can manifest again anytime. Above all, the underlying causes of the AmaTshezi chieftaincy conflict were never addressed or resolved. Supporters of the human needs approach are critical of the traditional approaches to managing conflict and the strategies they suggest for resolving conflict. Traditional approaches tend to focus on the positions the parties have adopted, with these serving as the basis on which settlements are negotiated. These settlements invariably do not reflect the true interests and fundamental needs of the parties, thus laying the seeds for future conflict.
On these grounds, basic human needs theorists distinguish between conflict settlement and conflict resolution. Conflict settlement deals with specific disputes but does not address the underlying conflict because it deals with the symptoms of conflict, not the actual problem or underlying reason for the conflict. Basic human needs theorists argue deep-rooted conflict requires resolution and prevention rather than settlement (Azar, 1990; Burton, 1990).

If the underlying grievances remain unresolved, the conflict may appear settled for the time being but they will re-emerge in future as grievances become significant again. Thus, even at the supposed end of an intractable conflict, the path to resolution is not always smooth and linear, but may fall back into previous stages if conditions change (Anstey, 2006; Burton & Dukes, 1990).

### 5.2.7 Conflict Management and Peacebuilding

The personal dimension of conflict management and peacebuilding is focused on desired changes at the individual level. If individuals are not able to undergo a process of healing, there will be broader social, political and economic repercussions. It is critical that the destructive effects of social conflict be minimised and its potential for personal growth maximised. Reconstruction and peacebuilding efforts must prioritise rebuilding trust among adversaries and integrate these efforts into peace plans and rehabilitation efforts (Lederach, 1997:82). The key to transforming and managing conflict is to build strong equitable relations where distrust and fear were once the norm. When interviewees were asked to recommend methods of conflict management and peacebuilding for Mthonjana village, the following sub-themes were identified.

#### 5.2.7.1 Advocacy

One of the key strategies for bringing awareness to people is advocacy. The people of Mthonjana need to be educated by government about issues of equality, human rights and the importance of respecting each other regardless of gender. According to the interviewees, it is important that people be made aware of the issues of gender
equality. According to Interviewee 2, “People of that community are illiterate. Government should educate them about gender equality. Awareness can make the community members reconcile.” Interviewee 5 suggested the following:

People should be made aware of gender equality rights [and] the regulations and processes of traditional leadership, but the main contributing factor was not addressed there. That is [the] greediness of the opposing group to have access to the control the resources.

5.2.7.2 Cultural Rituals

When a tragedy happens, Africans perform certain rituals as a way of cleansing and repairing the breach. Africans believe that the function of a ritual is to contain and repair associations either with those living or with the ancestors. According to Mbiti (1991:11), traditional leaders have to see to it that practices, ceremonies and festivals are performed in a way that expresses their beliefs in practical terms. Festivals are normally joyful occasions when people sing, dance, eat and celebrate a particular occasion or event, like when marking the harvest time, the start of the rainy season, the birth of a child, victory over enemies, etc. Mbiti (1991:143) believes festivals bring people together, renewing community life, strengthening the people’s unity and cohesion, entertaining people and relieving people of tension. Interviewee 7, who said the following, confirmed the importance of performing rituals:

Because there was spilling of blood, according to the customary law, there are certain rituals that must be performed. Therefore, a cleansing ceremony should be performed as it would enable AmaTshezi to start life on a clean slate. Then stability and peace will be brought back in that family.

A detailed account of responsibilities of traditional leaders in the pre-colonial era was discussed in Chapter Three. The issue of preserving customary rituals was explained and the response of interviewee 7 is in line with the literature reviewed.

5.2.7.3 Traditional Leadership Intervention

It is a general view in South Africa that traditional leaders themselves should solve problems affecting Institution of Traditional Leadership. This view is based on the
belief that traditional leaders, as custodians of customary law, are better positioned than government officials to understand traditional leadership dynamics. Because the Institution of Traditional Leadership is recognised by the Constitution of the country, institution receives support from government through the Department of Cooperative Governance and Traditional Affairs. One interviewee was of the view that the Department should provide guidance and build peace in Mthonjana village.

The Department of Traditional Affairs should intervene and sort out the issue of traditional leadership. I am of the opinion that the chieftaincy position was not the major cause of the AmaTshezi chieftaincy conflict. If it can be addressed then the contributing factors will be brought to the surface. (Interviewee 1)

5.2.7.4 Intervention by Conflict Practitioners

Conflict resolution and management is a specialised field, so conflict practitioners are more suited than government officials to intervene in a conflict situation. Burton (1990:2–3) states that conflict resolution is the transformation of relationships in a particular case by the solution of the problem that led to the conflicted behaviour in the first place but does not necessarily eliminate future problems in relationships. The result of conflict resolution is a motion or pledge reached by parties who struggled over values, scarce resources and power. Conflict is resolved when rivals reach an agreement and the parties agree about most or all of the issues for which they fought. Either party in a conflict can invite conflict practitioners’ participation or conflict practitioners can make themselves available to assist in resolving the conflict.

When the ad hoc committee intervened in the AmaTshezi chieftaincy conflict, conflict practitioners were not part of that committee; as a result, the committee was unable to mediate in the conflict. Interviewees proposed conflict management programmes be implemented in Mthonjana village. Interviewee 3, for example, suggested, “The opposing parties should be brought together to resolve the violence. A workshop should be part of the programme. Victims and perpetrators should form committees that would represent them before the whole community is involved”, while
Interviewee 2 said, “Human rights workshops should be considered and be facilitated by specialists.” Interviewee 4 claimed as follows:

The community should be encouraged to talk about their feelings since the manifestation of conflict. Government should roll out a post-conflict peacebuilding programme that seeks to address the contributing factors to that violence. The chieftaincy position was not the real cause of that violence. The impact of the conflict in that village should be assessed intensively.

Interviewee 7 suggested, “The whole family should be brought together so that reconciliation can be achieved.”

5.2.7.5 Government Intervention

The importance of government intervention in implementing a conflict management and peacebuilding programme is captured in the views of the ad hoc committee members. They consider government involvement as significant because there were many contributing factors to the AmaTshezi chieftaincy conflict. Some of these factors had to do with the control of community resources and the involvement of faceless parties. Interviewees explained what should happen and why they believe government should intervene. For example, Interviewee 1 suggested, “As a way of building peace, community development programmes should be implemented.”

Interviewee 4 said:

Government should roll out a conflict management programme that seeks to address the contributing factors to that violence. The chieftaincy position was not the real cause of that violence. Both parties should be brought together and encouraged to open up about what happened. Before it emerged, there was an income-generation project that the Department of Social Development had initiated in that village. Since Mthonjana village is situated along the coast, there is a potential to develop the area, and government should develop a strategy on how small business can be structured.

Interviewee 7 suggested, “As a neutral body, government should initiate a reconciliation programme for that community. But government alone cannot
succeed; other neutral bodies should be brought in”, and continued, “The House of Traditional Leaders, the custodian of the customary law has a statutory responsibility in cases of this nature to advise government on how best this matter can be settled”. Finally, Interviewee 8 suggested the following:

Even though we did intervene, the case of Mthonjana was left to settle on its own. No follow-up strategies were developed, no report was consolidated, and there were no recommendations made by the ad hoc committee to the provincial government on how future, similar cases can be handled. I would recommend that businesses that were initiated be revived for the benefit of the whole community. Trauma debriefing should be provided to that community because that violence was traumatic even to us as government officials.

5.3 Conclusion

In this chapter, the findings of the study were discussed. The major themes and sub-themes were reported, analysed and discussed in detail. The focus was on exploring the AmaTshezi chieftaincy conflict at Mthonjana village. Seven major themes were discovered, all of which were congruent with conflict processes theory, which formed the basis of this study. The themes pertained to latent conflict, conflict emergence, conflict escalation, conflict stalemate, and conflict de-escalation. The last two themes, namely, conflict resolution and conflict management and peacebuilding, are conflict intervention strategies. These conflict stages together present the multifaceted processes that conflicts can go through if they are not managed properly. The stages further reveal how destructive conflict can become, if not dealt with effectively.

The next chapter summarises the findings and recommends areas for the formulation and implementation of conflict management policy at community level. The value of the study is explained, as are some of the ad hoc committee challenges and successes. The limitations of the study and spiral of unmanaged conflict are discussed and recommendations are made about how community conflicts can be managed best, and further areas of research are suggested.
CHAPTER SIX: SUMMARY, RECOMMENDATIONS AND CONCLUSION

6.1 Introduction

Chapter One served as a general introduction to the study. In Chapter Two, the literature consulted during the research process was reviewed, and the focus was on conflict dynamics and the phases of conflict. The conflict stages or phases reviewed were used to analyse the dynamics of the chosen case study. In Chapter Three, the historical roots of the Institution of Traditional Leadership, its current legal debates and the AmaTshezi chieftaincy conflict as a case study were explored. In Chapter Four, the research design and methodology, sample size, data collection and analysis, issues of validity and reliability, ethical considerations, and the limitations of the case study were discussed. Chapter Five presented the research findings collected through semi-structured interviews with the ad hoc committee members selected and studying official documents (ad hoc committee minutes of proceedings, reports and memorandums, and newspaper articles); and highlighted the key findings that emerged from the data. In this chapter, a summary of the research findings is presented along with recommendations on how to resolve the AmaTshezi chieftaincy conflict. The significance of the findings and limitations of this research will be discussed.

In 2003, the AmaTshezi chieftaincy conflict broke out in a small village of Mthonjana in the Eastern Cape. The conflict outbreak was ignited by the appointment of a female regent by the king of the AbaThembu to lead the AmaTshezi clan. Several failed attempts to assassinate the female regent were made. The AmaTshezi chieftaincy conflict unfolded on its own without intervention on the part of government until May 2007, when an ad hoc committee was established by the Eastern Cape Provincial Government with the mandate to mediate in the conflict. Despite the establishment of the ad hoc committee, the opposing group successfully managed to kill the female regent in September 2007. Prior to the death of the female regent, 10
of her supporters were killed, including a 91-year-old women and a three-year-old boy. In addition, 35 huts and three cars were burnt.

The aim of this qualitative study was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict because almost six years after the Mthonjana conflict began, hardly any comprehensive information about the process this traditional leadership conflict followed exists; moreover, it remains unclear what government plans to do, should similar cases occur. This study was further influenced by the much-anticipated outcomes of the Nhlapho Commission, which was established to investigate the legitimacy of traditional leadership claims. Who was behind the AmaTshezi chieftaincy conflict and the motives remain unclear, so the focus of the case study was on the unfolding of the conflict process.

The objectives of the study were as follows:

- to analyse dynamics of the AmaTshezi chieftaincy conflict from 2002 to 2007;
- to explore and describe the impact the AmaTshezi conflict had on the chieftaincy position;
- to discover if any incidences of conflict in Mthonjana village were reported prior the outbreak of the AmaTshezi chieftaincy conflict in 2002;
- to ascertain when the AmaTshezi chieftaincy conflict drew the attention of those in authority and what their approach towards managing the conflict was; and
- to ascertain if any conflict practitioners were part of the ad hoc committee.

In order for this study to accomplish its aim and objectives, the following questions were asked of the participants:

- When (which year) were you made aware of the AmaTshezi chieftaincy conflict?
- How did the AmaTshezi chieftaincy conflict develop?
- Which factors made the AmaTshezi chieftaincy conflict worse?
- Before the death of the heir in 2001, were there signs of disagreement over the chieftaincy position?
- Which conflict incidences were reported after the death of the female chief?
- What role did the government play?
• How has the conflict been resolved?
• What would you recommend as a conflict management and peacebuilding or reconciliation method for Mthonjana Village?
• When did the AmaTshezi chieftaincy conflict come to the attention of those in authority, and what was their approach towards managing the conflict?
• Were conflict practitioners part of the ad hoc committee?

In this study, the dynamics of the AmaTshezi chieftaincy conflict in Mthonjana were explore and described. The study was planned and conducted in an accurate, ethical, and professional manner to ensure its validity, reliability, credibility and trustworthiness. The findings that have emerged from this study may contribute to a better understanding of traditional leadership disputes in general.

6.2 Summary of the Research Findings

The previous chapter outlined the major findings of this study with respect to the perceptions of the ad hoc committee members about the process followed by the AmaTshezi chieftaincy conflict. Analysis of the data revealed that the AmaTshezi chieftaincy conflict followed the conflict stages as supported and outlined by conflict processes theory and models. Further analysis revealed that no attempt was made to initiate conflict intervention strategies.

In the literature reviewed, it was explained that conflicts go through different stages as they escalate. Like many complex conflicts, the AmaTshezi chieftaincy conflict began as a latent conflict. The latency stage was noticeable when the family became divided over their preferred regent to lead them after the death of the heir in 2002. While the conflict erupted after the death of the heir in 2002, the interviewees were unable to clearly link the killing of the heir to the violence that followed in Mthonjana. Furthermore, the ad hoc committee members were unable to state precisely when the AmaTshezi chieftaincy conflict started. During face-to-face interviews with ad hoc committee members, it emerged very strongly that the disputing group wanted to put their own preferred candidate in the position of power so that their group could have access to, and control of, community resources. The research findings showed that
the intention to control community resources contributed to the violent AmaTshezi chieftaincy conflict.

The research findings further showed that the AmaTshezi chieftaincy conflict emerged in response to a gender issue. When the king of the AbaThembu tribe appointed the widow to the heir as a regent, the opposing group rejected the female regent. The opposing group appointed its own regent, and that meant that there were two regents in the same village. Based on the data solicited from the ad hoc committee members, the existence of two regents in one village triggered the emergence of violent conflict.

Deeper analysis revealed that the death of the heir created a void in which those who had wanted access to community resources attempted to exploit the situation. While the issue of gender was also noticeable, the group who opposed the female regent was influenced by greed. Its attempt to take over the leadership position was motivated by personal gain and the opposing group was mobilised by rich and influential members of the group.

The AmaTshezi chieftaincy conflict escalated as contentious issues proliferated. The findings of the study showed that apart from disputing the gender of the regent, the opposing group also questioned the legitimacy of the heir to the female regent. As the conflict manifested, the opposing group attacked and killed supporters of the female regent, huts were burnt, and some people were displaced. It was at this stage that the Eastern Cape Provincial Government started to pay attention to what was happening at Mthonjana village. The provincial government established and deployed an ad hoc committee, comprised of government officials from different departments and organs of the state, with a mandate to mediate in the AmaTshezi chieftaincy conflict.

The conflict stalemate stage was reached when the female regent was brutally murdered by her opponents. This major catastrophe followed many assassination attempts on her life. Besides killing her, three of her supporters were also killed. After many cases of murder, attempted murder, arson, and grievous bodily harm had
been reported to the police, the police were deployed to the area and the suspects were arrested. Some of those arrested were sentenced to different periods in jail; others were released due to lack of evidence linking them with acts of violence.

The presence of police at Mthonjana village contributed to the de-escalation of the AmaTshezi chieftaincy conflict. During the de-escalation phase of the conflict, the ad hoc committee tried to convene community meetings and tried to establish support groups. However, community members ignored these initiatives. After suspects had been arrested and had appeared in court, the ad hoc committee ceased to operate. By ceasing to operate, the ad hoc committee observed the principle of non-interference with judicial system and police investigations by not interacting with community members who might have been witnesses. When some of the arrested suspects were found guilty of perpetuating the violent conflict and were sentenced to jail terms, the AmaTshezi chieftaincy conflict abated. After the AmaTshezi chieftaincy conflict de-escalated, no formal attempts were made to resolve the conflict through dialogue and negotiation.

This study found that no formal resolution was reached and no way forward planned on how to handle and manage the chieftaincy position and community resources and how to share the profits of community businesses. Consequently, even though the AmaTshezi chieftaincy conflict had faded away, only a portion of the community recognise the current female regent (daughter to the deceased female regent) at the helm of the village. Arguably, the AmaTshezi chieftaincy conflict is latent again: the absence of violence does not automatically mean an absence of conflict. It should be borne in mind that conflicting interests can be pursued without violence or coercion.

Various conflict management techniques can be employed to manage conflict, and can include dialogue, negotiation, third-party intervention and problem-solving. The rejection or disregard of the female regent is an indication that the AmaTshezi chieftaincy conflict is latent and it should be acknowledged as was mentioned by the interviewees. In addition, it should be emphasised that the violent escalation of every
conflict evolves from a latent phase. As suggested in the literature review, conflict scholars do not support a mono-causal model of conflict and linear conflict process; rather scholars (such as Burton, 1984, 1990; Coser, 1956, 1967; Galtung, 1996; Kriesberg, 1973, 1998, 2007; Pruitt & Kim, 2004) argue that conflict is characterised by a multitude of factors. Conflicts are complex, multi-causal and dynamic, and conflict cannot always be detected without the existence of some visible signs showing position differences or opposition of interests between two parties.

The history of the ordeal in Mthonjana, the location of the selected case study, also cannot be ignored. The fact that not all members of the village accept the current female regent indicates position differences and opposition of interests, and violent conflict can manifest in Mthonjana at any time. Lack of acceptance is shown by non-cooperation in village activities, poor attendance of community meetings and the fact that the female regent’s younger siblings are residing at the king’s palace as a safety precaution. The late female regent was recognised by a portion of community members, a situation that contributed to the outbreak of violence. Even now, a minor triggering event could lead to the re-emergence of a violent conflict. It is normal for deep-rooted or protracted conflicts to recycle.

This conflict fits well with attributes of deep-rooted conflict or protracted social conflict as has been explained in Chapter One. Deep-rooted conflicts are conflicts that are based on strife regarding the satisfaction of basic human needs between people with communal, collective identities and they often become destructive. On the other hand, protracted social conflicts are influenced by mutually incompatible goals among parties amidst a lack of resolution mechanisms that cause communal cleavages to become petrified, and the prospects for cooperative interaction become progressively poorer. These conflicts often escalate into long-term malignant processes with high social and economic costs, eventually appearing boundless and hopelessly unsolvable. Due to the current state of affairs at Mthonjana, the AmaTshezi chieftaincy conflict is latent, again, and the lack of acceptance of the current female regent reinforces that this is the case in Mthonjana. In this particular context, signs show that a clan is divided, does not work closely with its own leader, a
female regent leads only community members that accept her, and a female regent who is not safe at her own village.

Strangely, those in authority do not appear to notice or do not choose to notice what is happening in Mthonjana with respect to the lack of acceptance to which the current female regent is subjected. As explained at the beginning of this chapter, government only intervened in the AmaTshezi chieftaincy conflict in 2007, five years after many sporadic incidents, which were perceived to be the responsibility of criminal elements, were reported to the police. It was whilst investigating the reported incidences that the police realised the opposing group was employing violent tactics to express rejection of the late female regent. The police found the sporadic incidents were related to the AmaTshezi leadership conflict. At the conclusion of the study, it appeared as if those in authority, again, were waiting for the conflict to re-emerge before intervening. Those in authority should bear in mind that relations among Mthonjana community members are fragile and a minor confrontation can trigger the re-emergence of the violent conflict.

As it has been indicated, the sudden disbanding of the ad hoc committee meant that parties were never brought together to resolve the conflict. This study found that the AmaTshezi chieftaincy conflict passed the conflict de-escalation phase and became latent. The next stage, after conflict de-escalation, is the conflict resolution stage. It is at this segment of a conflict that conflict intervention strategies are employed. Possibilities of resolving a conflict are enhanced by the fact that after de-escalation, adversaries tend to have new goals. Goals change because neither side’s new goals include the destruction of the adversary. At this stage, the ad hoc committee should have initiated formal negotiations. Negotiating for a resolution in a conflict is crucial because it gives parties a chance to remedy the complex contributing and underlying causes of a conflict (Anstey, 2006:104).

As the study findings show, no resolution was reached with respect to the AmaTshezi chieftaincy conflict because no conflict management and peacebuilding programme was initiated and implemented. If a conflict management programme
had been implemented, it would have led to sustainable and positive resolution. Unfortunately, the ad hoc committee left the AmaTshezi chieftaincy conflict unresolved; there was no closure. For that reason, the violence de-escalated and became latent with the risk of re-emerging. A consequence of leaving the conflict unresolved is that certain community members do not accept the current female regent. Furthermore, because the conflict was not resolved, there is nothing that would deter adversaries from attacking each other than being arrested in jail if caught. Moreover, the fact that conflict management strategies have not been initiated may act as a stumbling block to peacebuilding initiatives. It should be noted that the absence of conflict management and peacebuilding programmes is an indication that no common vision for the future exists among community members. Unless a resolution is negotiated or mediated the adversaries might easily consider inflicting revenge on each other.

The ad hoc committee believe the AmaTshezi chieftaincy conflict negatively affected Mthonjana community members, especially the children, including those from the royal household, who today are growing up without parental guidance because their parents had been killed during the violence. These children and the Mthonjana community members need professional help, which should involve conflict management and peacebuilding initiatives. It is not too late to resolve the conflict for the purposes of preventing its re-emergence and more fatalities.

6.3 Limitations of the Research

Babbie & Mouton (2001:150) notes the lack of generalisability as a limitation when employing a case study, and Thomas (1976:35) claims generalisations can be made only at a considerable risk of error. According to Thomas, the limitation becomes important when readers are not interested solely in the findings of a particular investigation but, rather, are interested in how these findings can help them understand other similar cases or events. Denscombe (2003:36) argues that, while choosing a case study approach is likely to be confronted with scepticism about the findings, these issues can be addressed by arguing that case studies are known to
produce “thick” data, or data that is deep rather than broad. The strength of a case study is that it provides an intimate understanding of a phenomenon, in this instance, the conflict process as it unfolded within a particular context, namely, the AmaTshezi chieftaincy conflict.

The research was also faced with limited time and resources, which made conducting a more extensive study difficult. Another limitation of the study was that only eight ad hoc committee members were interviewed because two withdrew from the study unexpectedly. The timing of the research also presented its challenges because interviewees had since relocated to other regions of the Eastern Cape and country, had busy lives, and took time to recollect their memories about what had happened at Mthonjana village at the time. Finally, very little has been written about traditional leadership conflicts. However, the understanding of the conflict processes explored in the literature review provided a guide for mapping the phases of the AmaTshezi chieftaincy conflict.

6.4 Significance of the Findings

The findings of the study are of great significance to government, civil society, NGOs and all those interested in the conflict resolution and management field. The findings provide a foundation for understanding the processes and dynamics of traditional leadership. The current research contributes to the broader knowledge base about communal conflict, communal conflict processes and conflict in the context of the Institution of Traditional Leadership. The findings will not only contribute towards the body of research but will also contribute towards promoting an understanding of the role of the Institution of Traditional Leadership as a recognised form of governance in South Africa.

6.5 Recommendations

After interpreting the findings of this study, the following can be recommended:

- It would be helpful if government ensure that the opposing parties with extensive consultation on both sides reach a negotiated conflict resolution.
• After a resolution has been negotiated, it is important that government initiates conflict management strategies and peacebuilding programmes at Mthonjana village.

• Added to that, professional counselling of victims and reconciliation initiatives, as discussed below, between victims and perpetrators would be helpful.

• It is important that the Eastern Cape House of Traditional Leaders, in the process of peacebuilding and reconciliation, lead the cultural cleansing ritual initiatives and ensure it consults affected communities extensively when appointing traditional leaders.

• Most of all, it is essential that government assist the AmaTshezi clan by addressing the contributing factors to the violence. Government may use the truth and reconciliation model that helped South Africa in its transition to the democratic dispensation. Using the model may further enhance peacebuilding by reconciling the clan and the opposing community groups.

• Government may capacitate and educate communities about traditional leadership regulations and matters of birthright in relation to gender equality. This may help change community perceptions and attitudes towards women.

• Workshops on the effects of violence and conflict and the significance of peace could be offered to communities by professional organisations familiar with conflict resolution and management.

• Community members should be assisted to develop their own conflict management systems and business plans to run community-based business.

• It is important that government commission a detailed study about the AmaTshezi chieftaincy conflict. The study could be directed to make concise recommendations for developing conflict intervention policies in other parts of the country.

• This study found that government was tardy in intervening in the AmaTshezi chieftaincy conflict. It is critical that government establish systems to detect traditional leadership conflicts and other communal conflicts early and address the issues.
• It would be helpful if government would ensure conflict practitioners who have training in conflict resolution and management be brought on board when similar cases of conflict occur.

• Finally, it would be helpful if those who own majority shares in businesses in which the community also has shares, invite community leadership and interested community members to audits. This gesture would enhance transparency in how community resources are managed.

6.6 Conclusion

The aim of this study was to explore and describe the dynamics of the AmaTshezi chieftaincy conflict. Through the semi-structured interview method employed, the perceptions of the ad hoc committee members were solicited. Available archival documents were studied to obtain a better understanding of the history of the conflict. Some of the ordeals Mthonjana community members faced during the AmaTshezi chieftaincy conflict were described. A triangulation of method was employed for verifying and validating collected data about the AmaTshezi chieftaincy conflict. The data collected was analysed and categorised into themes. By using the AmaTshezi chieftaincy conflict as a case study, the researcher analysed how the conflict moved through the conflict process phases as discussed in the literature review.

It was found that the AmaTshezi chieftaincy conflict moved past the conflict de-escalation phase and became latent again. Conflict intervention strategies, conflict resolution and conflict management and peacebuilding initiatives, were not initiated by the ad hoc committee. It is only after a resolution has been negotiated that reconciliation among adversaries can begin. Therefore, until the AmaTshezi chieftaincy conflict is explored and negotiated with all the stakeholders involved, the conflict cannot move to the resolution phase.

This chapter summarised the findings of this study and described some of its limitations. In addition, recommendations for resolving the AmaTshezi chieftaincy conflict and similar traditional leadership conflicts were made.
As has been recommended, it is important to the whole Mthonjana community, local leaders, and the children themselves to be extensively consulted in order to achieve a successful process of peacebuilding and reconciliation.
REFERENCE LIST


Sokana, P. 2007. She is ready to die to keep family's chieftaincy. City Press, 28 October: 2.


APPENDIX A: CONSENT TO CONDUCT THE STUDY

To: Mr. Y. Nkando

Re: Consent to conduct a study on an exploratory study of AmaBhungane headmanship conflict in Mthonjana administrative area: Umkanduli. In the province of the Eastern Cape 2007

1. This letter acknowledges receipt of your letter requesting to conduct the above-mentioned study.

2. The Umlazi Regional Office has no objections in this matter provided the area and target population of the study are not changed.

3. The Umlazi Regional Office would require a follow-up report on completion of the study. It will be provided with its findings and recommendations.

4. Provided on your request.

Nkanduli Regional Head

DATE: 12/07/2007
APPENDIX B: COVER LETTER

Faculty of Arts
School of Governmental Studies and Social Sciences
Nelson Mandela Metropolitan University
Tel: +27 (0)41 504-2624 Fax: +27 (0)41-504-2624
18 June 2010

Ref: (208090343)

Contact person: Lubabalo Yandisa Nodada

Dear Participant

You are being asked to participate in a research study that seeks to explore and describe the dynamics of the AmaTshezi Chieftaincy Conflict (2002-2007). We will provide you with the necessary information to assist you to understand the study and explain what would be expected of you as a participant. These guidelines would include your rights as a study subject. Please feel free to ask the researcher to clarify anything that is not clear to you.

To participate, it will be required of you to provide a written consent that will include your signature, date and initials to verify that you understand and agree to the conditions.

You have the right to query concerns regarding the study at any time. Immediately report any new problems during the study to the researcher. Telephone numbers of the researcher are provided. Please feel free to call these numbers.

Furthermore, it is important that you are aware of the fact that the ethical integrity of the study has been approved by the Research Ethics Committee (Human) of the university. The REC-H consists of a group of independent experts that has the responsibility to ensure that the rights and welfare of participants in research are protected and that studies are conducted in an ethical manner. Studies cannot be conducted without REC-H’s approval. Queries with regard to your rights as a research subject can be directed to the Research Ethics Committee (Human), Department of Research Capacity Development, PO Box 77000, Nelson Mandela Metropolitan University, Port Elizabeth, 6031.

If no one could assist you, you may write to: The Chairperson of the Research, Technology and Innovation Committee, PO Box 77000, Nelson Mandela Metropolitan University, Port Elizabeth, 6031.

Participation in research is completely voluntary. You are not obliged to take part in any research. If you do partake, you have the right to withdraw at any given time during the study without penalty. However, if you do withdraw from the study, you
should return for a final discussion or examination in order to terminate the research in an orderly manner.

Although your identity will at all times remain confidential, the results of the research study will be presented to you individually on completion of the project.

This informed consent statement has been prepared in compliance with current statutory guidelines.

Yours sincerely

Lubabalo Yandisa Nodada

RESEARCHER
APPENDIX C: INFORMATION AND INFORMED CONSENT FORM

<table>
<thead>
<tr>
<th>RESEARCHER’S DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title of the research project</td>
</tr>
<tr>
<td>Reference number</td>
</tr>
<tr>
<td>Principal investigator</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Postal Code</td>
</tr>
<tr>
<td>Contact telephone number (private numbers not advisable)</td>
</tr>
</tbody>
</table>

A. DECLARATION BY OR ON BEHALF OF PARTICIPANT

I, the participant and the undersigned (full names)

ID number

OR

I, in my capacity as (parent or guardian) of the participant (full names)

ID number

Address (of participant)

A.1 HEREBY CONFIRM AS FollowS:

I, the participant, was invited to participate in the above-mentioned research project

that is being undertaken by

Initial
THE FOLLOWING ASPECTS HAVE BEEN EXPLAINED TO ME, THE PARTICIPANT:

<table>
<thead>
<tr>
<th>2.1 Aim:</th>
<th>The investigators are studying the dynamics of the AmaTshezi Chieftaincy Conflict process. The information will be used to make recommendations for how traditional leadership conflicts could be handled by the authorities, which will be included in the researcher’s Masters treatise.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2 Procedures:</td>
<td>I understand that I will participate in a semi-structured interview to contribute to this research.</td>
</tr>
<tr>
<td>2.3 Risks:</td>
<td>There are no significant risks to me as a consequence of my participation in this study.</td>
</tr>
<tr>
<td>2.4 Possible benefits:</td>
<td>As a result of my participation in this study, there will be no benefits to me or my group/company.</td>
</tr>
<tr>
<td>2.5 Confidentiality:</td>
<td>My identity will not be revealed in any discussion, description or scientific publications by the investigators.</td>
</tr>
<tr>
<td>2.6 Access to findings:</td>
<td>Any new information or benefit that develops during the course of the study will be shared as follows: any new information will be shared with me directly by the researcher. The researcher will share a copy of the research project with me upon request or as agreed.</td>
</tr>
<tr>
<td>2.6 Voluntary participation/refusal/discontinuation:</td>
<td>My participation is voluntary YES NO</td>
</tr>
</tbody>
</table>

My decision whether or not to participate will in no way affect my present or future care/employment/lifestyle.

3. THE INFORMATION ABOVE WAS EXPLAINED TO ME/THE PARTICIPANT BY:

(name of relevant person)

<table>
<thead>
<tr>
<th>In</th>
<th>Afrikaans</th>
<th>English</th>
<th>Xhosa</th>
<th>Other</th>
</tr>
</thead>
</table>

and I am in command of this language, or it was satisfactorily translated to me by

139
I was given the opportunity to ask questions and all these questions were answered satisfactorily.

4. No pressure was exerted on me to consent to participation and I understand that I may withdraw at any stage without penalisation.

5. Participation in this study will not result in any additional cost to myself.

<table>
<thead>
<tr>
<th>A.2</th>
<th>I HEREBY VOLUNTARILY CONSENT TO PARTICIPATE IN THE ABOVE-MENTIONED PROJECT:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Signed/confirmed at</td>
</tr>
<tr>
<td></td>
<td>O 20</td>
</tr>
<tr>
<td></td>
<td>Signature or right thumb print of participant</td>
</tr>
<tr>
<td></td>
<td>Signature of witness:</td>
</tr>
<tr>
<td></td>
<td>Full name of witness:</td>
</tr>
</tbody>
</table>

**STATEMENT BY OR ON BEHALF OF INVESTIGATOR(S)**

1. I declare that:

1. I have explained the information given in this document to (name of patient/participant) and/or his/her representative (name of representative).

2. He/she was encouraged and given ample time to ask me any questions;

3. This conversation was conducted in **Afrikaans** **English** **Xhosa** **Other**

And no translator was used OR this conversation was translated into (language) **Afrikaans** **English** **Xhosa** **Other**

4. I have detached Section D and handed it to the participant **YES** **NO**

Signed/confirmed at **O n 20**

Signature of interviewer **Signature of witness:**

Full name of witness:
### DECLARATION BY TRANSLATOR (WHEN APPLICABLE)

I, 

(full names)

ID number

Qualifications and/or

Current employment

confirm that I:

1. Translated the contents of this document from English into (language)

2. Also translated questions posed by (name of participant) As well as the answers given by the investigator/representative;

3. Conveyed a factually correct version of what was related to me.

Signed/confirmed at on 20

I hereby declare that all information acquired by me for the purposes of this study will be kept confidential.

Signature of witness:

Full name of witness:

### IMPORTANT MESSAGE TO PATIENT/REPRESENTATIVE OF PARTICIPANT

Dear participant/representative of the participant

Thank you for your/the participant’s participation in this study. Should, at any time during the study:

- an emergency arise as a result of the research, or
- you require any further information with regard to the study, or
- the following occur

- you are approached by anyone other than the researcher to request information about your participation in this study

(indicate any circumstances which should be reported to the investigator)

Kindly contact

at telephone number
APPENDIX D: CONFLICT STAGES

Source: www.beyondintractability.org
APPENDIX E: MAP OF THE WILD COAST

Source: www.wildcoast.co.za.
APPENDIX F: PHOTOS OF THE COFFEE BAY AREA

Mthonjana village overseeing Coffee Bay

A rural village at Coffee Bay

The coast of Coffee Bay

Hole-in-the-Wall at Coffee Bay

Part of Coffee Bay

The type of houses in Mthonjana village